

---

## **A Study on Rehabilitation and Resettlement and Prologue of Polavaram Project**

**\*Dr K. Visweswara Rao**, Professor, Department of Social Work, Andhra University, Visakhapatnam.

**\*\*Smt. P. Chandrakala**, Research Scholar, Department of Social Work, Andhra University, Visakhapatnam.

### **Abstract:**

This paper is a component of a larger study funded by the Society for Promotion of Wasteland Development that is investigating the widespread loss of Forest Rights in the name of "development." We focused on the Polavaram Dam because of its widespread effects across three states, including the relocation of more than 300 forest-dependent communities, and its consequential effects on forest and environmental governance. Research for this study was conducted on-site and included examination of toposheets and other maps, as well as research of judicial procedures pertaining to the project. As decided by the disputes panel, it describes the project's current layout, the challenges of adhering to Forest and Environmental Regulations, and the Forest Rights Act. The article finishes with a discussion of potential solutions that may prevent this kind of widespread abuse. The Study lays an emphasis on extent of Displacement and Rehabilitation measures taken at Polavaram Project area. This study further throws a light upon the Issues and Constraints regarding to Displacement and Rehabilitation at polavaram Project area

### **Introduction**

Situated on the Godavari River in Andhra Pradesh, the Polavaram Project is 34 kilometres upstream of Kovvur, Rajahmundry, and 42 kilometres upstream of the (Godavari Barrage) Sir Arthur Cotton Barrage, around the point when the river leaves the final range of the Eastern Ghats and reaches the plains. The coordinates of the Project site are 810 degrees, 46 minutes east of the equator, and 170 degrees, 13 minutes north of the equator. Every one of A.P.'s 13 districts will gain something from Polavaram. In 2014, the union government designated the Initiative as a national project (under Section-90 of A.P. Reorganization Act, 2014). In January 2015, the Ministry of Water Resources established the Polavaram Project Authority (PPA) to speed up the implementation of the project. Andhra Pradesh's government is carrying out the project on behalf of India's central government. The Godavari River, which flows through Maharashtra and Andhra Pradesh before entering the Bay of Bengal, is the focus of the project. As the Madras Government's Godavari River advisor, Mr. Sonthi Ramamurthi conceived up the Ramapadasagar project in 1942. As further investigation was done, the project's scope increased, and it is currently being discussed by the Interstate Water Disputes Tribunal. Originally, navigation was one of its main uses. In the Scheduled Districts of three states—

Andhra Pradesh, Orissa, and Chhattisgarh—indigenous and tribal people—have been displaced in large numbers due to the Polavaram (Indira Sagar) Multipurpose Project.

The reservoir would flood 9 mandals and 276 indigenous tribes in the agency territories of the Khammam, East, and West Godavari districts. As a consequence, 237 thousand people, according to the 2001 Census, would have to move. The percentage of indigenous people among the displaced is estimated at 53.17 percent. Sixty-five point five percent of the uprooted are tribal people and Dalits. Based on past experiences with resettlement and rehabilitation programmes, it is clear that the displaced will be left with few choices. The disappearance of land, minor forest products, tubers, leaves, conventional medicinal practises, and communal resources that support the population of humans and animals puts these people's main means of livelihood under danger even outside of the submersion zones. The Ministry of Environment and Forests has been accused of enabling forest removal that led to the flooding of Sanctuary Areas in a complaint made to the Supreme Court's CEC. Even though the CEC gave the project the go-ahead with a number of protections, it said that there was such a high risk of loss that other options should be carefully considered. In the past, when the National Environmental Appellate Authority was in charge of such matters, an appeal was filed challenging the project's Environmental Clearance (NEAA). Due to flaws in the public hearing procedure, the NEAA revoked the project's environmental approval. Despite a mountain of information on the environmental damage's meaty concerns, the public hearing was the most unfair part of the process in the eyes of the Authority. The ruling was supposed to go into effect immediately, but the Andhra Pradesh high court interfered. The Scheduled Tribes and Other Forest Dwellers Act was enacted by the federal government in 2006 with the stated goal of redressing past wrongs committed against indigenous people who lived in the woods.

The difficulties of industrialisation in certain locations due to significant opposition from the inhabitants prompted the battle that resulted in the legislation.

In a nutshell, the legislation makes it possible to establish rights for both individuals and communities over resources and land that have traditionally been used by communities, as well as the ability to exercise control over these assets by the communities themselves.

Even though the Central Government had previously recommended that the State resolve the rights and seek approval under this Act for other projects, it was ultimately obliged to direct the State to do so in the case of the Polavaram Project.

## **Displacement and Rehabilitation Policy**

### **National Resettlement and Rehabilitation Policy (1997):**

The central government has planned to establish Resettlement and Rehabilitation policy in the year 1998 as a consequence of the roaring efforts of social scholars, social workers, activists, etc. The Rural and Urban development ministry of the Indian government developed a national strategy on Resettlement and Rehabilitation in 1997, however they did so without consulting or consulting with the affected populations. A draft of the same is disseminated to the public for the discussion and to evolve sound and safe policy to

address the emerging needs of the country. As part of it, there were round tables and discussions took place and in the general agreement central Govt. decided upon few but important aspects such as minimizing displacement, application of the terms eminent domain, public purpose, participation of the affected persons, historically advanced rights, compensation should be at replacement value not the market value, Common Property Resources and permanent income, Preventing marginalization, regional planning, rehabilitation is a right of the DPs and duty of the project implementers to the displaced (Fernandes W. , 1995). A revised form of the National policy on Resettlement and Rehabilitation has been promulgated without dialogue or interaction with the concerned one and people came to know about it from the newspaper advertisement on 26th February 2004.

**National Resettlement and Rehabilitation Policy (2003):**

The guideline applies only to projects that require the relocation of at least 500 households in flatlands and 250 in the highlands. Positively speaking, the policy tried to give broad definition to Project Affected families including agricultural family, common property resource dependent and landless people, but restricted the benefits to people lived at least in the area 3 years. Moreover, rehabilitation has been recognized as a need and not as a right. Most importantly, on the one hand the policy is applicable also to those displaced ten years prior to its promulgation and on the other hand, the policy does not reduce the poverty risks, and neither accepts rehabilitation as a right nor makes it mandatory, but says if the project desires. The policy does not create an avenue for social and physical infrastructure for rehabilitation but compels the project affected families (PAF) to spend all their compensation to start their life afresh. Policy, on the one hand, has no provision to control the trend to acquire more land than required and, on the other hand, nothing is said about the prior informed consent (Fernades, 2005, p.125).

