CHAPTER 5

Political Economy of Rehabilitation
5.1 Introduction
Involuntary displacement of people is not new to India. It has been continuing since the British colonial rule and it has intensified in the decades of planned development. It is estimated that 2, 13, 00,000 people displaced from in the period 1950-1991. As per the government records 75% of those displaced are still not resettled and rehabilitated. This is indeed a sad reflection of the government's sincerity and sense of responsibility. Such involuntary displacement is traumatic. The experience of the last fifty years has demonstrated that both the project authorities and the administration as a whole have proved to be incompetent in reducing the trauma of displacement. The administration has violated the individual and group rights while implementing the resettlement plans. The degree of suffering experienced by its victims can not be compensated in terms of money values. Even if compensations are given to the displaced in some cases for their lost properties, it is too late and people feel defeated and helpless. Tribals, ethnic minorities, pastoralist who have been marginalized and the worst victims as dams and mines are largely located in their regions. Restoration of their socio-economic status has been rarely been successful. It's a cruel joke that after the 60 years of independence the Government of India did not wish to promulgate a National Policy on Resettlement and Rehabilitation for the displaced people. It is the lack of awareness on the part of the country's policy makers and their unwillingness to rehabilitate the displaced.

5.2 Road to Resettlement and Rehabilitation Policy in India
There is ample historical evidence of involuntary displacement in the first half of the 19th century. A major wave of development took place in between 1830 to 1842. This was primarily due to colonial industrial policy of British government, aimed at crushing the Indian manufacturer and handicrafts. It was a great setback to the indigenous textile industry, replaced by mass manufactured British textile in India. This phenomenon is vividly encapsulated during the period of Lord William Bentinck. The displaced
population moved from one worksite to another as low paid daily wage laborer in the construction work. Most of them were also unable to get any opportunity to work and were forced to migrate as laborer to other British colonies. Later the involuntary development induced displacement was justified by introducing the *Land Acquisition Act of 1894* (LAA) that empowered the British colonial government to enjoy unlimited power over land within its territory. It follows that the state has the right to invoke this right for 'public good' and the consequent compulsory acquisition of the land can not legally be challenged resisted by a person or community. By justifying the concept of 'public domain' the British were able to legitimize controlling over land and resulted large scale displacement.

The first struggle against unjust displacement took place in India in 1927. The struggle which was against the Mulshi Dam (hydroelectric project) located in the west India in the erstwhile Bombay Presidency (about 20 kms south west of Poona) was a great landmark in the history of involuntary displacement in India. The project was owned by the corporate industrial house of the Tatas, commissioned in 1920. A total of 11,000 people were displaced from this project and alienated from their traditionally paddy field. The indigenous people Malva men, women and children staged a *satyagraha* to stop the work on the dam site. At last several hundred people were arrested and the struggle lasted only for two and half years. Even as India fulfilled her 60 years of independence the legacy of social injustice continues to exist. Displacement is being continued under the same colonial law of 1894 accompanied by the same kind of social injustice and trauma (Fernandes 1997a: 1-34).

People's struggle against big dams in the post-colonial period has become one of the most prominent phenomena on the socio-cultural and political picture than the colonial period. The strength of the movement gets tightened by the active support from the diverse groups- the displaced, economists, social science experts, human rights activists, national media and international media. Anti-dam struggles created an atmosphere that is more receptive to issues like displacement and environmental impacts and it has empowered the displaced or mostly the tribals to raise their voice against their human
rights violation. Even if there were anti-dam struggle during the pre-independence period, these were not organized. The resistance in the post-independence has been more organized, sustained and had a profound influence on the entire discourse of dams, displacement and development (Center for Science and Environment 1999: 133-134).

The first large river valley project, Hirakud a huge multipurpose dam project completed in independent India resulted widespread protest in 1946 after the initial notification. In one of the few instances of mainstream political parties playing a central role in active resistance to big dams, socialist leader Ram Manohar Lohia led a struggle against the Rihand project in 1963-64. However such early protests could not be sustained, partly because of their failure to attract larger alliances, under the overwhelming influence of the nationalistic rhetoric of nation building that accompanied the construction of large dams in India (Hemadri 1999: xxvi).

The Silent Valley movement was the first significant victory for the anti dam movement constructed to be in Kerela. Unlike other dams, large number of people would have been displaced from their ancestral land and from source of their livelihood. The opposition came mainly from the environmentalist arguing the prospective destruction of the country’s undisturbed areas of rainforest. The active support and involvement of international organizations like World Wildlife Fund (WWF) and the International Union for Conservation of Nature (IUCN) along with the grand support from the local people ensured international attention and exerted heavy pressure on the Indian Government to stop the construction of the Silent Valley project. As a result, the Government of India ordered the project to stop in 1983 (Center for Science and Environment 1999:134). The success of Silent Valley protest prompted the morale of dam opposition in other parts of India. In this project environmental consequences were the central focus rather than the displacement. However alliances between environmentalists, scientist and tribal rights activists succeeded in securing the withdrawal of not only the Silent Valley but also the Bhopalpattnam, Ichampalli and Bodhghat projects proposed over the Godavari and Indravati rivers (Hemadri 1999: xxvi).
The most celebrated anti-dam protest in India is the mega Sardar Sarovar Project on the river Narmada. This project was meant to irrigate around 2 million hectares of agricultural land and expected to displace hundred and thousands of people. Among them majority are the tribals. A number of protests were organized under the charismatic leadership of activist Medha Patekar in 1988 supported by the local people. The movement is known as Narmada Bachao Andolan (save the Narmada River). The strategy of resistance was borrowed from the Gandhian satyagraha included non-cooperation and civil disobedience, refusal to cooperate with project authorities, blocking all project related works and refusal to leave their villages. Further the movement was strengthened from the extensive studies on social and environmental impacts of big dams. Activists and intellectuals from India and other parts of the world expressed active solidarity with the struggle. The Narmada Bachao Andolan was confined not only against the dams constructed over the river Narmada, its influence also spread to other parts of India. It led to the withdrawal of the Rathong Chu project in Sikkim in 1997 and the Bedthi project in 1998. Determined protests have led to the review of the rehabilitation package for Tehri and Koel Karo projects. By ensuring these voices, these movements have succeeded in compelling governments both the central and state government and powerful funding agencies like the World Bank to rethink their policies on displacement and rehabilitation (Hemadri 1999: xxvi-xxvii, Center for Science and Environment 1999:136-141).

5.3 Resettlement and Rehabilitation Policy in India
After displacing about 40 million persons during 45 years of planned development, the government of India has finally realized the need to formulate a rehabilitation policy for the displaced persons (Fernandes 1997b: 35). It was first mooted by a committee of the Ministry of Tribal Welfare, Government of India, when it founded that over 40 percent of the displaced people during the period 1950-1990 were the tribals. Finally a rehabilitation policy was drafted by the Ministry of Rural Development in 1993. The policy was drafted under the pressure of both internal as well as external factors. The internal factors include; (1) the rise of protest movements marked by a growing militancy, (2) national awareness of the problems of displacement, (3) and the demand for constitutional rights.
On the other hand the external pressures include; (1) environmental concerns raised by the Rio Conference, (2) concerns raised by Human Rights Conventions, (3) and the pressure come from funders like World Bank. The World Bank as a largest funding agency in the world as well as to India refused to give loans in the absence of a rehabilitation policy. In response, the first rehabilitation policy in India drafted by the Ministry of Rural Development in 1993 was the immediate result of the withdrawal of the World Bank from the Narmada project. Over the last decades the development induced displacement have accelerated due to the large scale investment of private capital for industrial and mining projects. This has primarily been triggered by the process of liberalization. It resulted stiff resistance and violence by the people for adequate resettlement and rehabilitation for the displaced. The Government of India realized the situation and problem and further modified the R & R Policy in 1998, 2003 and recently in 2006 and 2007 (Fernandes 1997b: 36, Fernandes 1998: 2703, Fernandes 2004: 1191, Ministry of Rural Development 2004, Kujur 2005: 138-151, Asian Indigenous Tribal People Network 2006a).

The policy of 1993 drafted by Ministry of Rural Development was further modified in 1994 after the consultation with the fifteen ministries and Departments. The second draft of 1994 can be said to reflect the thinking of the government of India as a whole while the first is that of the Ministry of Rural Development. Hundreds of social activists and thousands of displaced persons prepared an alternative to its second draft of 1994 and presented it to the secretary, Ministry of Rural Development on October 5, 1995. The Ministry Rural Area and Employment prepared a new draft and it was approved by the committee of secretaries on November 28, 1997. Although it brought certain changes in the policy, there were some shortcomings. The 'public purpose' for which land is acquired under Land Acquisition Act has not been defined properly. In the absence of a definition, courts have generally accepted as 'public purpose' whatever the government declares including the transfer of land to the private sector. The social activists and the displaced people has been demanding a restrictive definition and welfare of the biggest possible number, such as educational and health institutions and housing for the poor.
In 1998 another draft came out along with the amendments to the Land Acquisition Act 1894. The National Policies on Resettlement and Rehabilitation (NPRR) 1998 of course made some changes; it does not give adequate importance to the cultural aspect. The gender issue does not receive the importance it deserves. Though rehabilitation was declared as mandatory, it is not mentioned as fundamental rights. It remains as welfare measures. The rehabilitation of the displaced people in the past has not been mentioned. According to the estimates at least 213 lakhs were deprived of their livelihood between 1951-1990 and among them 40 percent are tribals. Significantly the policy is not binding as long as it becomes law and NPRR 1998 has no provision for it (Fernandes 1998: 2703, Fernandes 2004: 1191).

The heavy resentment over the NPRR of 1998 among the displaced people and the social activists again forced to prepare a draft National Policy on Resettlement and Rehabilitation. The Ministry of Rural Development finalized and circulated the NPRR 2003 and notified in 17th February 2004. The NPRR of 2003 provided the displaced some special benefits. It includes the special assistance to the non-land holder or the daily wage laborers at least 500 days of minimum agricultural wages for the loss of customary/grazing/fishing rights and other R&R benefits. The monetary compensation for the loss of assets extended up to 25 percent and they were given the fishing rights in the river as well as in the reservoir. In terms of resettlement, provision was made to resettle them in a compact bloc according to their ethnic, linguistic and cultural identity. But there were lots of difficulties in this policy. The people (landless agricultural workers, forests dwellers, artisans etc) who are critically dependent on forests land for their livelihood were not eligible for cash compensation. The people those who have their legal document or Pattas will be entitled for compensation. This policy will be applicable only to projects displacing 500 families in the plain areas and 250 families in the hilly areas. Further the policy did not give any provision for the past oustees and silent about environmental protection and community participation. The biggest lacuna in both the policies of 1998 and 2003 is absence of provision for the Partially Affected Persons and the displaced communities do not have any participation in the decision making process.

