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Q12

Case study. Land needed for mining, dams and other largescale projects is acquired mostly from Adivasis, hill dwellers and rural communities. The displaced persons are paid monetary compensation as per the legal provisions. However, the payment is often tardy. In any case, it cannot sustain the displaced families for long. These people do not possess marketable skills to engage in some other accusation. They end up as low paid migrant laborers. Moreover, the development goes to industries, industrialists and urban communities whereas the costs are passed on to these poor helpless people. This unjust distribution of costs and benefits is unethical. Suppose you have been entrusted with the task of drafting a better compensation-cum-rehabilitation policy for such displaced persons, how would you approach the problem and what would be the main elements of your suggested policy?

UPSC Civil Services Mains 2016 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- Land for mines, dams and large projects is taken mostly from Adivasis, hill dwellers and rural communities. Compensation is often late and cash cannot last; people lack marketable skills and become cheap migrants. Benefits go to industry and cities while costs stay with the displaced. Draft a better compensation-cum-rehabilitation policy: approach and main elements

Revision summary

Displacement for mines and dams has dumped costs on Adivasis and villagers while cities take the gain.

Cash that arrives late cannot replace commons, skill or dignity.

The drafting approach is rights-first, least displacement, consent, and livelihood as the test of success.

Policy elements include SIA, payment before taking, land-for-land or royalty or equity, training, gendered titles, host-area support and independent monitoring.

RFCTLARR 2013 is the floor; Scheduled Area consent and the **Forest Rights Act** must actually operate.

Introduction

- **The stem already names the ethic:** costs on the forest and the field, benefits in the city. A better policy cannot be a thicker cheque alone. It must restore livelihood, voice and a share in the project that erased the village.

Body

Stakeholders

- Adivasi, hill and rural families who lose land, commons, graves and skills tied to a place.
- Women and children, who often lose more when cash goes to a male "head".
- Host villages that receive the displaced.
- Project authorities, industrial users and urban consumers of power, ore and water.
- The State as trustee of Scheduled Areas, forests and public purpose.
- Future generations who inherit either a fair precedent or a pattern of internal colonialism.

Ethical issues and values

- **Justice:** those who pay the cost must share the benefit. The present pattern fails **Rawls's** least-advantaged test and fails **Gandhi's** last-person test.
- **Dignity:** cash that turns a farmer into a nameless migrant is not rehabilitation.
- Consent and voice, especially in Scheduled Areas under the **Panchayats (Extension to Scheduled Areas) Act, 1996** and the **Forest Rights Act, 2006**.
- **Sustainability:** a mine that ends in a wasteland is a second displacement.
- **Values:** equity, empathy, trusteeship, non-maleficence, and constitutional special care under **Articles 15, 46** and the Fifth and Sixth Schedules.

Approach to drafting

- Start from rights, not from the project's convenience. Public purpose must be real, least-displacing, and shown in a social impact assessment.
- Treat land, forest, water and culture as a bundle. Paying for the patta and ignoring the commons is a lie.
- Prefer land-for-land and project-linked livelihood over a one-time deposit that inflation will eat.
- Make delay expensive for the acquirer, not for the family.
- **Gender the policy:** joint titles, separate accounts, and work for women.
- Use the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** as the floor, then raise it for Adivasi and hill contexts where the 2013 Act is weaker in practice.

Main elements of the suggested policy

- **Avoidance:** show why this site, why not a less inhabited alternative, and why a smaller footprint cannot do.
- Free, prior and informed consent in Scheduled Areas, with gram sabha minutes that are not forged; independent observers.
- Social impact assessment with public hearing in the local language, including downstream and host-area effects.
- **Compensation:** multiplier on market value as in RFCTLARR, plus commons, standing trees, and a solatium; payment before taking possession, with interest that actually bites if the treasury is late.

- **Rehabilitation before displacement:** houses, roads, school, anganwadi, health post, and electricity in the resettlement site; no "cash and vacant plot on a rock".
- **Livelihood:** land for land of comparable quality where possible; if not, a legally enforceable share in royalties or a unit of project equity; jobs with training that starts years before the blast, not a peon post for one son.
- **Skills and education:** residential schooling and certified trades chosen by the community, not only a contractor's unskilled roster.
- Food security until the new livelihood is proven, using the **National Food Security Act, 2013** pipeline, not a farewell ration.
- **Cultural continuity:** graveyards, worship sites, and forest access compatible with the **Forest Rights Act, 2006**.
- Host-area package so the receiving village is not a second victim.
- Independent authority for R&R with Adivasi representation, social audit, and a time-bound grievance tribunal.
- No forced eviction without the package being certified complete by that authority.
- **Urban and industrial beneficiaries:** a surcharge on the project to fund R&R, so costs are not only "the land loser's problem".
- Monitoring for a generation, not for two accounting years; return of unused land.

Options rejected

- **Only higher cash:** still produces migrants.
- **Only jobs at the gate:** machines will cut those jobs.
- **Treating protest as anti-national:** that is how unjust distribution defends itself.

Flow diagram

Acquisition -> Avoid or minimise
 Avoid or minimise -> Consent and SIA
 Consent and SIA -> Pay before possession
 Pay before possession -> Land skills share in project
 Land skills share in project -> Independent audit for a generation

Conclusion

A just policy prices delay, pays before taking, replaces commons and livelihood, shares project rent, and puts gram sabha consent before the blast. Cash without a life is how the unethical pattern continues. The city's power and ore must carry the hill's cost on the city's bill.

Facts & figures

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

The Union acquisition statute that requires SIA, higher compensation and R&R; implementation and exemptions have often weakened it in practice.

Panchayats (Extension to Scheduled Areas) Act, 1996

Extends panchayat law to Scheduled Areas and gives the gram sabha a central role in land and community resources.

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Recognises individual and community forest rights that cash-for-patta policies usually ignore.

Fifth and Sixth Schedules, Constitution of India

Special administration for Scheduled Areas and certain tribal areas; a constitutional hint that ordinary land markets are not enough.

National Food Security Act, 2013

A statutory food pipeline that a decent R&R policy should use until new livelihoods are real.

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