**Resettlement and Rehabilitation Policy (2007):**

In order to reduce the increasing pressure against the development projects displacing millions of people the UPA Government's On October 31, 2007, the Ministry of Rural Development released a notice outlining the country's new resettlement and rehabilitation policy. This policy relies on the legal doctrine of eminent domain to acquire private property, despite the fact that it "deprives them of their land, livelihood, and shelter, restricts their access to their traditional resource base, and uproots them from their socio-cultural environment," as the phrase goes. "leads to involuntary displacement of people." The rights of the impacted communities must be safeguarded because of the devastating psychological, social, and cultural effects of these events (Gazette of India, 2007). With 400 households or more in the project area, the policy mandates an analysis of the economic effect on displaced persons, a calculation of the costs and benefits to society as a whole, and a determination of whether or not the project is desirable and warranted. But the policy fails to define what is meant by 'society at large'. The policy also fails to recognize communities and families below 400 and individuals with integrity and rights. The social impact assessment is extended to public and common properties like burial ground, water source and recognized the need of their reestablishment in the resettlement site which is not practiced in any development projects in the country in its

full sense. It calls for effective monitoring and grievance redressal mechanisms but does not describe what mechanisms and how it should be monitored. The policy sets its objective as active participation of affected people in resettlement and rehabilitation practice which becomes an oasis in the desert in Indian context where the contradictory principle eminent domain is active. The policy treats the oustees differently; people of enmasse 400 above as one category and below another category in relation to social reconstruction (rearticulation) responsibility (7.22.2 & 7.22.4).

**Displacement and Rehabilitation (2002 - 2007):**

Displacement due to construction is an inevitable byproduct of modern urban planning. The lives of people everywhere are being disrupted by the need to move land for factories, power plants, highways, irrigation, defence, coal mines, parks, and other infrastructure projects. On a yearly basis, such programmes touch an estimated 10 million individuals, the vast majority of whom are members of economically disadvantaged groups. Dam construction is a major contributor to population shifts in India, outstripping the effects of any other kind of infrastructure project. Estimates vary, but it is generally accepted that dams are mostly (if not solely) responsible for the large number of people that had to relocate. According to the most recent information, there was a population shift in the Indian states of Andhra Pradesh, Bihar, Gujarat, Maharashtra, Madhya Pradesh, Rajasthan, and Odisha between the years 1951 and 1990. The number of tribal people is 8.54 million (40%), although only 2.12 million (24.8%) of these people have been relocated so far. They are being sucked farther and deeper into a black hole of rising uselessness, unemployment, debt bondage, and poverty due to the insufficient rehabilitation of the displaced tribals (Planning Commission: 2002-2007).

Submergence and the building of irrigation infrastructure will have a significant impact on homes and property, both patta and government holdings, and these factors must be evaluated in accordance with the State Land Acquisition Act. According to the National and Andhra Pradesh R & R Policy 2005, displaced people must be relocated to areas that are more important to the project. Therefore, it is more important than ever to conduct a thorough socioeconomic survey of the affected households, the people who are eligible for relocation and rehabilitation under the National and Andhra Pradesh R & R Policy 2005 and then develop a comprehensive action plan for the relocation and resettlement of families impacted by the project.

**Water disputes on the Godavari River and the Bachawat Award**

The Indian Parliament approved the Interstate River Water Conflicts Act - 1956 (IRWD Act) on the eve of the linguistic restructuring of states on August 28, 1956, in anticipation of the expected disputes over the usage, control, and distribution of water along a river that runs across states. This legislation had its most recent modification in 2002. It also confirms all previous agreements. Due to the preemption provisions of the Act, any water issue filed to a Tribunal under this Act is beyond the scope of the Supreme Court or any other court. The Godavari Water Disputes Tribunal, presided over by Justice R.S. Bachawat, decided how to utilise the Godavari River due to the controversial nature of the Polavaram project under the Inter State Water Disputes Act of 1956. On July 7th, 1980, the Committee's final financing and approval decision for the project was made

public. The Commission is aware of these reasons why Andhra Pradesh plans to construct the Polavaram Project.

(1) irrigating enormous swaths of land inside its limits via a canal that branches out to the right and reaches the Krishna River; (2) using lift canals on both sides of a canal that branches off to the left and irrigates Visakhapatnam;

(2) Enabling access to water for its citizens and companies inside its boundaries;

(3) Electricity generation; and

(4) Redirecting the flow of the Godavari into the Krishna, which would increase the amount of water available upstream of Nagarjunasagar for usage by Andhra Pradesh, Karnataka, and Maharashtra by irrigating land in the Krishna Delta. Different papers detail different elements of the dam's construction and operation. However, the Polavaram Project Report, Volume I, dated May 1978, had already been provided to the Tribunal by the State of Andhra Pradesh (Exhibit APG360). In March 1978, the State of Andhra Pradesh submitted a second project report for approval to the Central Water Commission (Exhibit No. APG364), the Polavaram Project Stage I. That was also submitted to the Tribunal. According to the Studies, a dam would be built in Polavaram to collect and channel the water. The following are some of the Project's fundamental characteristics, as described in the Report (March 1978):

(a) FRL : + 150.00

(b) Moreover, the spillway crest level is +94.00

(c) Gate height ranges from EL. 94.00 to EL. 136.00, or 42 feet.

(d) The upper pectoral region (EL 136 to EL 150).

(e) Fifty gates, each measuring 50 by 42 feet in size

(f) MDDL: + 145.00.

(g) Between 145.00 and 150.00 metres, the reservoir's live storage capacity is 28.31 TMC.

(h) Two stocked canals may be found here; one to the right and one to the left.

Diversion of Godavari water into the Krishna river has been a point of contention between the states of Maharashtra and Karnataka for some time. On August 4, 1978, Andhra Pradesh and Karnataka signed the Agreement (Annexure "C" to the Final Order) to end their legal dispute. Maharashtra is a signatory to this Agreement as well. This Agreement's Section 7 states as follows:

The Krishna River above the Vijayawada Anicut can safely receive 80 T.M.C. of Godavari waters from the Polavaram Project, displacing the Krishna Delta discharges from the Nagarjunasagar Project and allowing that volume of water to be used in projects upstream of Nagarjunasagar. This is contingent on the Polavaram Project receiving clearance from the Central Water Commission.

(a) Andhra Pradesh will receive 45 TMC, while Karnataka and Maharashtra will each receive 35 TMC. The remaining 20 TMC will be split between the three states. The aforementioned 80 T.M.C. will be split 45:35:20 between the two states of Andhra Pradesh and Karnataka.