The loopholes of the NPRR of 2003 and its severe criticism prompted the government to reevaluate it. The government of India drafted another policy in 2006 known as Draft National Rehabilitation Policy (NRP) 2006. Its preamble recognizes traumatic, psychological and socio-cultural consequences on the displaced populations which call for affirmative state action for protecting their rights. It has empowered the affected people to participate in the process of "Social Impact Assessment", Environmental Impact Assessment", "desirability and justifiability of each project", and the "Tribal Development Plan" etc. NRP 2006 promises all happiness for displaced persons could desire for. But the "Preamble" is necessarily not the actual part of the Policy and hence does not constitute safeguard. First, the affected persons do not have the right to be consulted prior to finalization of their lands as the project site. Secondly the peoples have no right to participate or represent while preparing of Social Impact Assessment (SIA) report and Environmental Impact Assessment (EIA) report. The Policy provides for constitution of a "multi-disciplinary expert group" to examine the SIA and EIA reports. Members are nominated by Central and State governments. There is no accountability, independence and transparency in the process of examination of the SIA and EIA reports. The NRP-2006 gives sweeping powers to the Ministry of Defence to acquire land in connection with national security and the Ministry is exempted from conducting any Social Impact Assessment or Environmental Impact Assessment. The Policy fails to provide adequate safeguards to the displaced persons. Only the project affected families who are/were having possession of forest lands prior to the 25th October, 1980 will be entitled to the benefits of the NRP-2006. The Policy neither guarantees land for land nor adequate compensations to the affected families. Affected families shall get a one-time financial assistance of only Rs 10,000 per hectare for land development and get maximum of Rs. 20,000. In case of allotment of agricultural land, one-time financial assistance of only Rs. 5,000 will be provided. There is little guarantee for employment for the oustees. Employment will be according to the availability of vacancies and suitability of the affected person for the employment. There is absolutely no
rehabilitation for partially affected families. Tribals those who have been residing continuously for a period of three years in the displaced area would come under the strict definition of "affected family" to get the benefits under this Policy. The people who practice traditional mode of agriculture, such as shifting cultivation or temporarily shifting from one place to another place every year for cultivation of crops, and other nomadic forms of life would not get compensation. The policy is only applicable where the displacement is 400 or more families in plain areas, or 200 or more families in tribal or hilly areas (Asian Indigenous Tribal People Network 2006a).

The National Rehabilitation Policy of 2006 was further re-formulated in 2007 known as the National Rehabilitation and Resettlement Policy 2007 notified on 31st October 2007. The 2007 Policy was supposed to be an improvement of the Draft National Rehabilitation Policy of 2006. There has been a positive improvement in the 2007 Policy as it provides prior consultations with the concerned Village Councils in the 6th Scheduled Areas as well as with concerned Gram Sabhas (Village Council) in the 5th Scheduled Areas in all cases of land acquisitions including land acquisition in cases of urgency under Land Acquisition Act of 1894. Earlier, the 2006 Draft Policy had such provision only for the land acquisitions in the 5th Scheduled Areas. But the 2007 Policy does not provide guarantee for land-for-land compensation which is mandatory under the Constitution for the Scheduled Tribes living in the 5th and 6th Scheduled Areas.

The 2007 Policy still upholds the sovereign power of the State to apply the concept of "eminent domain" to forcibly acquire any private property in any part of the country in the name of "public purpose". This power is provided under the Land Acquisition Act of 1894. The 2007 Policy deletes previous provisions of the 2006 Draft Policy which provided that emergency provisions under Section 17 of the Land Acquisition Act of 1894 should be "used rarely" and should be applied only after considering "full justification" of the proposed project (Clause 6.23 of the 2006 Draft Policy). Clause 7.18 of the 2007 Policy implies that land can be acquired in case of emergency under Section 17 of the Land Acquisition Act, 1894 or similar provision of any other Act of the Union.
or a State for the time being in force by keeping the affected families in "transit and temporary accommodation, pending rehabilitation and resettlement scheme or plan".

Clause 4.7 of the 2007 Policy further exempts the Ministry of Defence from conducting any Social Impact Assessment or Environmental Impact Assessment while acquiring any land in connection with national security. So, for example, if a nuclear plant were set up for national interest or defense purposes or in the case of border fencing, no one can oppose the project (ACHR Weekly Review 2007).

As India is a federal state both center and the states have their own resettlement and rehabilitation policy. Maharashtra was the first State in the country to pass a law in 1976. Madhya Pradesh passed a law in 1985. The Karnataka Act was passed by the legislature in 1987 but received the president assent in 1994. Orissa had passed several Government Orders (GOs) beginning from 1977 and finally a resettlement and rehabilitation policy for irrigation displaced persons was promulgated for the first time in 1994. Many of the states do not have their own resettlement and rehabilitation policy after 60 years of India's independence. Only few of the Indian states have promulgated their own Resettlement and Rehabilitation Policy (Fernandes 1997a: 16).

5.4 Resettlement and Rehabilitation Policy in Orissa

Rehabilitation policy in Orissa has passed through more or less the same stages as the rest in India. After independence several developmental industrial projects were established—the Rourkela Steel Plant, NALCO; multipurpose irrigation projects like Hirakud, Balimela, Upper Kolab, Rengali, Upper Indrabati, Subarnarekha etc. It resulted large scale displacement and the rehabilitation was pursued in an ad hoc basis until 1973 (Jena 1998: 821). There was no policy of resettlement and rehabilitation up to 1973 for the displaced persons in Orissa. The government of Orissa was following a mere compensation package for acquired land according to the 1948 Orissa Act. The resettlement issue raised its peak in 1971 when Rengali Dam project saw a strong people reaction. In 1973 Orissa came up with the first resettlement policy and in 1977 accepted land for land as the basis for rehabilitation. Later in 1994, the Department of Water
Resources for the first time formulated a comprehensive progressive policy on
resettlement and rehabilitation for all water resources project. Over the last decades the
development induced displacement have accelerated due to the large scale investment of
private capital for industrial and mining projects. This has primarily been triggered by the
process of liberalization. The stiff resistance and violence by the people for adequate
resettlement and rehabilitation further forced the Government of Orissa to promulgate the
R& R Policy in 2006, which improved the 2003 National Policy on Resettlement and
Rehabilitation.

Although agitations during the 1950s & 60s, continued for two decades, the resistances
of the displaced were not well organized and long-standing. But it strengthened during
the 1970s and the Government of Orissa considered for resettlement and rehabilitation
e specially for the Rengali Dam Project. It was primarily driven by both internal and
external factors, which was earlier been described. The Rengali Dam Project was funded
by the World Bank. It forced the Government of Orissa to follow the guidelines for R &

On August 27, 1994, the Government of Orissa, Department of Water Resources
promulgated a comprehensive R & R Policy. It widens the definition of Displaced
Peoples (DPs). It includes the people those whose means of livelihood are affected
directly by the result of acquisition of land. A village will be declared fully submerged if
more than 75 percent of its agricultural land is submerged. It also recognized women
rights, widows, divorcees, orphans and physically challenged. An important feature of the
policy was to provide identity cards for the displaced and resettle the tribals in groups
near to the project area, those who have their customary rights over the forests products.
More or less, the policy of 1994 had certain benefits for the displaced, but some of the
provisions were not acceptable. The basic assumption of the policy maintained
displacement as inevitable. It does not speak of rehabilitation as a right. It continues to be
a welfare measure. The policy was limited to only water resource projects and not all
kind of development induced displacement. In terms of cash compensation it was
applicable to only Patta holder. The tribals who have their customary rights over the
forests produce were debarred from such compensation. There was no provision of compensation for the trees. The term “public purpose” had not been defined. Thus the provision of eminent domain continues to prevail. Moreover there was no indication that it will become law. Finally the policy was an effort to get funds from the World Bank and stop the agitation of the displaced people by giving them some sops (Fernandes 1997: 34-35, Mahapatra 1995: 318-339).

The Orissa Resettlement and Rehabilitation Policy (ORRP), 2006, is the immediate result of the Kalinga Nagar massacre that took place on 2nd January of 2006. It took death of 12 tribal protesting against the establishment of a plant by the Tata Iron and Steel Co Ltd on their lands. The Kalinga Nagar tragedy is an indication of the nature of implementation and the impact of development induced involuntary displacement in Orissa. It now assumed a greater urgency and imperative for the Government of Orissa to adopt a pro-people, pro-displaced and begin an R & R Policy to continue the process of industrialization. Just after four days of the Kalinga Nagar incident, in 6th January 2006 the government constituted a ministerial committee to finalize the R & R Policy for the affected communities. The base remains the Orissa state policy on R & R of Project Affected People Draft 2005 document drafted in consultation with United Nations Development Programme (UNDP) and DFID. The policy will be applicable to all development projects in public, private and joint sectors. It will cover displacement resulting from dams, canals, flood control works, power stations, mining, urban housing and shopping complexes, slums clearance, roads, railways, airports, seaports, conservation, parks/bio-reserves/sanctuaries, sport complexes, amusement parks and defense establishments. In comparison to R & R Policy of 1994, the Policy of 2006 has extended its scope. The policy of 1994 was only dealing with displaced by water resource projects; where as the policy of 2006 deals with all kinds of displacements (Jena 2006: 384, Asian Indigenous Tribal People Network 2006c, Government of Orissa 2006).

The ORRP provides for employment to an eligible member from each displaced family in cases of displacement by Industrial and Mining projects. It provides one time cash assistance up to maximum of Rs 5 lakhs for displaced families who have lost all land
including homestead land by industrial and mining projects. Provision for granting of free homestead land of 1/10th acre in the resettlement habitat will be provided according to the availability. If land is not available, it provides for compensation of Rs 50,000. The ORPP also provides for house building assistance of Rs 1.5 lakh for each displaced family and a monthly maintenance allowance of Rs 2,000 to each displaced family for a period of one year.

The Orissa Rehabilitation and Resettlement Policy 2006 cannot address the root causes of the dispossession of the Adivasis in the state. The government of Orissa has been acting as broker and profiting from the lands of the peoples by exercising its sovereign power. In 2004, the state government had sold 2,000 acres of land to the Tatas for Rs 3.35 lakhs per acre. But the state government paid only Rs 76,000 an acre to the original landowners, where as the current market rate for an acre was Rs 5 lakhs. It was applicable only for titleholders, who account for 20 per cent of the tribals in the area. The promise of a job for each displaced family, a home allowance of Rs 50,000 and Rs 5,000 as aid for a temporary shelter were never adequately fulfilled. The ORRP 2006 is meant only for families who would be displaced in future and it has not dealt about the 1.4 million already displaced people in the past, mostly indigenous peoples. It does not provide for free, prior and informed consent of the affected families before acquisition of the land. There is no mandatory provision for land as rehabilitation benefit. Only in case of displacement by irrigation projects, national parks and sanctuaries the displaced would get land as rehabilitation benefits. Since the majority of the displaced comprised of indigenous and tribal peoples primarily depend on agriculture and forest related activities, their livelihood would be adversely affected in the absence of land as a rehabilitation benefit. This violates provisions of the 5th Schedule of the Constitution of India which guarantees the rights of the tribals over their land and prohibits transfer of tribal lands to non-tribals. In historic Samata Judgment of July 1997, the Supreme Court of India held that all the lands leased to private companies by the government of Andhra Pradesh are unconstitutional, and hence null and void. The Policy empowered for effective participation of the displaced communities in the R & R process, but there is no clearly defined mechanism for it (Asian Indigenous Tribal People Network 2006b).
5.5 Resettlement and Rehabilitation of the Hirakud Dam Project

The process of resettlement and rehabilitation of any of the development project can easily be estimated, when there is the availability of records and database. But the records and database in many cases differ, when it is compared between feasibility reports and the governmental provisions after the end of the construction of the certain project. Further differences appear between governmental provisions and its actual implementation. In this context, here the process of resettlement and rehabilitation of the Hirakud dam will be analyzed under two stages. The first stage is the provisions made in the feasibility report. The second is the actual implementation by the government and the people’s response towards the state. The process rehabilitation was started on 14th April 1949 and the Hirakud Land Organization was abolished in 1978 working under the supervision of Revenue Divisional Commissioner (Government of Orissa 2007: 3).

5.5.1 Land Based Strategy

Land based strategy includes the adequate financial compensation for the lost property and providing economic opportunities to re-establish their agricultural based livelihood sources. This strategy of land for land is particularly more important options for the indigenous people and primarily followed in agricultural dependent countries. In case of Hirakud Dam Project the same was followed.

It was understood and mentioned in the feasibility report that about 50 percent of the dispossessed people would be provided with land. The preliminary investigation identified about 106,400 acres of lands for resettlement and rehabilitation for the displaced. A considerable area of Government reserve forests lie on either side of the Ib River and was proposed to provide lift irrigation for the whole of this area. The land of this area appeared very suitable for agriculture from the soil investigation. The introduction of irrigation to this area would make it productive and prosperous to this region primarily due to its forests cover. In addition to the forests lands there was the provision of 20,000 to 40,000 acres of marginal lands which would reappear each year with the depletion of the reservoir, and with the newly laid rich silt deposits and moisture retained from the reservoir would be available for raising one good crop from March to
September. It was also possible for the cultivators whose villages are partly submerged might prefer to take use of these marginal lands instead of moving to new areas. A third possibility is for the government to acquire areas in different Zamindaris which were lying wastes by that time would be brought under cultivation by introducing irrigation. Besides the required area of land available from Government and Zamindari forests, marginal lands, village forests, barren jungle and Gochar lands, there was the provision of acquiring proportionate areas of land from the farmers those who will be benefited from the project by irrigation. The provision of land for land compensation for Hirakud Dam Project was followed from the success story of Krishnarajasagara Project in Mysore State during colonial period (Government of India 1947: 40-42). But the table at the below is showing that the government in actual practice has not acquired the proposed acres of land for resettlement and rehabilitation. It has only acquired 7,422.89 acres of land from the projected 106,400 acres which is 6.97% of the estimated land for resettlement and rehabilitation (Government of Orissa 2007:1).
Table 16:- Details Showing 18 Rehabilitation Camps for the Displaced by the Hirakud Dam

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of the Submerged Villages</th>
<th>Name of the Block of the Resettlement Camp</th>
<th>Name of the Connected Revenue Villages of Resettled Camp</th>
<th>No. of Families Settled in the Camp</th>
<th>No. of Families living</th>
<th>Extend of Land originally allotted to the oustees (Acres)</th>
<th>Land in Possession of the Ou -site over &amp;above Col.11 &amp;12 (Acres)</th>
<th>Land Under Possession of the Outsiders (Acres)</th>
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<td>House -site Agril House -site Agril House -site Agril House -site Agril</td>
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<td>1</td>
<td>Batimunda, San-tang, Badtang, Mundapali, Belpali, Sahajbahal, Resam, Amdi, Kulsar, Larhang, Kadali, Dondsargi</td>
<td>Attabira Colony</td>
<td>Nua-Batimunda</td>
<td>82</td>
<td>82</td>
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<td>4.52</td>
<td>217.75</td>
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<td>2</td>
<td>Chilantikuda, Petupali, Ambajnara</td>
<td>Jujumura</td>
<td>Basipada 'A'</td>
<td>Birsinghgarh</td>
<td>49</td>
<td>49</td>
<td>61</td>
<td>7.69</td>
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<td>3</td>
<td>Daleimahupali &amp; Phuljaharan</td>
<td>Jujumura</td>
<td>Basipada 'B'</td>
<td>Nua-Mahupali</td>
<td>61</td>
<td>61</td>
<td>0</td>
<td>6.43</td>
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<tr>
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<td>Barangmal, Kulsara, Saplahara, Petupali &amp; Balanda</td>
<td>Jujumura</td>
<td>Badasahir</td>
<td>Nua-Barangmal</td>
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<td>386</td>
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<td>Adapada, Buria &amp;Bhatli</td>
<td>Jujumura</td>
<td>Chiamunda</td>
<td>Nua-Adapada</td>
<td>201</td>
<td>277</td>
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<td>Hotapali</td>
<td>Larasara, Deogaon</td>
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<td>Santhoburan, Bhejrapali, Ambijaran, Dhubagupali, Talibhi, Gambharpali &amp; Chaukidarpali</td>
<td>Dhankauda</td>
<td>Nua-Hiralud</td>
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<td>39</td>
<td>38</td>
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<td>Silapethar, Jamarda, Remed, Partta, Gujatola, Bhuika, Budapali, Bhejrapali, Antapali, Matapali, Jharapada &amp; Cherupada</td>
<td>Dhankauda</td>
<td>Lamungri</td>
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<td>Dhankauda</td>
<td>Sangarmal 'A'</td>
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<td>Sangarmal 'B'</td>
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<td>Jharghati</td>
<td>Nua-Rampella</td>
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<td>298</td>
<td>0</td>
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<tr>
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<td>Gandhipali, Charmal, Tahud, Jhaland, Dharapali, Khurigaon, Rampur, Dungripali &amp; Kakmal</td>
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<td>Sardhanapali</td>
<td>Lapanga</td>
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<td>8</td>
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<td>Laumal</td>
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185
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<th>No.</th>
<th>Villages</th>
<th>Jamankira</th>
<th>Goudpali ‘A’</th>
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<td>Kadalipal</td>
<td>54</td>
<td>12</td>
<td>13</td>
<td>0.20</td>
<td>362.13</td>
<td>0</td>
<td>0</td>
<td>3.58</td>
<td>132.18</td>
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<td></td>
</tr>
<tr>
<td>16</td>
<td>Kotagada, Bakamuru, Kuthalapali, Parta, Baghira, Mura &amp; Derapathar</td>
<td>Jamankira</td>
<td>Goudpali ‘B’</td>
<td>Nua-Bhoghana</td>
<td>36</td>
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<td>Nua-Burma</td>
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<td>433.95</td>
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<tr>
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<td>Udsingh</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>2243</td>
<td>2242</td>
<td>205</td>
<td>287.14</td>
<td>8468.8</td>
<td>0</td>
<td>206.43</td>
<td>4216.4</td>
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<td>419.01</td>
<td>13.24</td>
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The displaced people were rehabilitated in 18 different camps. These camps resettled 2,243 families out of 2,650 displaced families from 249 submerged villages of Hirakud Dam. Only 8.46% of people have been rehabilitated out of the total displaced and rest of the people resettled themselves by their own effort (Government of Orissa 2007:1). The reason for this are varied. Some felt that the camps were too far from their original village. Others had no faith on the government scheme and found the uncertainty of the new location. Many people took the advantage of the hospitality of a neighboring village and opted to settle there. Besides it various people found difficulties in shifting their luggage (tile, bricks, wood etc) and cattle to the rehabilitation camps which are 50 to 60 km away (Viegas1992: 49). Enquiry revealed that due to low compensation and construction of the rehabilitation colonies at remote places, a large number of displaced persons are still staying in the periphery of Hirakud Dam Project and are cultivating the excess acquired land on temporary lease basis. The resettlement of only 8.46% displaced people out of proposed 50% is primarily due to location of the rehabilitation camps. Many of the camps are still located in the densely forested area, which was inadequate infrastructural development (Government of Orissa 1989: 4-5).

Out of the 18 rehabilitation camps the displaced people were rehabilitated only in 16 camps. Nobody was interested to rehabilitate in the two camps; one is located in Udsing of Kuchinda bloc and another in Hotapali of Maneswar bloc. Now the Hotapali camp is acquired by outsiders and settled by 92 families. They have in possession of 6.48 acres of house site and 234.80 acres for agricultural land. The lands have been recorded in the name of Co- Operative Department, Government of Orissa. But the Udsing camp is neither resettled by the displaced families nor by the outsiders. Originally 2,243 families had been settled in the 16 camps but now it has reduced to 2,242 families. It signifies that one family has left the camp and settled elsewhere. But the detail study of the individual camps shows that 77 families have already left from five different camps. It is primarily due to the Chhamunda camp has resettled 277 families which was originally planned as 201 families. Highest number of families left from the Goudpali 'A' of the Jamakira bloc and lowest is the Nua-Hirakud camp of Dhankauda bloc. Out of the total 77 families 65 families left from the three camps of Jamankira bloc alone.
There are 205 outsider families have been staying in the seven resettlement camps. The highest numbers of outsiders are staying in the Hotapali camp and the lowest in Sardhapali camp. Besides the non-resettled Hotapali and Udsing camps Basipada ‘A’ camp has the highest number of outsiders among the 16 resettled camps. The outsiders have possessed total 13.24 acres of house site and 422.77 acres of agricultural lands in the total 07 camps including Hotapali. Basipada ‘A’ has the highest acres of land possessed by the outsiders in terms of house site as well as agricultural land excluding Hotapali camp. Originally the resettled families were allotted 287.14 acres of land for house site and 8468.80 acres for agricultural land in the 16 rehabilitated camps. But in actual practice 206.43 acres for house site and 7216.46 acres of land have been recorded in favour of oustees. Only 72.58% for house site and 85.21% for agricultural land have been registered for the oustees from the original allotted land. Many of the camps also have recorded more lands than the original allotted land to them both in terms of house site as well as agricultural lands (See Table No. 16).

Table 17:-Details Infrastructure of the 18 Rehabilitation Camps of Hirakud Dam

<table>
<thead>
<tr>
<th>S1 No</th>
<th>Name of the Resettlement Camp</th>
<th>Name of the Connected Revenue Villages</th>
<th>No. of Ponds</th>
<th>No. of Katas</th>
<th>No. of Wells</th>
<th>No. of Schools</th>
<th>No. of Clubs</th>
<th>Minor Irrigation Project</th>
<th>Types of Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Attabira Colony</td>
<td>Nua Batimunda</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>Pucca</td>
</tr>
<tr>
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<td>Basipada ‘A’</td>
<td>Birsinghgarh</td>
<td>1</td>
<td>6</td>
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<td>1</td>
<td>0</td>
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</tr>
<tr>
<td>3</td>
<td>Basipada ‘B’</td>
<td>Nua-Mahulpali</td>
<td>2</td>
<td>4</td>
<td>2</td>
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<td>0</td>
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<td>Kachha</td>
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<tr>
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<td>Badasahir</td>
<td>Nua Barangmal</td>
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</tr>
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</tr>
<tr>
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<tr>
<td>8</td>
<td>Lamdunguri</td>
<td>Lamdunguri</td>
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<td>Sangramal ‘A’</td>
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<tr>
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<td>Nua-Rampella</td>
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<td>Nua-Tiligi</td>
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<tr>
<td>14</td>
<td>Laumal</td>
<td>Nua-Khurigaon</td>
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<td>0</td>
<td>0</td>
<td>Kachha</td>
</tr>
<tr>
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<td>Goudpali ‘A’</td>
<td>Kadilipal</td>
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<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>16</td>
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<td>Nua-Burda</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Kachha</td>
</tr>
</tbody>
</table>

The above table shows the numbers of ponds, katas, wells, clubs and types of road of all the rehabilitated camp.

Photo 13: - One of the Rehabilitation Camps of Hirakud Dam’s Displaced People (Kadalipal)

Photo 14: - My interaction with the resettled of the Kadalipal Rehabilitation Camp on 5th June 2008
Political Economy of Rehabilitation

Photo 15: - Defunct Well of the Rehabilitation Camp of Kadalipal

Photo 16: - Water Tank of the Rehabilitation Camp of Kadalipal
1.2 Non-land based Strategy
So far as the feasibility report of the Hirakud Dam Project is concerned, there was no provision of non-land based strategy for resettlement and rehabilitation for the displaced and therefore it has not been implemented any of the rehabilitation camp.