(b) The five State parties have reached a comprehensive agreement on the Godavari watershed.

(c) Andhra Pradesh pledges to provide the Central Water Commission with a report on the Polavaram Project within three months.

(d) Andhra Pradesh commits to paying all of the costs associated with the redirection.

(e) Maharashtra and Karnataka are free to use their respective parts of the 35 T.M.C. mentioned in subparagraph 7(b) above as soon as the Central Water Commission approves the Polavaram Project with a FRL/MWL of + 150 feet, independent of the actual diversion.

(f) Should the amount of water released from the Nagarjunasagar Project decrease as a result of the proposed Godavari water diversion from the Polavaram Project into the Krishna River, as stated in clause (a) above, the excess volume will also be divided equally among the three states as stated in subclause (b) above.

The Tribunal claims that similar submergence in other upstream states renders a FRL/MWL of +150 feet unsustainable.

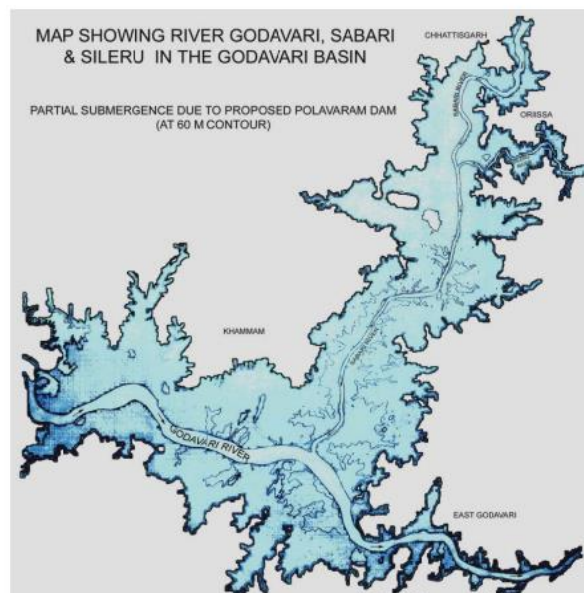
The Tribunal then took into account the possibility that the Central Water Commission would conclude that, despite planning for the implementation of the safeguards, it would be unreasonable to expect that the excess submergence caused by the backwater effect could be controlled by any means other than reducing the FRL/MWL of the Polavaram Project. The Tribunal was presented with two possible outcomes under these conditions. One was to amend the August 4, 1978 Agreement so that the benefits given to Maharashtra and Karnataka would continue even if Madhya Pradesh and Orissa were overflowed. The second option was to leave Clause 7 of the previous agreement as is and allow land in Madhya Pradesh and Orissa to be submerged to an excessive degree. The Tribunal decided on Option 1 for the stated reasons in the Report.

As a result of its investigation, the Tribunal concluded that the Agreement between Karnataka and Andhra Pradesh on August 4, 1978 needed the following amendments.

In Clause 7(a) and Reason 7, the phrase "or any other FRL/MWL that the Central Water Commission considers necessary and technically practicable to guarantee that" should be used in place of the words "FRL/MWL of plus 150 feet," "FRL/MWL of plus 150 feet, respectively," and "FRL/MWL of plus 150 feet" (e). I Irrigation covers the areas in the State of Andhra Pradesh identified in the Polavaram Project Report from May 1978 and Polavaram Project Stage I from March 1978, (ii) the State of Andhra Pradesh receives the additional advantages described in the aforementioned reports, and (iii) Water to the amount of at least 80 TMC is made available. The Tribunal determined that it was in the national interest to build the Polavaram Dam to an F.R.L./M.W.L. height. + 150 feet, provided that the excess submergence brought on by the building of the dam and the natural submergence brought on by all factors, including the backwater impact, did not go above the restrictions outlined in the Agreement between the States of Maharashtra and Madhya Pradesh, after hearing arguments from both sides. which was signed on August 7, 1978. The Indian government agrees that this is theoretically possible. The only issue that remains is determining how to construct the dam and plan its operations to minimize the backwater effect. In the impacted areas of Madhya Pradesh and Orissa, it must also be assured that the total depth of water behind the dam does not exceed R.L. +

150 feet. Along with the safeguards that the State of Andhra Pradesh agreed to, the Tribunal also suggested a crucial safeguard: mandating that during the monsoon, from 1 June to 30 September, the State of Andhra Pradesh keep the reservoir level at Polavaram Dam below the level that will be set by the Central Water Commission. The reservoir will be reduced to the lower level if it rises over that level.

To prevent the backwater effect from escalating the flooding situation in Konda/Motu, As an additional precaution, it was suggested that the Polavaram spillways' flood disposal capacity be in accordance with the Central Water Commission's instructions. It was also suggested that, in conjunction with the Central Water Commission, flood warning stations be established on the main river and important tributaries prior to the Polavaram Dam's operation. An positive feature of this case is the Agreement (33) that the States of Andhra Pradesh, Madhya Pradesh, and Orissa signed on April 2, 1980 addressing the planning and management of the Polavaram Project. The governments of Chhattisgarh and Orissa have objected, arguing that the dam's backwater effects must remain below +150 RL for them to be protected. The government of Andhra Pradesh maintains that the existing design is acceptable under the terms of the award.