5.6 Second Phase of Compensation and Rehabilitation
Mr. Prasanna Kumar Panda (MLA) and Dr. Sradhakar Supakar (MLA) etc have been fighting for justice for the displaced and raised their voices many times for the compensations of the Hirakud Dam oustees. They have been putting questions in the Assembly for the compensations and rehabilitation for the displaced of the Hirakud Dam Project since 1952. Although there were made a lot of Government assurances in the house, it has not been implemented as a result the displaced person have been suffering for the last 40 years. But the government of Orissa did not pay any attention of the plights of the oustees. Dr. Sradhakar Supakar has vividly mentioned in his book published in 1988 “Ithhaasra Parihaas” (Oriya) about the plights of the Hirakud Dam oustees.
"The people of village 'Jamda' were the first to displace on 2nd April 1948 for the construction of Hirakud Dam and sacrificed all assets of their life for the sake of national interest. But it's a cruel joke to give Rs.519 rupees and 05 annas as compensation for 27.76 acres of land to the 24 displaced families of Jamda village by the Government of Orissa. They have been paid 18 rupees and 12 annas per acre as compensation even after one year on 14th April 1949".

Questions have been raised before the Chief Minister of Orissa (Dr. Harekrushna Mahatab) in the Assembly about such amount of compensations. Rather he answered

"The compensation paid to the oustees is much more than the ordinary rates of the land provided in the law. The compensation was paid with the agreement of the parties. If the parties did not agree, it was open to them to come to court".

It was obvious and better for the poor displaced people of the Jamda village to take 18 rupees 12 annas per acre as compensation instead spending all their money in the court. In another case a displaced farmer was declared to get Rs.14,000 as compensation for his submerged lands. But he was paid Rs.1,400 when he came to the office of Sambalpur. The earlier amount was declared as wrong due to printing mistake. In this way people were getting Rs.1,100 rupees in case of Rs.11,000 by justifying printing mistake (Supakar 1988).

Shri Prasanna Kumar Panda submitted a petition along with copy of letter submitted by the villagers of Basantpur to the Collector, Sambalpur on the subject “Permanent settlement of surplus lands acquired by the government in the year 1946 for construction of once proposed Chiplima Subsidiary Reservoir and later abandoned”. The total 2,935 acres of land had been acquired of Basantpur village for the proposed Chiplima Subsidiary Reservoir. But the people have not been evacuated from their village primarily due to the abandonment of the Chiplima Subsidiary Reservoir. Out of the 2,935 acres of land acquired for the above purpose only 121.90 acres of land was utilized for the construction of the power channel and the balance land remained unutilized. Compensations for the land and houses were paid at a ridiculously low rate Rs.100.00 & Rs.1000.00 respectively. The residents were allowed to cultivate small patches of land
out of the acquired lands and in this process 216 acres land was given for cultivation purposes on annual lease basis. In the year 1962, 447.46 acres of land acquired and was given to the State Live-stock Breeding Farm and in the year 1968. Government allowed 1,400 acres of land for establishment of Central Cattle Breeding Farm, a Project of the Government of India. The Central Cattle Breeding Farm authorities constructed wire fencing around the village prohibiting the villagers movement even to their usual tank and connected the village with Sambalpur-Chiplima main road with a narrow road, being iron fenced both the sides. The yearly lease of the land was discontinued and the villages were put to untold miseries. The villages then started agitation demanding annual lease as well as for permanent settlement of all the unutilized acquired lands for cultivation purposes. At this stage the Revenue Divisional Commissioner (RDC) intervened in the matter and found that as against 1,400 acres of land the Central Cattle Breeding Farm was in occupation of 2,800 acres of land. But it was only utilizing 300 to 400 acres for Cattle Breeding purposes. The same case was happened for the villages of Garamunda. Lands have been acquired for the same purpose in 1946 and were given Rs.20.00, Rs.400.00 as compensations for land and houses respectively. The villages of Satijhor and Rengalipali also experienced the same situation when 250 acres of leased lands cultivated by farmers was given to University of Agriculture for its Seed Farm as well as Fish-Seed Farm. As a result most of the resident have become landless and demanded for the permanent settlement of the unutilized agricultural lands for cultivation purposes. Higher compensations were not allowed to the residents even after the verdict of the High Court as well as the Supreme Court. The decision of the High Court and the Supreme Court on quantum of compensation was not applicable to them. According to the directive principles laid down in the Bihar and Orissa Land Acquisition Manual 1928, the Irrigation and Power Department should have declared all those lands acquired for the Subsidiary Reservoir, as surplus except the lands utilized for the power channel and the remaining unutilized acquired lands should have been given back to the residents of the villages concerned. But in this case there was departure from the principle laid down in the Bihar and Orissa Land Acquisition Manual of 1928. The Revenue Divisional Commissioner therefore assured that the annual lease should not be further discontinued
and whenever surplus acquired lands are available, the residents would be allowed to cultivate the same on the lease basis.

The Committee visited many resettlement camps to see the condition of the lease lands, irrigation system etc. During that period about 2,700 acres of reserve forests was reclaimed and Katas were constructed to provide irrigation for cultivation purposes but the Committee was surprised to see the canal system. The canals which were constructed during those days have completely been damaged and unfit for providing irrigation. Initially the Katas were constructed in the low lying areas as well as quite at distant places. As a result of there was no adequate flow of water in the canal and it was no reaching to the reclaimed lands at the tail end of the canal system. Therefore the resettlers cultivated the surplus reclaimed lands near the canal as an alternative source of livelihood. It was declared as encroachment and cases have been instituted against the rehabilitated people for cultivating the surplus reclaimed land and they have been heavily fined. Many of the people have deposited the declared amount of fine out of fear. Such situation surprised the Committee that on the one hand the Revenue authorities have instituted encroachment cases against the actual resettlers who were forced to cultivate the surplus unutilized lands where irrigation facilities were available but on the other hand where the migrant people from Bihar (TATA) have settled in an unauthorized way. But no action has been taken against them. The resident requested the Committee that the lands which they are cultivating at present may be settled in their favour by waiving the fines etc, and to develop the canal system so as to provide the irrigation to their lease lands which are lying unused.

The Government Assurance Committee was also surprised know about 9,913 people are yet to receive their compensation for which no effective steps was have been taken by the district administration. It was only said that the relevant records pertaining to the displaced persons who were received from the Commissioner of Hirakud Dam Organization have been preserved in a room and the records as yet have not seen the light of the day. Enquiry revealed that a special cell has been opened to deal with the records and look into the problems of the displaced persons, but no adequate staffs have been posted. The Committee observed that the District Administration have never requested
Government for raising the quantum of compensations. It opined that on the one hand Government failed to provide them due compensation for their lands and houses as well as to extend adequate rehabilitation facilities to mitigate their sufferings but on the other hand trying to evict them from their annual lease land, is definitely a wrong step and desired, the Revenue Divisional Commissioner should visit the area and request the people to pay their current rent and not to demand for the arrears and allow them the annual lease. The Committee desired, under no circumstances their annual lease be discontinued as they have sacrificed everything for a national cause. It emphasized that Government should immediately provide required number of staff for effective functioning of the special cell and the Revenue Divisional Commissioner was requested to send the proposals to Government for sanction higher compensation as per the decisions of the High Court. The Committee recommends to the Government to take the following steps to render justice to the persons displaced by the Hirakud Dam Project and wants that Government should solve these problems by the end of the current financial year (1989-90).

1. According to the directive principles laid down in Bihar & Orissa Land Acquisition Manual 1928 all the surplus lands (not required for Power Channel) and given back to the concerned tenants of the village.

2. Government should permanently settle the lands that are being cultivated by the tenants on annual lease basis and to take up the matter with the authorities of Central Cattle Breeding Farm and State Cattle Breeding Farm and any other agencies to surrender the unutilized lands for giving permanent lease to the concerned villagers for cultivation purpose.

3. There should be no acquisition of surplus lands by any Government Agency and lands be given on annual basis should not be discontinued till permanent arrangements is made for providing agricultural lands.

4. The rate of compensations should be re-fixed and paid at higher rate to all as per with the rate decided by the High Court and the Supreme Court.

5. The Government should see all the basic amenities of life i.e. agricultural lands with irrigation facilities, education, health services etc are provided to the resettlement villages and also find market for their local products.
6. The encroachment cases instituted for cultivation of surplus land should be withdrawn at once and the penalty imposed in that connection should be waived so that the resettlers who have been force to cultivate these lands for want of proper cultivable lands, can however be able to manage their livelihoods.

7. The villages/villagers that are still in periphery of the Hirakud Dam project should not be disturbed on any account (Government of Orissa 1989).
### Table 18: Payment of Ex-gratia to Jhankers & Choukidars of Hirakud Dam Displaced till August 2007

<table>
<thead>
<tr>
<th>S1.No.</th>
<th>Name of the District</th>
<th>No. of Jhankers &amp; Choukidars Identified by HLO</th>
<th>No. of Jhankers &amp; Choukidars Identified by Tahasildar</th>
<th>Total No.</th>
<th>Total Amount Received Rs.</th>
<th>Amount Disbursed Rs.</th>
<th>Balance of Amount to Disburse Rs.</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>101</td>
<td>101999.00</td>
<td>09 12424.00</td>
<td>92 89575.00</td>
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<td>260</td>
<td>393</td>
<td>101999.00</td>
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<td>89575.00</td>
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### Table 19: Regularization of District Collectorate (D.C.) Patta Hirakud Dam Displaced till August 2007

<table>
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<th>S1 No</th>
<th>Name of the District</th>
<th>D.C. Patta Issued</th>
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<td>Area (Acres)</td>
<td>No. of Allottes</td>
<td>Area Involved</td>
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<tr>
<td>2</td>
<td>Bargarh</td>
<td>1422</td>
<td>2304.89</td>
<td>708</td>
<td>1112.66</td>
<td>664</td>
</tr>
<tr>
<td>3</td>
<td>Jharsuguda</td>
<td>2508</td>
<td>4773.55</td>
<td>203</td>
<td>594.01</td>
<td>1986</td>
</tr>
<tr>
<td>4</td>
<td>Subarnapur</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>5004</td>
<td>9779.37</td>
<td>1267</td>
<td>2988.10</td>
<td>3248</td>
</tr>
</tbody>
</table>

5.6.1 Payment of Ex-gratia to Jhankers & Choukidars

The Hirakud Land Organization (HLO), Sambalpur, Government of Orissa decided on 04.07.1956 to give full compensation for the service tenure lands possessed by each of the Jhankers (Village Priest) & Choukidars (Village Guard) and their relatives in the submersible villages affected due to Hirakud Dam project. Decision has been made to disburse them 50% of the compensation as ex-gratia payment according to the proportion of the value of the land possessed by each of them. The principle was also being adopted in case of partially submergible villages. Total 365 numbers of families was estimated for compensation. But the concern for the Jhankers and Choukidars made agitation for the payment of rest 50% of compensation. It was regularly raised in the floor of Legislative Assembly and the Government decided to pay the rest amount of compensation as ex-gratia on 28th January 1989. The list of un-paid cases of compensations to the Jhankars & Choukidars has been provided to all the Tahasidars of affected regions to deal those cases (Government of Orissa 2007:11-12).

Out of 368 families, 101 cases belong to Sambalpur district and only 09 cases have been paid involving Rs.12424.00, leaving a balance of 92 cases involving Rs.89575.00. Although 32 in Bargarh & 260 cases in Jharsuguda district has been identified grants have not sanctioned to those district. Subarnapur district has not identified any cases yet. The total number of 368 Jhankar and Choukidars families was originally estimated for compensation, but the actual identification is 393 families till now excluding the Subarnapur district. Even the funds are available for compensation for Jhankers and Choukidars in Sambalpur District, people are not coming take the amounts due to the same reasons argued by the Hirakud Land Organisation (HLO) officer. It is primarily due to the long generation gap. Some of the Jhankars/Choukidars have already died and have crossed two three generations. The amount of compensation as ex-gratia granted for the Jhankars/Choukidars would be very less if it distributes among their successive generation. Therefore successive generations are not in a mood to take such less amount of money, which would be spent only in official procedures, bus fair, auto fair etc said the (HLO) officer (See Table 18).
5.6.2 **Regularization of District Collectoriate (D.C.) Patta**

About 26,502 families were displaced when the Hirakud Dam was constructed. Most of the displaced families who received meager compensation were rehabilitated in 18 Rehabilitation Camps where they were given reclaimed lands for agriculture on payment of cost & house sites free of cost. On the other hand those who received good compensation settled themselves in other existing revenue villages on their own arrangement by purchasing lands. But those who did not settle in these camps & preferred to settle in the different periphery villages of Hirakud Dam Project, were allotted Agricultural & House site land through District Collectoriate (DC) Patta on the condition that they will reclaim this land within 2/3 years & get recorded in their favour by producing the DC Patta before the appropriate Revenue Authorities. The erstwhile HLO which was looking after all the issues relating to Hirakud Dam Project oustees under the supervision of RDC, Sambalpur was abolished in 1978. But it again issued by the government on 22nd May 1990 to grant tenancy right to those who were physical possession of land on the basis of DC Patta (Government of Orissa 2007: 2-4).

There were total 5004 cases of DC Patta issued involving Rs.9779.37 in the three districts of Sambalpur, Jharsuguda & Bargarh. It had not been issued in case of Subarnapur district. Out of the total 5004 cases of DC Patta issued 1267 cases had been regularized during the period of settlement involving 2988.10 acres of land. In the second phase resettlement 3248 cases have been regularized involving 5531.98 acres of land by the Tahasilards in all the three districts. There are total 4515 DC Patta have been regularized involving 8520.08 acres of land till August 2007. Rest 489 cases have not been regularized involving 1259.29 acres of land. It primarily due to the reclaimed lands by the oustees is now being declared by the Government as public lands. Such are forest land, roads, ponds, katas etc (See Table No. 19).
Table 20:- Payment of Ex-gratia to the Hirakud Dam Oustees and its Distribution till August 2007

<table>
<thead>
<tr>
<th>S1 No</th>
<th>Name of the District</th>
<th>Amount Allotted Rs.</th>
<th>Disbursed till August 2007</th>
<th>Balance of Distribution</th>
<th>Further Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No. of Family</td>
<td>Amount Rs.</td>
<td>No. of Family</td>
<td>Amount Rs.</td>
</tr>
<tr>
<td>1</td>
<td>Sambalpur</td>
<td>3700000.00</td>
<td>512 304448.83</td>
<td>570 655515.17</td>
<td>687 1291858.00</td>
</tr>
<tr>
<td>2</td>
<td>Bargarh</td>
<td>3400000.00</td>
<td>1158 1053075.40</td>
<td>460 2346924.60</td>
<td>101 923979.00</td>
</tr>
<tr>
<td>3</td>
<td>Jharsuguda</td>
<td>11383400.00</td>
<td>151 4498588.00</td>
<td>- 6884812.00</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Subarnapur</td>
<td>516600.00</td>
<td>61 231403.00</td>
<td>108 295197.00</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>19000000.00</td>
<td>1871 8782281.23</td>
<td>1138 10172448.77</td>
<td>788 3638477.00</td>
</tr>
</tbody>
</table>


Table 21:- Settlement of Homestead Land for the Hirakud Dam Oustees till August 2007

<table>
<thead>
<tr>
<th>S1 No</th>
<th>Name of the District</th>
<th>No. of Application Received</th>
<th>No. of Cases Sanctioned</th>
<th>Balance Cases for Sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sambalpur</td>
<td>713</td>
<td>107</td>
<td>605</td>
</tr>
<tr>
<td>2</td>
<td>Bargarh</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>Jharsuguda</td>
<td>336</td>
<td>104</td>
<td>232</td>
</tr>
<tr>
<td>4</td>
<td>Subarnapur</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1049</td>
<td>211</td>
<td>838</td>
</tr>
</tbody>
</table>

5.6.3 Payment of Compensations as Ex-gratia to the Oustees

The Revenue Department Government of Orissa called for a proposal from the Collector of Sambalpur to pay higher quantum of compensation to all the affected districts of Hirakud Dam as per the decision of the High Court passed in the case of Bharat Chandra Naik Vrs. State. Accordingly a High Power Committee was constituted by the government under the Chairmanship of the Development Commissioner to study the problems of the Land Oustees and to recommend for additional compensation to the displaced persons of Hirakud Dam Project in respect of unpaid cases. The recommendations of the High Power Committee are as follows.

1. Cases where full compensation has been paid need not be opened.
2. Cases where partially payment has been made against the land acquired, the balance acreage of land can be notionally worked out by dividing un-paid amount with the acreage rate per acre of acquisition in that case, ex-gratia for the balance acreage thus worked out may be calculated @ Rs.10,000 per acre.
3. Where the amount calculated on the basis comes to less than Rs.100, such cases may be ignored for payment of ex-gratia.

The Revenue Department, Government of Orissa accepted the recommendations of the High Power Committee on Dt.11.03.1993 and sanctioned the payment of ex-gratia of 3797 cases. The list of 3797 unpaid cases was divided among the newly organized districts along with original relevant records and the resolution of the government was handed over to the Tahasildars of the new districts as per the instructions of the Government. In order to accelerate the disbursement of ex-gratia amount, copies of the entire list of unpaid cases were also made available to all MPs, MLAs, Sub-Collectors, Tahasildars & BDOs for wide publicity among the land oustees (Government of Orissa 2007: 7-10).

The above table shows that the Government has granted Rs.1,900,0000 till August 2007 and 1871 families have already been paid involving the amount Rs. 8,782,281.23 in the four districts Sambalpur, Bargarh, Jharsuguda & Subarnapur. The balance amount Rs. 10,172,448.77 remains to be paid for 1138 families. It further needs Rs. 3,638,477.00 of
further grants from the government for the payment of 788 families only in Sambalpur & Bargarh. Estimation of further grants for Jharsuguda and Subarnapur districts has not been calculated. Although grants have been sanctioning from time to time by the government, 1926 unpaid oustees have not taken their ex-gratia payments till now. It is primarily due to the long generation gap. Some of the oustees have already been died and have crossed two three generations, which has earlier been described (See Table No 20).

5.6.4 **Provision of Homestead land for the Oustees**
The Department of Revenue, Government of Orissa has decided on 30th January 2002 to settle 0.10 acres of land at the maximum with each Project Displaced Families of Hirakud Dam Project irrespective of their annual income. Subsequently government clarified that each split up family headed by the major legal heirs of the original projects displaced family is to be treated as separate family & eligible to get the provision of 0.10 acre of homestead land. The Government instruction has been sent to the all the Tahasildars of four district to deal the cases (Government of Orissa 2007: 4).

There are 1049 application have been received in Sambalpur & Jharsuguda districts till August 2007. Bargarh & Subarnapur districts have not received any application yet. Out of the total 1049 application received in Sambalpur and Jharsuguda Districts only 211 cases have been solved and rest 838 cases have been pended. The delay is primarily due to the identification of the real legal heir of original project displaced family. It has become very difficult to identify the real legal heir for the homestead land. The families have fragmented and have crossed two three generations. People are also not showing any interest as it takes long official procedures and little expenditure. The 0.10 acre homestead land will be too less if it distributes among the successive generation. Such cases are visible in the district of Bargarh & Subarnapur. Not a single application has been received in the two districts (See Table No. 21).
KAPTAI DAM

5.7 Introduction

Involuntary displacement of people by development projects is not new to Bangladesh. It has been continuing since the British colonial rule and it has intensified in the decades of planned development. This is indeed a sad reflection of the government's sincerity and sense of responsibility. Such involuntary displacement is traumatic. The experience of the last fifty years has demonstrated that both the project authorities and the administration as a whole have proved to be incompetent in reducing the trauma of displacement. The administration has violated the individual and group rights while implementing the resettlement plans. The degree of suffering experienced by its victims can not be compensated in terms of money values. Even if compensations are given to the displaced in some cases for their lost properties, it is too late and people feel defeated and helpless. Tribals, ethnic minorities, pastoralist who have been marginalized by the mainstream have suffered the most as dams and mines are largely located in their regions. Restoration of their socio-economic status has been rarely been successful. Yet the Government of Bangladesh did not have a National Policy on Resettlement and Rehabilitation for the displaced people.

5.8 Resettlement and Rehabilitation Policy in Bangladesh

Land acquisition has been very critical input for the implementation of the development projects in Bangladesh. The dense population of Bangladesh and its extreme pressure on land makes the process of land acquisition difficult and unable to compensate the land loss incurred. Bangladesh has very little choice to capitalize and implement large infrastructure projects. While development of hydropower, irrigation, flood controls, roads and high ways and urban planning results enormous beneficial impact and are commonly viewed as the tidy solutions to the many problems of underdevelopment. But these large projects also force people from their homes and communities and subject them of extreme economic and social hardship. There is rarely available of official statistics on development induced displacement in Bangladesh. Presently major infrastructural projects in Bangladesh are funded by a number of multilateral and bi-
lateral agencies. Large projects typically affect the people through the loss of agricultural land which is the main stay of livelihood.

The resettlement & the rehabilitation of the displaced persons includes the compensation package of land acquired according to the market value or providing alternative land to regain their pre socio-economic conditions. But there is no uniform resettlement policy framework of the Government of Bangladesh for the compensation of the loss of acquired land for development projects. The Bangladesh Government has the individual Resettlement Action Plans (RAP) for individual projects. Even the individual Resettlement Action Plan always associated with low and delayed compensation payments, bribery, hardship and often harassed of the displaced people by local revenue official. As a result the government acquires land for development purposes, it create tensions and uncertainties among the affected population.

An ordinance was proclaimed for compensation under the 1982 appears to be the preferred policy in land acquisition cases. The policy is not only inadequate but involves delay in decision making by various levels of administration of land acquisition, payment of compensation and project implementations. The criteria used in accessing compensations entitled under the ordinance are: (1) compensations according to market value of the property on the date of notification (2) 20% increase on such market value due to the compulsory nature of the land acquisition. But in reality the Government of Bangladesh always registered the half of the market value of land in order to avoid huge amount of compensations. As a result compensation of the land is always less than the market or replacement value of the land.

Resettlement of the project affected persons and communities are relatively a new development concept in Bangladesh. In 1994, Jamuna Multipurpose Bridge project was the maiden attempt at integrating resettlement as a development component into its design. The Jamuna Bridge Project is a high profile infrastructure project in Bangladesh funded by World Bank, Asian Development Bank and Japan. The government in 1985 established the Jamuna Multipurpose Bridge Authority (JMBA) to plan, design,
coordinate and secure funds for huge construct project. The World Bank approved the project in January 1994. The JMBA acquired a total 5,681 acres of land. To assess the impact of land acquisition, JMBA hired a local non-governmental organization (NGO) the Bangladesh Rural Advanced Committee (BRAC) to conduct a socio-economic survey. The primary objectives were to (1) ascertain the number of directly and indirectly affected by the Project Affected People (PAPs); (2) determine the loss of land by PAPs; (4) assess the adequacy of land compensation policies and the impact of cash compensation and (5) determine choices and/or options for the resettlement of the PAPs. JMBA’s Revised Resettlement Action Plan (RRAP), based on BRAC survey and prepared with assistance from the World Bank, has been approved for implementation. These include both land based and non-land based strategy of resettlement and rehabilitation of the PAPs for their overall socio, economic and cultural development.