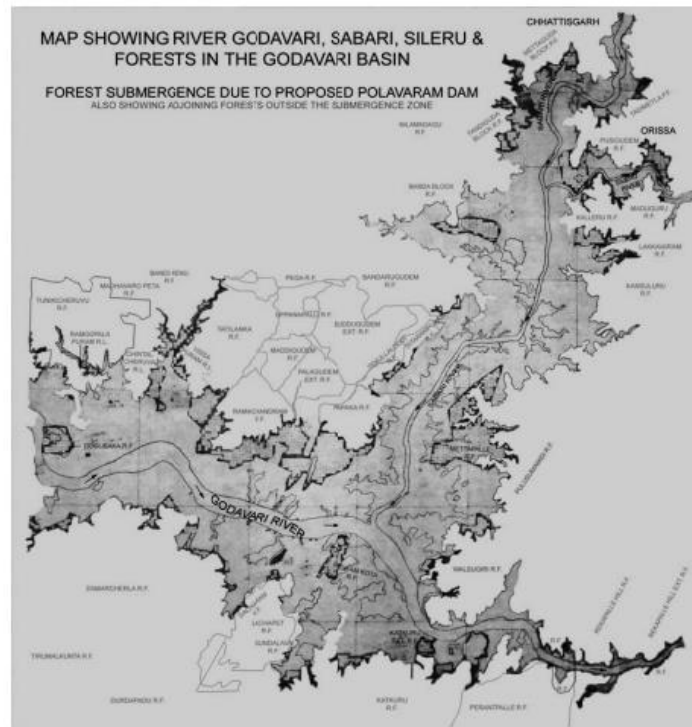


### **The Problem of Deforestation**

After there was a disagreement regarding how the forest clearance for such a large area was granted, a petition for implementation was submitted to the Central Empowered Committee (CEC) in the Godavarman Case, which is still ongoing. Orissa's supporters of the project claim that the Bachawat Award of 7.7.1980 requires only the Central Water Commission to design the project and issue an operating schedule while taking into account the possibility of flooding and land loss in Andhra Pradesh, Chhattisgarh, and Orissa. In order to determine the optimum back water levels of +150 feet with FRL of +150 feet or less, model studies are conducted at the dam site by the Central Water and Power Research Station, Pune, a division of the Central Water Commission. The Central Environment Commission estimates that the Polavaram Multipurpose Project would cost Rs to build. 12,590.70 crores are spent on 3833.39 hectares. Of the 102.16 ha of forested

land in Andhra Pradesh, 3.731.07 hectares are in the state of Orissa, while the remaining 0.16 hectares are in Chhattisgarh. The Papikonda Wildlife Sanctuary in Andhra Pradesh, which is home to 187.29 acres of forest land, is where this project would be carried out. In addition, 1,553 hectares of sanctuary land without trees will be utilized. The ecologically most important forest area that is required for the project is the virgin mixed deciduous forest of the Eastern Ghat in Andhra Pradesh. Tigers, panthers, gaurs, wild dogs, sloth bears, barking stags, and tigers are just few of the endangered animals that call this region home. The region is home to several plant species of significant importance. This part of the country's wildness is one of a kind and full with resources. The task expects to flood 2.91 million sections of land, produce 960 megawatts of hydropower, redirect 80 trillion cubic feet of water to the Krishna Stream, supply 23.44 trillion cubic feet of drinking water to Vizag and the 540 towns that encompass it, and empower the extension of pisciculture and the travel industry. There will be a total of 1,953,572 people impacted by this undertaking. The Ministry of Tribal Affairs has yet to provide its stamp of approval to the R&R Scheme. The project has received environmental approval. The NBWL's Standing Committee has approved the harvesting of forestland that is inside the sanctuary. " The petitioner, who has the assistance of the state of Orissa, claims that development on the project has begun in the forestland that is the responsibility of the states of Chhattisgarh and Orissa without first getting permission under the F.C. Act. This is against the rules set out for carrying out the F.C. Act. Concerned States, not Andhra Pradesh, must submit the proposal in the appropriate proforma to seek approval under Section 2 of the F.C. Act. However, it is hard to estimate how much forest land will really be required for the project without model studies. Since none of the three afflicted states has yet finished this procedure, it is difficult to provide a reliable estimate of the submergence of forest area, private property, the relocation of village people, and the negative environmental effect. State of Karnataka v. State of Andhra Pradesh: Against the Hon'ble Supreme Court's Order (2000, 9 SCC 572, para. ), construction on the project has begun without first receiving authorization from the CWC (f). 52, page 641). Andhra Pradesh, on the other hand, believes that the Agreement it signed with Orissa and Chhattisgarh on 2.4.1980 and the Bachawat Award it received on 7.7.1980 have resolved all pending issues regarding the construction of the Polavaram Project. The States of Orissa and Chhattisgarh can receive compensation under the Award for embankment construction at project cost or land damage above +150 feet. If the second choice is used, no land in these two states will be impacted if it is higher than +150 feet above sea level. This will also reduce the need for forest land in these countries, which will save those countries from becoming submerged. No work on forest property related to the project will begin until the necessary permits have been secured as per the F.C. Act. According to certification from the State of Andhra Pradesh, project work has begun on land that is not forest. During the hearing, the CEC told the Applicant State to stop working on the project because, according to the MoEF's recommendations for implementing the F.C. Act, doing so on nonforest property is illegal. It seems that the project has been put on hold for the time being. (As of 15.11.2006)

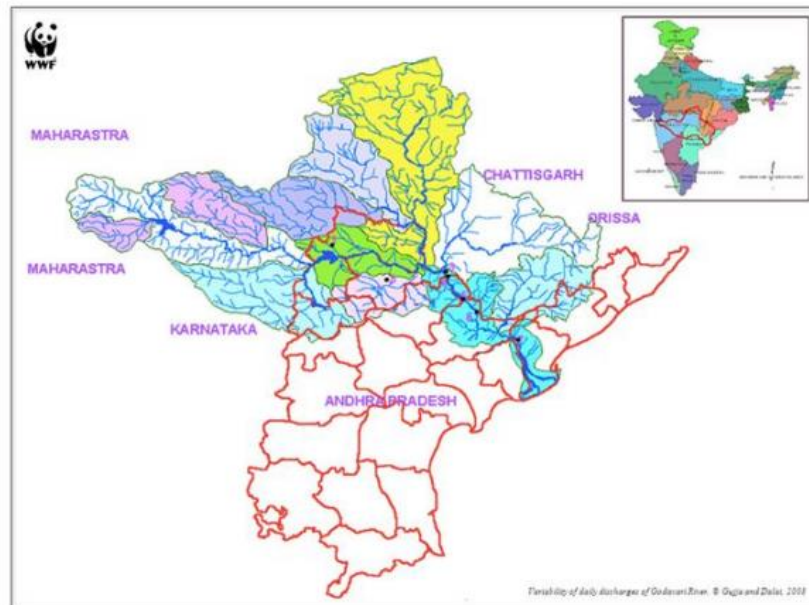




e

The applicants claim that no comprehensive study of the wildlife in the region has been conducted to determine how the partial flooding of the sanctuary would affect the animals that live there. Those in favour of the proposal have presented varying sums to various regulatory bodies. The true submergence after the construction of the dam may climb by another 80 to 110 feet, making it important to do study with an unbiased agency like the Wildlife Institute of India, Dehradun, in order to evaluate the harmful consequences of the project on the flora and animals. There are a handful of endangered or critically endangered species in the submerging forest. As stated incorrectly in the EIA assessment, the submergence region is home to no endangered plant species. It is from this area that the rare dwarf goat breed known as the "Kanchu Mekha" originated. During their site inspection, the CEC also noted that the submerged forest is Eastern Ghat virgin

mixed deciduous forest, the most ecologically sensitive, rich, and vital type of forest. To divert the aforementioned forest property, all other options must be exhausted, and it must be determined that the suggested region is the best remaining option. To make up for the lost forest land, the sanctuary would need to expand into neighbouring undeveloped forest land and implement a number of additional safety precautions. Those who have spoken out against the project have said that it is being carried out without a thorough analysis of the alternatives, some of which would result in less flooding and relocation of indigenous populations and would save money.