But this plan of compensation, resettlement & rehabilitation cover only owners of land that is “directly affected persons”. Thus “indirectly affected persons” such as sharecroppers, landless wage laborers are not eligible for compensation. More than 50% of the all rural households in Bangladesh are landless and live on a wage laborer and other farm activities. The present policies therefore deprived nearly half of the population from compensation. The inadequacy of compensations of replacement of lands remains an important issue and the plan is only applied to Jamuna Bridge Project. Although it is relatively new, resettlement as a development concept has meanwhile received wide acceptance with the higher levels of the government as well as project executing agencies. However, the experience with planning and implementation of the resettlement activities has not been that encouraging (Zaman: 691-703; Amin 2002).

5.9 Resettlement and Rehabilitation of the Kaptai Dam Project

5.9.1 Land Based Strategy

Land based strategy includes the adequate financial compensation for the lost property and providing economic opportunities to re-establish their agricultural based livelihood sources. This strategy of land for land is particularly more important options for the indigenous people and primarily followed in agricultural dependent countries.
The Government of Bangladesh had planned to replace as much plough land for the likely lost to the oustees of Kaptai Dam. The District officials argued in 1956 for generous de-reservation of land in the Kassalong and Thega Valley for the rehabilitation of the displaced. But the Forest Department objections limited the area to de-reserve to a 23,000 acres tract along the Kassalong. Further the Revenue Department in 1959 estimated that the Kassalong area contained only 13,000 acres of flat land suitable for cultivation. The figure was subsequently revised to 10,000 acres. This was clearly inadequate for all the displaced to rehabilitate. The important reason for not having an adequate relocation scheme was simply the lack of adequate budgetary provision. Some compensation was paid for the loss of land, trees initially but there was little money available for rehabilitating 100,000 people. The majority of them were taken to the Kasalong valley, where a reserved forest was partly cleared to create land for these people. When the water level of the reservoir rose after completion of the dam in 1962, much of this land went underwater and the government simply gave up all efforts to resettle these people again. Such situation made it difficult for the hill people to decide what to do, since they were doubtful about the government’s intentions and uncertain about its plan and many of them thus migrated across the border of India and Burma estimated to be 40,000 and 20,00 people respectively. Rest 40,000 persons remained as the internal displaced people more or less rehabilitated by the government. The table at the below shows the total relocation of the displaced people with plough land.

Table 22:- Relocation of the Displaced People of the Kaptai Dam

<table>
<thead>
<tr>
<th>Relocation Area</th>
<th>Land Offered</th>
<th>Households Moving to Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>% Total</td>
</tr>
<tr>
<td>Kasalong</td>
<td>10,000</td>
<td>40.4</td>
</tr>
<tr>
<td>Chengri Valley</td>
<td>3,903</td>
<td>15.7</td>
</tr>
<tr>
<td>Myani Valley</td>
<td>1,287</td>
<td>5.2</td>
</tr>
<tr>
<td>Feni Valley &amp; Ramgarh</td>
<td>3,057</td>
<td>12.3</td>
</tr>
<tr>
<td>Circum-Rangunia</td>
<td>747</td>
<td>3.0</td>
</tr>
<tr>
<td>Karnafully-Sangu interfluve</td>
<td>374</td>
<td>1.5</td>
</tr>
<tr>
<td>Sangu &amp; Matamuhari Valleys</td>
<td>5,433</td>
<td>21.9</td>
</tr>
<tr>
<td>Total</td>
<td>24,801</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The table shows out of the 18,000 families displaced by the Kaptai Dam and only 4,938 families have been relocated. The dam submerged 54,000 acres of plough land but the Government of Bangladesh only replaced 24,801 acres of plough land to relocate the displaced. It signifies only 27.43% of families have been relocated by replacing them with 45.92% of plough land. Rest 72.57% of displaced families remained as the internal displaced people (IDPs). Among of them about 40,000 and 20,000 people crossed the border of India and Burma respectively (Sopher 1963: 349-362, Parveen & Faisal 2002: 201-202).

There were several inadequacies in implementing resettlement programme. The government could not keep its promise in compensating the lost arable land. It was primarily due to scarcity of arable land in the region. Secondly, fertile land in the river valley was compensated by hilly lands, which was of no immediate use to the people, who had got accustomed to the plain land farming. Thirdly monetary compensation was too less, for example, the displaced people received only Taka 500–700 per hectare as compensation whereas they had to pay Taka 5000 per hectare to buy similar arable plain land in other areas where some of them eventually settled.

5.9.2 Non-Land Based Strategy

The government of Pakistan had made a late attempt in 1968–69 to rehabilitate some 11,000 families in 51 moujas surrounding the lake. A total of 66,000 ha of land was allocated for this purpose. As per the plan, each family received on average 2.4 ha of land for growing fruits, in addition to fruit saplings, fertilizer and pesticides. Extension officers arranged training in horticulture and initially the resettled people participated in the programme enthusiastically. Unfortunately, the plan did not work well in the end because little or no attention was paid to the storage and marketing aspects of the produce. People grew mango, jackfruit, pineapple and lemon but did not receive a fair price for the products. In fact they fell prey to exploitation by the middlemen. Moreover, over the years the productivity of the land has fallen significantly, rendering the programme less effective now (Parveen & Faisal 2002: 202).
5.10 Consequences of Non-Resettlement & Non-Rehabilitation

The displaced people were relocated with some compensation for their lost home, land and properties etc, but the small amount of government’s budgetary provision was not sufficient for rehabilitating 100,000 people. The poor administration of the Government of Pakistan is the main reason for the failure of resettlement programme. The government thought that the tribals primarily are “nomadic” people and it was unnecessary to arrange proper permanent rehabilitation programme for the tribals. The large scale displacement caused by the Kaptai dam contributed to the worsening relationship between the tribals and Bengali population in CHT (Norwegian Refugee Council 2006: 27-28; Sopher 1963: 339-362; Hassan 1991: 24-25).

5.10.1 Pakistan Period (1947-1971)

Soon after the independence of Pakistan, Chittagong Hill Tracts came under the control of Ministry of Home and Kashmir Affairs and directly ruled by the central government. Although the constitution of 1956 and 1962 maintained the Chittagong Hill Tracts as “excluded area”, the constitutional amendment in 1963 abrogated the CHT Regulation of 1900, which was introduced by the British earlier. Chakmas lost their ‘autonomy’ and their status of ‘excluded’ area and it was a great shock for them (Bhattacharya 2001: 329; Ahsan & Chakma 1989: 963). The introduction of such centralized administration by the Pakistan government was prompted by the following factors. At first Pakistan is the product of decolonization process and as a new country it was undergoing a turbulent process of nation building due to its multi-ethnic society. Social and ethnic conflicts had strong repercussions on Pakistan’s polity causing internal instability. The various ethnic groups- Punjabis, Baluchis, Sindhis, Bengalis and Pathans- each had a variety of subgroups based on ethno-linguistic, occupational and caste divisions. There was growing ethnic and regional conflict among them. In such circumstances, Pakistan’s nation-building strategy was to unite all the ethnic groups under one single religion of Islam and one single language of Urdu. Multi-culturalism and pluralism were not the approach rather centralized administration was the hallmark of governance. In this pretext
Chakmas were not exempted from this process and the relationship between the government and the tribals started to erupt (Kukreja 2003: 12-21; Behera 1996: 988-989).

Land acquisitions and encroachment of forests land in CHT by the government has been one of the major reasons of conflict between the tribals and the Government of Bangladesh. Under the Chittagong Hill Tracts (Land Acquisition) Regulation, 1958, the Islamic Republic of Pakistan assumed all the powers for the acquisition of land in Chittagong Hill Tracts, required for any public purpose and it violated the CHT Regulation of 1900 (Government of East Pakistan 1958). The CHT people were enjoying a variety of rights over land under the CHT Regulation of 1900 earlier declared by the British. There is a significant difference in terms of legal system between the CHT and in the rest of the country. Laws passed in the rest of the country do not automatically apply to the CHT, unless they are specially laid down in the CHT Regulation of 1900. Although the Deputy Commissioners of the CHT exercise powers as chiefs of the district collectorate like the deputy commissioners of rest of the country, the Bengal Tenancy Act which is applicable in the plains do not valid to the CHT. Secondly, Swidden or Jum cultivation is allowed in the CHT, where as it is not permitted in the plains. Thirdly, the Deputy Commissioners in the CHT are obliged to consult the chiefs and the headmen in all important land administrative matter, but such provisions are not applicable in the plains. Generally, most of the laws applicable to the plains also apply to the CHT except laws concerning fiscal and land matters (Roy 1998: 56-79). Along with the land acquisition, encouragement of commercial plantations (rubber & teak) by the government in the CHT area was another factor of discontent among Chakmas. Rubber plantations began in CHT in 1959 on an experimental basis. In 1969 the government took over 40,000 acres of land to promote it on a commercial basis. But the plantations have become the source of conflict over land on which ethnic communities held customary rights (Gain 2001: 23-26; Nayak 2005:39-40; Nayak 2006: 61-62; Gain 2002: 41-48).

Such policies of Pakistan government threatened the source of livelihood, ethnic identity and culture of the tribal of CHT. In this backdrop the tribals of CHT began to put of armed resistance. In 1966 an underground political party was formed known as CHT
Political Economy of Rehabilitation

Welfare Association. The main aim of this association was to protect the rights of the tribals of CHT. But later it dissolved in 1972 with the formation of Parbottya Chattagran Jana Sanghati Samity (PCJSS) headed by Manobendra Narayon Larma (Kazi 1980: 1510). The Pakistan government sees it as guerrilla activity spilling over the border from hostile neighbor states of India and Burma and was increasingly suppressing the struggle (Zaman 1982: 78).

5.10.2 Bangladesh Periods (1971-onwards)
5.10.2.1 Sheikh Mujibur Rehman (1972-75)

Bangladesh emerged with new government with a new constitution was formed in 1972\(^1\). Multi-party parliamentary form of government and secular polity was adopted for governance. The Awami League headed by Mujibur Rehman had swept the power in the parliamentary election and became the prime minister of Bangladesh (Chakravarty 1995: 7-15). On the other hand the Chakma leaders also participated in the elections and own a legislative seat from Chittagong, which indicated their interest of political participation (Kharat 2003: 6). A deputation led by Manobendra Narayon Larma called on Sheikh Mujibur Rehman on February 15, 1972 and placed before him four-point charter of demands to protect their cultural autonomy and rights, which was violated earlier by the Pakistan government as well as by the 1972 constitution of Bangladesh. The 1972 constitution of Bangladesh declared Bengali to be the basis of nationhood in the new state (Mohsin 1997:18-19). These demands were

- Autonomy of CHT with its own legislature
- Retention of the 1900 Regulation in the Bangladesh constitution
- Continuation of the tribal chief offices and

\(^1\) The origin of Bangladesh can be traced back to the partition of India in 1947, when Pakistan was get separated from India subcontinent in response to the demand made by All India Muslim League, representing Indian Muslims. It was founded in 1906 in Dhaka for a homeland of Indian Muslims. Pakistan had two wings, known as East Pakistan and West Pakistan, but dissimilarities arose between them over the issues of establishing democracy, national language status to Bengali and of distributions of national revenue. This led to national movement led by Awami League (AL), earlier known as Awami Muslim League founded in 1949 by a faction of Muslim League. Thus the Muslim League did not consolidate its position and gradually the national movement developed into the war of independence. The war ended with the great defeat of West Pakistan and East Pakistan emerged as an independent state in December 1971 with the complete support of neighbor country India.
Political Economy of Rehabilitation

- Constitutional provisions restricting the amendment of the Regulation and imposition of a ban on the influx of the non-tribal people (Zaman 1982: 78).