### Troubles in Getting Environmental Approval

Even the method used to obtain Environmental Clearance was contested. The National Environmental Appellate Authority has received an appeal (NEAA). That there is a lack of particular information on the effects of the project on the adjacent states of Chhattisgarh and Orissa. Neither state has had a public hearing, nor have they provided R&R plans or information about the project to those who will be most impacted by it. According to recent calculations, this issue would result in the loss of 276 villages in Andhra Pradesh, 13 in Chhattisgarh, and 10 in Orissa to flooding. Andhra Pradesh now has 27,798 impacted households, while Chhattisgarh has 1,372, and Orissa has 814. The site clearance process was not adhered to. According to the EIA Notification, before any exploration or surveys may begin at the site of a large irrigation project, the Ministry of Environment and Forest must provide its approval or disapproval of the site's appropriateness. Five years from the date of issue, the Site Clearance may be used to break ground on a building project. According to publicly accessible data, the projected Polavaram Project has not yet received Site Clearance. Evaluation of Environmental and Ecological Impacts: The Environmental / Ecological Impact Assessment must address the following points in order to meet the January 2001 EIA Manual's requirements: a) No Undertaking Choice or Substitute Destinations were examined for meeting the task's expected turn of events. b) Ecologically sensitive places, wildlife sanctuaries, and tribal

communities are threatened by the destruction and upheaval of vegetation, the killing or relocation of wildlife, and the diminution of wildlife habitat. Impact on Ecology, Humans, and Community c) An Ecological Inventory of Threatened and Endangered Species The following evidence suggests that the Impact Assessment Agency (IAA), also known as the MoEF, which is tasked with carrying out these evaluations and assessments, disobeying the guidelines in the EIA Manual has reduced the entire EIA Process for the Polavaram project to nothing more than a formality and ritual. This is done by disregarding the guidelines that are outlined in the EIA Manual. The EIA Report, EMP, and other documents have not been thoroughly examined by the project's proponent. b) a practical substitute for the current project that would lessen the impact of flooding on the Reserve Forests. No research or evaluation has been done on the topic of tribal habitat loss and relocation. Even though public opinion was strongly against the idea, the required public hearing was held on 10/10/05. The Andhra Pradesh Pollution Control Board's No Objection Certificate and the proceedings of the Environmental Planning and Hazard Assessment Board were submitted to the Ministry of Environment and Forests (MoEF) on October 17, 2005, indicating that the project had been approved at the Public Hearing. Within two days of receiving the proposal, On October 19, 2005, the MoEF's Expert Committee on River Valley Projects met and recommended environmental clearance, subject to the submission of data regarding the updated list of flora and fauna, the FCC (original) of land use and land cover, soil information, R&R information, etc. These data were reportedly submitted on October 20, 2005. The Ministry of Environment and Forest issued an Environmental Clearance to the Project Proposal on 25105 within 15 days of holding Public Hearings, 8 days of receiving the proposal, and 6 days of receiving the proposal, despite the lack of a Forest Clearance and other clearances from the National Wildlife Board regarding the Papikonda Wildlife Sanctuary. Master Board of trustees prescribing Leeway subject to accommodation of specific data. Since the report was written in 1985, the data used in the Polavaram Project EIA are now out of date. The project's success is dependent on approvals for the design, forest, hydrological, and ecological aspects that date back to 1980. There were slated to be 226 communities relocated, each with a population of 150,697. The population has substantially increased since that time. The statistics from the 2001 census for the number of communities and the number of people who would be moved do not match those in the executive summary of the EIA, making them substantially different from what really occurs on the ground. More research needs to be done. Given that the current EIA is insufficient and may even include false information, its veracity is under doubt and must be investigated further. At the Public Hearing, there was much resistance. Because the executive summary of the alleged EIA report has not been made accessible to them, the submergence's most potential victims—mostly indigenous people—have not been notified of the project's contents. In synopsis, the State government has totally neglected to cause the impacted individuals in peripheral towns to grasp the repercussions of the Polavaram Undertaking. The public is typically kept in the dark about project details. Significant issues emerge from this. The Indrasagar Project, the irrigation department of the Government of Andhra Pradesh, published a document on 56.2005 that stated that the Polavaram would force

the evacuation of 117,034 people. 154,484 people, of whom 52.9 percent belonged to Scheduled Tribes and 10.2 percent to Scheduled Castes, were anticipated to be displaced by the Polavaram dam. The Gujarati Sardar Sarovar dam's official population is 150,720; Polavaram is a more accurate estimate because 62% of these people are from tribal populations.

The majority of the flooded land is in a Scheduled (Agency) Area inhabited by indigenous peoples including the Koya, Koyadora, and Kondareddy. Although most towns are much smaller, a few have populations exceeding 2,000. The plains, where the non-tribal population clearly dominates, are the command region and, by extension, Polavaram's beneficiary. Despite the irrigation department's best intentions, the tribal community always ends up bearing the brunt of any large construction projects like the Polavaram project. Construction of the Polavaram Left Canal is proceeding in conjunction with the canal being dug as part of the Tadipudi Lift Irrigation Project; the two canals will pass within 400 metres of one another at one point. With this plan, we will need to use twice as much energy and materials to relocate a population now spread throughout an area of land that is projected to be 6600 acres. Due to their length and width, the left and right major canals create significant displacement. The width of the left canal is also unknown, although its length is 163 kilometres. The development of the Polavaram 7th reach canal is expected to have an impact on more than 2,000 farmers in 10 villages, most of whom have less than an acre of arable land. Until recently, Andhra Pradesh dam projects did not take into account those who had to leave their homes because of canals as Project Affected Persons (PAP). Arguments made by the Appellant are highlighted below.

(i) The Impact Assessment Authority (MoEF) did not follow the process stipulated for the issuance of the Site Clearance Order;

(ii) Respondent No. 3's EIA Report was not thorough and relied on out-of-date information;

(iii) Ministry of Environment and Forests' (Respondent 1) Environment Impact Assessment was insufficient because it disregarded the EIA Manual's recommendations, which reduced the significance of the EIA process to empty ceremonial in this instance;

(iv) The Formal review hung on 10.10.2005 didn't follow the endorsed technique and was hence flawed and deficient;

(v) A lot of people will suffer as a result of the Project, which will result in the displacement of 1,54,484 people, 10.2% of whom are members of Scheduled Castes and 52.92% of whom are members of Scheduled Tribes. However, the Project will primarily benefit plains people at the expense of Scheduled Castes and Tribes, marginal farmers, and vast tracts of land that will be submerged. In light of the above, the Appellant is requesting that:

(i) Issue an order suspending the project's Environment Clearance Order;

(ii) Issue a directive ordering a new EIA to be carried out, this time taking into consideration all relevant elements, giving full details of the nature of the effect due to the project, and including any appropriate mitigation measures;

(iii) issue an order declaring the Public Hearing held on October 10, 2005 to be null and void and directing the holding of a new Public Hearing in accordance with the prescribed procedure, including the provision of adequate documents and information in the native

languages of the affected individuals; and (iv) only after the aforementioned procedures have been completed, issue an order mandating the merits-based issuance of a new Environment Clearance Order.

The Appellant has not shown that Respondent (1) engaged in any kind of procedural irregularity in issuing the Site Clearance Order or (2) breached any applicable Rules. As a result of reviewing the relevant sections of the EIA Notification, the Authority has determined that the issuance of Site Clearance Orders for the Project has not breached any rules or regulations. Second, the Authority cannot find any evidence to back up the Appellant's claims that Respondent 3's Environment Impact Assessment Report is incomplete and based on out-of-date information. Looking at the EIA Report and Respondent 3's statements has driven this Power to the end that the EIA Report presented by Respondent 3 depends on cutting-edge information and gives a total outline of the topic. In addition, the Authority concludes that the Ministry of Environment and Forests (MoEF) has accurately assessed the environmental impact of the Project Area. In addition, the Authority concurs with Respondent 3 regarding the Project's R&R package's fairness and sufficiency. Despite the fact that the project has implications for residents of Andhra Pradesh, Orissa, and Chhattisgarh, the Authority comes to the conclusion that Respondent 2 has only held public hearings in the state of Andhra Pradesh. Respondent - 2 had begun some preliminary steps regarding Orissa and Chhattisgarh, but he or she did not move on to the next logical step; View 48: The affected individuals in these two states were denied the opportunity to learn about the Task and have their voices heard. After going over the relevant sections of the EIA Notification, the Authority found that Respondent -1 did not violate the Rules or violate the procedure for issuing Site Clearance Orders for the Project. The Appellant also found that Respondent -1 did not violate the Rules. Second, the Authority cannot find any evidence to back up the Appellant's claims that Respondent 3's Environment Impact Assessment Report is incomplete and based on out-of-date information. Looking at the EIA Report and Respondent 3's statements has driven this Power to the end that the EIA Report presented by Respondent 3 depends on cutting-edge information and gives a total outline of the topic. The Authority also comes to the conclusion that the Ministry of Environment and Forests (MoEF) accurately assessed the Project Area's impact on the environment. In addition, the Authority agrees with Respondent 3 regarding the suitability and fairness of the Project's R&R package. The Authority finds that Respondent 2 has only held public hearings in the state of Andhra Pradesh, despite the fact that the project would affect people in Andhra Pradesh, Orissa, and Chhattisgarh. Respondent 2 began for certain primer advances with respect to Orissa and Chhattisgarh however didn't go as far as possible; The citizens of these two states who were affected were denied the chance to voice their opinions and obtain the information they required about the Project. ORDER The following orders are made after careful consideration of the evidence and arguments presented before this Authority by the appellant and respondent.



<http://www.hindu.com/mag/2006/01/08/stories/2006010800190400.htm>

**Polavaram: hearing on environmental clearance on November 23, 2011**

A Division Bench of the AP High Court comprising acting Chief Justice Ghulam Mohammad and Justice N. Ramamohana Rao on Monday said that all the cases pertaining to environmental clearance for Indirasagar, Polavaram project would be taken up on November 23 and finally heard.

The Bench was not acceding to the request made by the State government to adjourn the case for four weeks. It may be recalled that Mountain Environics, the NGO which works with Samatha, a local NGO, filed a case before the National Environmental Appellate Authority (NEAA). The tribunal set aside the permission granted by the Ministry of Environment clearing the project. This order of NEAA was challenged by the State government and the High Court suspended the order of the NEAA.

The NGO and the governments of Orissa and Chhattisgarh filed petitions to vacate the interim orders. On an earlier occasion, another Bench had called for reports on the issue of flood waters effecting Bhadrachalam temple. On Monday, the Bench felt that the issue had to be resolved quickly. The counsel appearing for the NGO said that two other cases related to environmental clearance were pending. The Bench said that the cases involving the environmental clearance alone would be taken up, but not other disputes regarding the Polavaram project.

<http://www.thehindu.com/todays-paper/tp-national/tp-andhrapradesh/article2610658.ece>

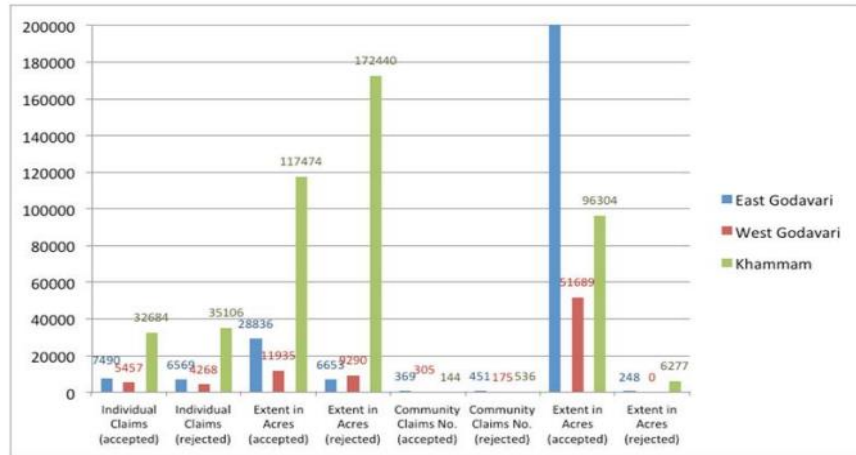
### Forest Rights Act

In 2006, Congress passed the Scheduled Tribes and Other Forest Dwellers Act with the stated goal of rectifying past wrongs against indigenous people who make their homes in the woods. The inability of industrialization in certain locations as a result of significant objections from the communities was a major factor that led to the passage of the legislation and the battles of the communities and the institutions supporting them. In a nutshell, the law gives people and communities rights to land and resources that have been used by communities for a long time. Additionally, it grants communities control over these resources through their own management rights.