But Mujibur Rehman was in no mood to listen those demands and clearly expressed ‘we are all Bengalis, we can not have two systems of governments’ (Hazarika 1995: 278). He advised them “to do away with their ethnic identities” and “emphasized on Bengali nationalism and culture” (Zaman 1982: 78). The reason of such declaration made by Mujibur Rehman was the indifference attitude of Chakmas and the pro-Pakistani outlook of Raja Tridev Roy, Chief of Chakmas in the entire episode of Bangladesh war of independence (Islam 1981: 1219; Kharat 2003: 6-7). Secondly, during the Pakistan regime the CHT was served as a training centre for the Mizos who had given their support to the Pakistani forces during the liberation war. The Mujib government identified the movement of regional autonomy as “national security problem” and was taken as secessionist movement. Huge number of Bangladeshi army and police forces popularly known as Rakkhi Bahini (defense force) were thus deployed in the CHT region in order to suppress the autonomy movement (Mohsin 1997: 18-20). In 1973 the non-tribal people were encouraged to settle permanently in the CHT region (sparsely-populated area) by expelling the tribal people from their home and agricultural land forcefully and distributed among the Bengali settlers (Zaman 1982: 78). During the period of (6th December 1971- 15 August 1975) Mujib’s government, 50,000 non-tribal people had been settled in the CHT area (Kharat 2003: 8-9). The policy of mujib’s government was to settle the non-tribal people in the CHT region in order to suppress the ethnic identity in the greater Bengali society of the country. Thus it would eliminate the possible movement by the tribals in the future (Zaman 1982: 78).

The ‘detribalization’ policies followed by the government threatened the ethnic identity and their tribal rights. Thus the tribals responded with increased armed resistance. The Parbottya Chattagran Jana Sanghati Samity (PCJSS) formed in 1972 headed by extremist leader Manobendra Narayon Larma soon launched its armed wing called as Gana Mukti Fouj (People’s Liberation Army), popularly known as ‘Shanti Bahini’. Therefore the increasing armed resistance of Santi Bahini alarmed the Mujib government. In 1974, the
Chakmas established their first contact with India in Dhaka and then across Agartala, the capital of Tripura state. It was channeled through Indian Intelligence Bureau (IB) and the request was landed in New Delhi at the Cabinet Secretariat for India's help to Chakma to accelerate the movement. But Indira Gandhi was not interested to do anything, which could hurt Mujib pro-Indian stance (Hazarika 1995: 278-279).

5.10.2.2 Ziaur-Rahman (1976-1981)
In 1975 General Ziaur Rahman came to power after a series of military coups and Martial Law was imposed in the country. The most significant step taken under Martial Law has been a drastic revision of development strategy and investment policies. It rejected the Mujib's development strategy (Ahamed 1978: 1168-1180). During the period of Mujib there was no such development planning in CHT and Zia declared in 1976 that the problems in CHT stemmed primarily due to lack of development in this area. Chittagong Hill Tracts Development Board (CHTDB) was thus set up to carry out large scale development programmes in the conflict prone area of CHT. Such developmental programmes were funded by various bilateral and multilateral agencies (Anderson 1976: 467-473). But these developmental activities further aggravated the situation in CHT. The heavy industrialization and the natural resource extraction led to large scale deforestation and further huge numbers of displacement of tribals in CHT.

On the other hand the large scale development of roads and communications were facilitated in CHT, but it indirectly helped the government to deploy military forces in the name of maintaining law and order and CHT simply became a military camp. Estimation shows that 30,000 troops were operating in CHT, which was one third of all regular troops in Bangladesh. It means one security force was deployed for every fifteen jumma people. The main purpose of operation of military in CHT was a counter insurgency programme to suppress the guerilla forces or Shanti Bahini and resettle the tribals in the cluster villages under the control of the army. As a result the huge military presence made the jumma people live in constant fear and were terrorized in every aspects of their life (Arens 1997: 56-66).
In 1979 the government had undertaken the population transfer programme as counter insurrection strategy by transferring landless Bengali farmers and landless laborers from various parts of plains areas of Bangladesh and settled them within all the three districts of CHT. They were provided land as well as financial assistance in the early phase of their settlement, taking away the lands of the tribals. During the Zia’s period only, 150,000 non-tribals were settled in CHT (Kharat 2003: 9). The tribals in CHT constituted 91% in 1951 and they suddenly reduced to 59% in 1981. It is true that economic migrants from plains land of Bangladesh were coming to CHT through individual efforts for many years, but the migration took place during the 1980s was claimed by the government as natural migrants. The population transfer programme made during 1979-80s not only violated the individual and collective land rights but accelerated the pace of economic and political marginalization of the hill indigenous people. The loss of their livelihood sources, non-recognition of their old practiced political institutions as well as the non-tribal cultural assimilation in CHT led to the state of frustration among the tribals (Roy 1997: 167-191). Thus the tribal of CHT searched for external assistance to resist the military persecution. Mujib’s death and anti-India slogan of Zia’s government altered the situation. In 1975 India assisted the rebels with arms, supplies bases and training. In 1976 the Santi Bahini first launched its first attack on Bangladeshi forces and the new insurgency had been born in Bangladesh (Hazarika 1995: 279-280).

5.10.2.3 General Hussain Muhammad Ershad (1982-1990)

Ershad who took over the reins of government in March 1982 and the same earlier policy of counter-insurgency was being continued for several years (Peiris 1998: 39). During his period 241,000 non-tribal people had been transferred from the plains to settle in CHT and it led heavy resentment among the tribal. The year 1982 was very depressing for PCJSS as its members lost their faith on the leadership of Shanti Bahini. The PCJSS got into split and Manabendra Narayan Larma, the leader of Shanti Bahini was killed on 10 November 1983. It signaled the indirect victory of the policy perused by regime. Such situation encouraged the Ershad government for large scale military persecution in CHT and the condition further worsened in the region. It was very difficult for the tribals to survive in CHT under the constant threat of Bangladesh army and its persecution. As a
result the tribals began to migrate crossing the Indian border as refugees. About 40,000 tribals migrated to Mizoram in 1983 and 50,000 to Tripura in 1986 and the refugees stayed in camps situated at Kathalchhari, Karbook, Pancharampara, Silachhari and Takumbari (Kharat 2003: 9-10; Bertocci 1985: 163).

Simultaneously side by side the government was also making various platforms of negotiations with the Shanti Bahini to settle the CHT dispute and it had mixed results. In 1982 a liaison committee was formed to resolve CHT crisis, but the legitimacy of the committee was questioned by the PCJSS and its rift (Shanti Bahini leadership) was partly responsible for the rejection of the committee, led to the killing of Manabendra Narayan Larma. Several rounds of negotiations took place afterwards, but it failed to resolve the conflict, because both sides adhered to their earlier positions. The sixth dialogue held in 1988 and at this dialogue however the PCJSS demanded “regional autonomy” instead of provincial autonomy, demanded earlier and the other demands remain unchanged. The government then took some legal and executive measures. In February 1989 the parliament enacted the Hill District Act of 1989 within the framework of three ‘Hill District Councils’ and Special Affairs Ministry was also constituted in July 1990 to look after the affairs of CHT. The three Hill District Councils offered the tribals of facilitating local self-government in the CHT within the unitary constitution of Bangladesh. A beginning was made in the direction of autonomy during the last part of Ershad regime (Chowdhury 2002: 8).

5.10.2.4 Khaleda Zia (1991-1996)

Until 1990 neither news papers nor any international organization had highlighted the human rights violation of the Chakma tribals, those who were staying in Tripura as refugees crossing India’s border. In the mean time the news papers of eastern India, especially the Calcutta based The Statesman regularly highlighted the issue of the plight of Chakma refugees (Kharat 2003: 11). Although Indian public has little knowledge about the life and culture of Chakmas, they got extreme sympathy from the Indian public opinion to protect from their miseries. During the early nineties both Government of India and Government of Bangladesh had taken initiatives for repatriation of Chakma
from refugee camps of south Tripura. There are three factors which influenced the repatriation of tribals. First the increasing India’s financial burden to bear the costs of refugees stayed in Tripura and secondly the rising protest against Chakmas in Mizoram prompted the Government of India to solve the problem of Chakmas (Bhattacharya 2001: 331-332; De 2005: 154-156; Rosanga 2004: 95-106). Thirdly numerous reports published regarding nature and extend of human rights violation cases in CHT by different regional as well as international human rights NGOs (Chakma 2001: 352).

As a result in November 1990, the CHT Commission an independent body was permitted by Bangladesh government to visit CHT and Chakma refugee camps in Tripura on a fact-finding mission of violation of human rights. The Commission published a report in 1991 titled as ‘Life Not Ours’ concludes that there had been massive violation of land rights in CHT under Bangladesh regime. Thus in early nineties both the government of India and Bangladesh during Khaleda Zia period made initiatives and set up a joint task force headed by two respective Home Secretaries to repatriate the Chakma refugees from Tripura (Kharat 2003: 11-12). The government led by Khaleda Zia declared a general amnesty for the insurgents with an offer of cash rewards for surrendering their arms (Chowdhury 2002: 9). In spite of strong initiatives undertaken by both the government of India and Bangladesh, the process of repatriation during Khaleda regime was very slow. But it took turn in 1997, when Prime Minister Sheikh Hasina came to power in 1996 (Bhattacharya 2001: 333).

5.10.2.5 Sheikh Hasina (1996-2001)

The Awami League in election campaigns of both 1991 and 1996 stood committed to addressing the demand for a political solution to the CHT crisis (Chowdhury 2002: 9). In the 1996 election, Awami League won three seats from CHT and Sheikh Hasina became the Prime Minister. The new government created a new atmosphere especially in terms of CHT crisis is concerned. The victory of Awami League also strengthened the Indo-Bangladesh relation and it prompted both the government to solve the problem of CHT. Negotiations took place between the National Committee on CHT and the PCJSS throughout the period 1996 and a historic Accord was signed on 2 December 1997. The
 Accord was signed by Abul Hasnat Abdullah and Jyotirindra Boddhipriya Larma and the repatriation of Tripua refugees figured prominently (Bhattacharya 2001: 333). The Awami League claimed the CHT Peace Accord as a “landmark achievement”, which would not only bring peaceful national integration but indeed open the plentiful natural resources of the CHT and enhance economic growth throughout the whole region. But the Bangladesh National Party (BNP) denounced the Accord as a “black pact” and alleged that it violated both the country’s sovereignty and its unitary constitution. The pro-Islamic Jamaat-e-Islam and other right wing groups claimed that the Awami League had virtually sold the CHT by signing the treaty, an area which is very important for Bangladesh’s national security and economic development (Rashiduzzaman 1998: 654-656).

The long struggle of PCJSS and its 25 years of insurgency war since 1972 for virtual autonomy for its people in CHT came to an end after the peace treaty. The armed Shanti Bahini surrendered their arms and returned to their normal life. The first batch of 739 soldiers of the Shanti Bahini surrendered their arms on February 10, 1998 at the Khagrachhari stadium. Each Shanti Bahini member has received a cash compensation of Tk.50,000 (US$1200) to begin a new life outside the jungle. The four main demands of the PCJSS articulated since 1992 included (i) the constitutional recognition of the 10 ethnic communities speaking different languages (ii) removal of all Bengalis who entered the CHT after 1947 (iii) full regional autonomy to the CHT and (iv) removal of the army from the CHT. But the CHT Peace Accord has been slightly shifted from several of its vital demands. The PCJSS virtually sacrificed the former two demands and has been bargaining for the rest two. The treaty remains silent about the constitutional recognition of the ethnic communities of the CHT, but however it considered the CHT as “tribal” people inhabited region (Raj 1998: 1). The CHT Peace Accord empowered the indigenous people in certain areas by devolution of power through the following measures.