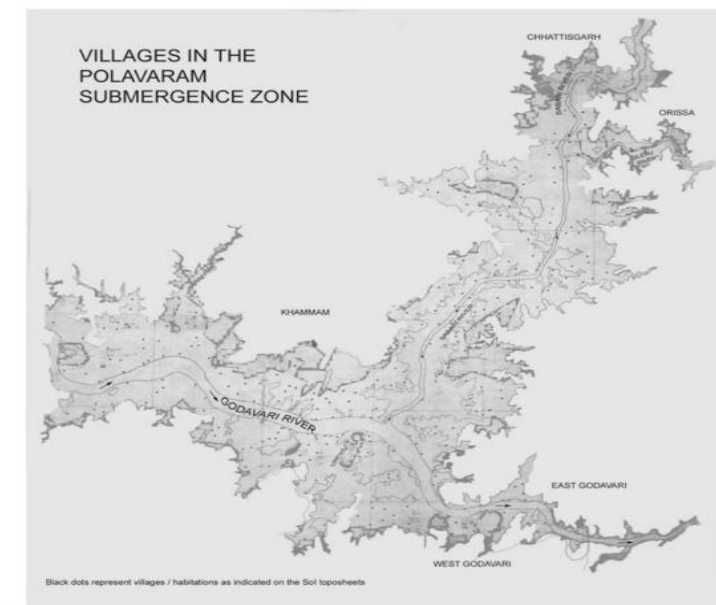
54. Following section provides an overview about FRA and specifically on East Godavari District.

S.No.	District	No. of Forest Interface Villages	No. of Villages covered under RoFR Act	Left Over
1	Khammam	2143	633	1510
2	West Godavari	156	50	106
3	East Godavari	731	245	486
	Total	3030	928	2102

Source: Government Memo No. 355/LTR-1/2008 dated 13.01.2011  
 Accessed [http://www.aptribes.gov.in/pdfs/rofrgmc355\\_13012011.pdf](http://www.aptribes.gov.in/pdfs/rofrgmc355_13012011.pdf) on 22 October 2011



District East Godavari: Dots depicting location of habitations who have got claims under FRA. Coordinates are from the TWD database, accuracy issues may be there.



The candidate claims that under the Panchayat (Augmentation to the Booked Region) Act, 1996 (PESA), it is expected to advise the Gram Sabha regarding the planned region's land acquisition, restoration, and resettlement. The Tribal Advisory Councils shall be

consulted by the State Governments on all matters relating to the welfare and progress of the Scheduled Tribes in the State that are submitted to them by the Governor, in accordance with Clause 4(2) of the V Schedule of the Indian Constitution. Each of the three states' Scheduled Tribes will be affected by the current project. As a result, the Constitution mandates that before making a contribution to the project, the governments of Chhattisgarh and Orissa contact the Tribal Advisory Council. Before the project began, the National Commission for Scheduled Tribes and Scheduled Castes did not provide authorization. The Ministry of Tribal Affairs has not approved the relocation and rehabilitation plan. The Andhra Pradesh government will follow the R&R plan created by the Ministry of Tribal Affairs. It is possible to purchase tribal property for development projects without reducing the size of scheduled areas or eliminating the inclusion of any land in such projects. There is also no disruption to planned activities. Such a land grab would not be in violation of Paragraph 6 of Schedule V of the Indian Constitution. It was decided at the 1.7.2005 meeting of the Tribal Advisory Council (TAG) that (a) land in the ayacut would be allocated to Scheduled Tribes and (b) It would be illegal to transfer land in the ayacut or any other irrigation project. Modifications are being made to the R&R Policy to ensure that indigenous communities in the command area and elsewhere get adequate compensation in the form of land. On 27.2.2006, during the 97th TAG meeting, more than 80% of the members voted in favour of building the project with improved R&R Policy execution. A report was given to the head of the National Commission for Scheduled Tribes on October 29, 2005. The Commission members were happy with the R&R provisions after visiting the state. According to the government of Andhra Pradesh, Gram Sabhas have been conducted in every Village Panchayat, and the majority of the people support the plan. The project has only resulted in the relocation of Scheduled Tribes residents to the Schedule V zone. They won't get land in the designated area unless they stand up for their political, constitutional, and social rights.

61. Of the 42 villages in Devipatnam Mandal (East Godavari) around 10 villages / habitations have been awarded certificates of titles as per the Tribal Welfare Department over an area of 1062 acres for individual claims. Total individual claims stand at 220 in total as of now. Details of these villages is as follows:

Panchayat Name	Village Name	Habitation Name
Ramannapalem.V	Damanapalli	Damanapalli
Thunnuru	Gonduru	Gonduru
Kondamodalu	Kondamodalu	Katanapalli
Kondamodalu	Kondamodalu	Kokkiragudem
Kondamodalu	Kondamodalu	Kondamodalu
Palem	Kothagudem	Kothagudem
Kondamodalu	Kondamodalu	Mettagudem
Kondamodalu	Kondamodalu	Peddagudem
Kondamodalu	Kondamodalu	Somarlapadu
Kondamodalu	Kondamodalu	Talluru

*Effectively 4 Panchayats*

Lands in the Kakinada Forest Division's Gokavaram Range have been designated as arable. Here, we've included data showing how many homes can be found within each size range.



Area Range (Area Extent)	Number of claims Corresponding to Range
>0 to 1 acre	17
>1 to 2 acre	27
>2 to 3 acre	41
>3 to 4 acre	19
>4 to 5 acre	28
>5 to 6 acre	20
>6 to 7 acre	9
>7 to 8 acre	12
>8 to 9 acre	7
>9 to 10 acre (the maximum observed is 9.88 hectare)	40*
<b>Total</b>	<b>220</b>

- Only 15 claimants have the maximum of 4 hectares or 9.88 acres of land among all the claimants which stands at minimal of 6.81%

### Methodology of the Study

The present paper is entirely based on Secondary data collected from Government agencies reports, R&R Polavaram Website Government of Andhra Pradesh, N.G.O reports, Journals and related Books on displacement and rehabilitation of polavaram affected area.