- Establishment of a Ministry of CHT Affairs, which is to be headed by one indigenous person from CHT.
• Creation of Regional Council for the entire CHT with a two-third majority of indigenous people in representation.
• Widening the areas of functioning of already existing Hill District Councils by adding new subjects under its jurisdictions.
• Creation of an Independent Land Commission to resolve the dispute over land rights acting as tribunal for hearing the complaints and dispossessions of lands.
• Withdrawal of military camps from the CHT region except the cantonments (Chakma 2001: 356).

The Ministry on Chittagong Hill Tracts at the national level was established with a minister of tribal background. But the signed agreement does not elaborate the CHT ministry's functions. It was established as an intergovernmental coordinating agency to link the national cabinet as well the PCJSS. But in reality when veteran Chakma politician, Kalpana Ranjan Chakma was appointed as minister, he had not been given any portfolio in January 1998. The CHT Regional Council is consisted of 22 members elected indirectly from the three Hill District Councils. The Council includes 12 tribal men, 2 tribal women, 6 non-tribal men and one non-tribal woman. But the creation of the Regional Council has created resentment among the tribals due to its unequal representations. Chakmas constituted 31% of the CHT population and were given five representatives in Regional Council among the 12 tribal male tribal members. The Marmas constituted 17% and Tripura 7% and got three and two seats respectively. The Murong tribe gets only one seat and rest six smallest tribes share a single seat in the Council. The Bengali settlers, with 39% of the population (about 50% population of the CHT, according unofficial estimates) were allotted six male and one female member. Among all the tribes in CHT the Chakmas are at the top in the socio-economic index and they got more share in the representation in the Council. The Chakmas enjoyed the upper hand, since they dominated the Shanti Bahini in terms of leadership. The smaller and relatively backward tribes got less representation, thus claim the accord as unfavorable deal (Rashiduzzaman 1998: 656-662).
The accord divided the Jumma people into two groups; one supporting the Accord and another opposing still hope to implement in full. In 1998, the Jumma people activists who want full autonomy of the CHT launched a new political party, known as the United People’s Democratic Front (UPDF). It created conflicts between the UPDF and the PCJSS. Over 500 people belonging to the two groups were killed and more than 1,000 people injured in clashes between them. Moreover about 1,000 people of the two groups were kidnapped. The government of Bangladesh brands the ‘full autonomy’ activists as terrorists and again justified the continuing presence of military in the CHT and it went under the direct rule through its local representatives, the Deputy Commissioner and the army (Norwegian Refugee Council 2006: 31-32).

5.10.2.6 Khaleda Zia (2001-2006)
Khaleda Zia’s Party BNP won the election in a coalition with the Jamaat-e-Islami and once again she became the Prime Minister of Bangladesh in 2001. The Jumma people; supporter of the Awami League Party lost the election and with the victory of BNP, the opposition party headed by Khaleda Zia, a wave of protests and violence was thus unleashed against them. The Bengali people who settled in the region have added another dimension to conflict by launching a movement against the Peace Accord. They claimed that the Accord signed by PCJSS made them second class citizen and thus a movement was started known as Sama Odhikar Andolan, reportedly backed by the government. Besides the rise of Islamic fundamentalism, the political and law and order situation in CHT have deteriorated alarmingly in recent times due to the clash between the two rival organizations, PCJSS and UPDF in this region. As many as 24 armed clashes between the activists of PCJSS and UPDF had occurred during the last five year. About 500 persons were killed, around 100 abducted and more than 1000 injured during the same period in CHT. Such situations halted the development work in this region.

It was reported that the government of Bangladesh is planning to settle 65 thousand Bengalis in Rangamati district. About a half million plain settlers settled earlier have already been reduced the Jumma people to minority in their homeland. The Jumma people are further being victim of Land Acquisition by the government and military
projects in the CHT. Thousand acres of land have been acquired in different projects. Half of the land in CHT has been declared as "Reserve Forests" by the Bangladesh Ministry of Environment and Forests. It plans to declare a total area of almost 220,000 acres in the three hill districts as additional reserved forests under different schemes. Half of this land has already been declared as reserved forests and about 2,000 people have been evicted from their land without any compensation, mostly from the Khyang community. It is not only violating their landed rights but also threatening their livelihoods (Norwegian Refugee Council 2006: 31-46).

After a long struggle of tribals for autonomy, the CHT Peace Accord was signed in 1997 during the period of Sheikh Hasina and it empowered the tribals to fulfill few of their demands. But in reality none of the provisions has been implemented afterwards. At first intra-group rivalry, factionalism and conflicts not only undermined the unity of the tribals but also effectiveness of the movement. Secondly, although the process of achieving peace in the CHT began under the Awami League government, the BNP has distanced itself from the Accord and repeated the same policies followed earlier. The government’s policy of economic and military solutions to the identity problem in CHT is one of the major factors enhancing the problem further.

5.11 Comparative Study
So far as the resettlement and rehabilitation of both India and Bangladesh is concerned, both the countries still do not have the National Policy on Resettlement and Rehabilitation for the displaced. In case of the Government of Bangladesh addressing the development induced displaced people differ from project to project. There is no unified policy for the displaced to rehabilitate them. The same procedures were also being prevalent in India. But it took turn in the 1990s, when about 40 million people got displaced during the period of 45 years of planned development and the government of India has finally realized the need to formulate a rehabilitation policy for the displaced persons. It was first mooted by a committee of the Ministry of Tribal Welfare, Government of India, when it found that over 40 percent of the displaced people during the period 1950-1990 were the tribals. Finally a rehabilitation policy was drafted by the
Ministry of Rural Development in 1993. The policy was drafted under the pressure of both internal as well as external factors. The Government of India realized the situation and problem and further modified the R & R Policy in 1998, 2003 and recently in 2006 and 2007 in order to cope up with the new situation. As India is a federal state both center and the states have their own resettlement and rehabilitation policy. Orissa had passed several Government Orders (GOs) beginning from 1977 and finally a resettlement and rehabilitation policy for irrigation displaced persons was promulgated for the first time in 1994. Afterwards it further modified in 2003 and 2006 to accommodate with the new demands. But it should be noted neither the central government policy nor the state government policy of Orissa has become law. In case of Bangladesh no such policy has been made so far. It is largely due to the absence of strong movements in Bangladesh and the support from any international organizations unlike India. Secondly the civil-military regimes of Bangladesh do not give any democratic space for movements. Therefore the citizens of Bangladesh have not put any significant pressure on the Government of Bangladesh to frame a National Policy on Resettlement and Rehabilitation for the displaced.

The process rehabilitation was started on 14th April 1949 and the Hirakud Land Organization was abolished in 1978 working under the supervision of Revenue Divisional Commissioner (RDC). The displaced people were rehabilitated in 18 different camps. These camps resettled 2,243 families out of 2,6501 displaced families. Only 8.46% of people have been rehabilitated. The Hirakud Dam submerged 123,000 acres of cultivable lands and replaced 8468.80 acres of land, which is 14.52% of the total submerged cultivable lands. On the other hand the resettlement and rehabilitation of the Kaptai Dam displaced people got started in 1959. They were resettled in seven new locations and it shows that out of the 18,000 families displaced by the Kaptai Dam, only 4,938 families have been relocated. The dam submerged 54,000 acres of plough land but the Government of Bangladesh only replaced 24,801 acres of plough land to relocate the displaced. It signifies only 27.43% of families have been relocated by replacing them with 45.92% of plough lands. The statistics shows that the Government of Bangladesh
rehabilitated the displaced of the Kaptai Dam comparatively better than the Government of India in case of Hirakud Dam.

But the closer look shows different pictures of resettlement and rehabilitation. There were differences between thoughts of the displaced people of both the dams. In case of Hirakud Dam only 8.46% of people were rehabilitated in spite of strong initiative taken by the government. The displaced people did not want to resettle in the rehabilitation camps made by the government. This is clearly evident from the two rehabilitation camps of Udsing & Hotapali of Kuchinda bloc and Maneswar bloc where the oustees were not resettled by any of the displaced people. The displaced people had no faith on the government and they themselves settled in different places according to their own suitability. Given the large area of land availability during that period, the people actually did not want to rely on the government scheme for rehabilitation. On the other hand the displaced people of Kaptai Dam really wanted to be rehabilitated by the government. But the scarcity of land in Bangladesh and the shortage of funds limited the Government of Bangladesh only to rehabilitate 27.43% of displaced people. This is clearly evident from the rise of armed rebellion and insurgency in the later period by the displaced Chakma people. But no such situation has occurred in India so far as the rehabilitation of the displaced of the Hirakud Dam is concerned. The large area of land availability in India satisfactorily accommodated all the displaced people and therefore there was no armed rebellion by the oustees in case of Hirakud Dam.

It can be argued that the armed rebellion or the insurgency in Bangladesh made by the displaced people did not spring up suddenly. The displaced people democratically demanded their rights to the government and the movement was very much democratic in the early period. But the Government of Bangladesh intentionally introduced anti-Chakma policies in the CHT. The civil-military regimes of Bangladesh did not address the displaced people better in fulfilling their demands and therefore the movement turned into insurgency. An agreement has been signed between the Government of Bangladesh and insurgent groups known as CHT Peace Accord of 1997 in order to bring peace in the CHT. But the agreement is not being implemented in a full scale due to the rise of
Bengali Muslim nationalism in Bangladesh. Therefore it can be rightly argued that the civil-military regimes of Bangladesh along with fundamental policies were unable to address the displaced properly and failed to rehabilitate them.

**Conclusion**
Addressing population resettlement and rehabilitation has become so general components of the creation of man-made lakes. This is very unfortunate when the local people lose their immediate interests for the national long term national interest and especially the socio-economic and cultural impacts are concerned. The lack of National Policy Framework on Resettlement and Rehabilitation and legal framework has intensified the problem of displacement everywhere. Although there are the presence of national policies and legal frameworks for population displacement and rehabilitation in many developing countries, it is very few in the Third World Countries. Only some governments in the Third World Countries like Indonesia, Turkey, China and few other countries have issued explicit national policy on population displacement and rehabilitation. In India also there is the national policy framework but the national agencies rarely possess the skilled staff to implement it. Therefore certain steps should be followed for the successful resettlement of the displaced person.

At first there should be detailed and early study those who are likely to be affected and identifying the scope and the extent of impacts on all the affected people. Therefore it would help to locate the resettlement sites for all the affected communities in advance of their full displacement. This would simultaneously need substantial institutional capacity to implement the resettlement activities at a larger number of sites. Secondly emphasis needs to be laid on the partially displaced people who often remain marginalized from rehabilitation programme. Thirdly resettlement plans should aim to improve the standard of living of the displaced people by raising the source of livelihood both in terms of land-based and non-land based strategies. Fourthly resettlement site should be acceptable to resettles and have the capacity to support their current population and make provision for the population growth. Inadequate analysis of these issues can give rise to serious problems during implementation. Fifthly it is very important for the likely affected
people to participate in the decision making process while selecting the resettlement sites. Sixthly Resettlement institutions need to be multi-sectoral involved in conducting a diverse range of activities, such as land taking, impact measurement, physical relocation, job provision, land development, credit provision and training etc. Involvement of government institutions, specialized agencies, NGOs and other civil society organizations is very much necessary for the successful resettlement implementation. Seventhly there should be link between the schedule of dam construction and the resettlement implementation. The pace of dam construction needs to be linked to the process in completion of the resettlement activities to ensure that the dam is raised to successfully higher levels only after specified resettlement activities are completed. At last host communities should be consulted before the resettlement site is demarcated in order to avoid the likely conflicts between the resettled and the host communities.