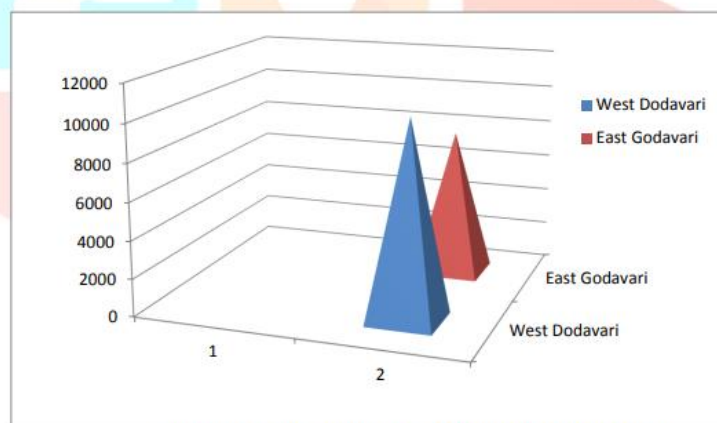
### Data analyses of the study

**Table No.1**  
Submerging Habitations of Polavaram Project Area by District Wise Project disturbed Families (PDF's)

S. No	District	Total PDF's
1	West Godavari	10429
2	East Godavari	7483

Source: R& R Polavaram Website Government Andhra Pradesh

**Figure No.1**  
Submerging Habitations of Polavaram Project Area by District Wise Project disturbed Families (PDF's)



Source: R& R Polavaram Website Government Andhra Pradesh

Table No.1 and Figure No.1 clearly shows that submerging Habitations of the Polavaram Project area by district wise project disturbed families namely West Godavari and East Godavari. West Godavari district is having 10429 project disturbed families (PDFs) were submerging habitations whereas 7483 project disturbed families (PDFs) were submerging habitations were having East Godavari district respectively.

**Table No.2**  
**Submerging Habitations of Polavaram Project Area by Mandal Wise Project disturbed Families (PDF's)**

S. No	District	Mandal	Total PDF's
1	West Godavari	Kukunooru	3024
2	West Godavari	Velerpadu	4094
3	West Godavari	Polavaram	3311
4	East Godavari	Devipatnam	5142
5	East Godavari	V.R Puram	2124
6	East Godavari	Kunavaram	217

Source: R& R Polavaram Website Government Andhra Pradesh

Table No.2 shows that the submerging Habitations of Polavaram Project area by Mandal wise project disturbed families (PDFs). West Godavari was having three mandal were having submerging habitations namely Kukunooru mandal was having 3024 project d disturbed families (PDFs), Velerpadu mandal was having 4094 project disturbed families (PDFs) and Polavaram mandal was having 3311 project disturbed families (PDFs) respectively. Whereas East Godavari district was having three mandals were submerging Habitations namely Devipatnam mandal was having 5142 project disturbed families (PDFs), V.R. Puram mandal was 2124 project disturbed families (PDFs) and Kunavaram mandal was having 217 project disturbed families (PDFs) respectively.

**Table No.3**  
**LA and R&R Status**  
**(Work, Submergence, Land to Land R&R Colonies)**

COMPONENT	TOTAL Involved		COMPLETED		BALANCE	
	Physical	Financial (Rs.In Crs)	Physical	Financial (Rs.In Crs)	Physical	Financial (Rs. In Crs)
<b>West Godavari District</b>						
LA (in Acres)	52459.23	3962.06	52457.87	3912.61	1.36	49.45
R&R(inPDF's)	34672	6664.52	2584	416.76	32088	6247.76
<b>Total</b>		<b>10626.58</b>		<b>4339.37</b>		<b>6297.1</b>
<b>East Godavari District</b>						
LA (in Acres)	106329.41	7894.9	50924.37	746.68	55405.04	7148.22
R&R(inPDF's)	70929	13953.74	1338	384.94	69591	13568.8
<b>Total</b>		<b>21848.64</b>		<b>1131.62</b>		<b>20717.02</b>
<b>Vishakhapatnam District</b>						
LA (in Acres)	4110.15	84.15	4073.64	72.93	36.51	11.22
R&R(inPDF's)						
<b>Total</b>		<b>84.15</b>		<b>72.93</b>		<b>11.22</b>
<b>Krishna District</b>						
LA (in Acres)	3524.48	666.37	3331.59	666.37	192.89	0
R&R(inPDF's)						
<b>Total</b>		<b>666.37</b>		<b>666.37</b>		<b>0</b>
<b>Grand Total</b>						
LA (in Acres)	<b>166423.27</b>	<b>12607.48</b>	<b>110787.47</b>	<b>5398.59</b>	<b>55635.8</b>	<b>7208.89</b>
R&R(inPDF's)	<b>1,05,601</b>	<b>20,618</b>	<b>3,922</b>	<b>802</b>	<b>1,01,679</b>	<b>19,817</b>
<b>Total</b>		<b>33,225.74</b>		<b>6,200.29</b>		<b>27,025.45</b>

Source: Water Resources Dept., Govt. of Andhra Pradesh Revised (Dt. 21 Oct 2018)

Table No. 3 clearly shows that the among four districts West Godavari, East Godavari, Krishna and Vishakhapatnam Land Acquisition was involved of 166423.27 acres and financial requirement was involved Rs.12607.48 crores for entire polavaram project whereas Land Acquisition was completed for 110787.47 acres and Rs.5398.59 crores payments were completed while Land acquisition for 55635.8 crores was remained as Balance and financial payments for Rs.7208.89 to be made as balance.

It was noteworthy that 1,05,601 project disturbed families for R&R and financial payment requirement of Rs.20,618 crores was involved for the project 3,922 PDFs were provided rehabilitation and 802 crores rupees financial support was completed where as 1,01,679 PDFs to be provided rehabilitation and 19,817 crores rupees to be paid. However land Acquisition of 192.8 acres only was left for rehabilitation in Krishna district and whole financial support was completed.

### **Conclusion**

The study will be relevant to the society as to assess the effect of Displacement and Rehabilitation its negative consequences so far have been addressed inadequately and Unfortunately, resettlement and rehabilitation measures have not been successful in protecting the displaced people from poverty and restoring their standard of living to pre-disaster levels. Housing, educational infrastructure, a road, drinking water, electricity, a hospital, etc., and the provision of appropriate remunerative economic rehabilitation assistance are significant steps toward mitigating the effects of displacement and assisting those affected to get back on their feet, if not better.

### **REFERENCES**

1. Fernandes, W. (2011). Development-induced displacement in the era of privatisation. Resettling Displaced People. Policy and Practice in India. H.M. Mathur. New Delhi, Routledge
2. Fernandes, Walter. Development-Induced Displacement: The Class and Gender Perspective. <http://pesadarpan.gov.in/en>.
3. Gujja, Biksham. Perspectives on Polavaram, a Major Irrigation Project on Godavari. Academic Foundation, 2006. <http://aprr.gov.in/aprr/RREnglish.do>
4. Menon, Meena. "http://www.epw.in/journal/2016/44-45/commentary/unmakingforest-rights-act.html.&quot; Economic & Political Weekly, 2016.