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GLOBALIZATION, DEVELOPMENT AND DISPLACEMENT: A STUDY IN INDIAN CONTEXT

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ABSTRACT

The latter half of the twentieth century may be specifically termed as an era of globalization which is a combination of internationalization, political and economic liberalization, and a technological revolution. Undoubtedly, the process of globalization has accelerated the global economic growth. Industrialization has experienced a quantum jump in the developed countries and the developing countries have also joined the bandwagon in a limited manner. In Indian context the growth of industrialization has expanded rapidly and this process has started to engulf even rural lands and forest areas. As a consequence, a sudden occurrence of displacement of human and cattle population has taken place. The various shades of grey areas of this displacement process have not been addressed properly by the successive governments leaving a bad scar on the memory of the displaced persons. The consequent problems of shelter, food, health, livelihood, education and land acquisition are still to be addressed in just and equitable manner. After all, every displaced person has got the right to live with human dignity. This paper explores the various facets of displacement due to industrialization phenomena and its attendant effects on the displaced populace and attempts to suggest a few alternatives/ solutions.

KEY WORDS: Globalization, Industrialization, Land Acquisition, Right to Live with human dignity.

Introduction:

What is globalization? It is a combination of internationalization, political and economic liberalization, and a technological revolution. Internationalization has been occurring over a long period of time as states forge more links with one another, as well as with more international institutions, to pursue mutual goals. Economic liberalization has accelerated since the 1980s as more government adopt policies which integrate their economies more closely into the world economy, often under intense pressure from bilateral donors and international institutions. Hot on the heels of economic liberalization since the end of the cold war, political liberalization and democratization have also spread, along with a new international attention to human rights and the prosecution of humanitarian intervention.¹

The ever closing linking of economics and political and social communities has been fuelled by a revolution in technology and communications. This makes it easier for market

actors, companies, refugees, religious groups, non-governmental organizations and the like- not to mention criminal gangs- to operate internationally.²

Since 1945 we have witnessed nearly seventy years of unprecedented official development policies and impressive global economic growth. Since the Second World War the dominant view, favoured by the majority of governments and multi-lateral agencies, has seen development as synonymous with economic growth in the context of a free market international economy.³

An alternative view of development has, however, emerged from a few governments, U.N. agencies, grass-root movements, NGOs, and some academics. Their concerns have centred broadly on entitlement and distribution, often expressed in the language of human rights. These voices of opposition are growing significantly louder, as ideas polarize following the apparent universal triumph of economic liberalism. The language of opposition is changing to incorporate matters of democracy such as political empowerment, participation, meaningful self-determination for the majority, protection of the commons, and an emphasis on pro-poor growth. Grassroots movements have often grown-up around specific issues, such as dams (Narmada in India) or access to common resources (the rubber tappers of the Brazilian Amazon). Grass roots movements are playing an important role in challenging entrenched structures of power in formal democratic societies. In the face of increasing globalization, with the further erosion of local community control over daily life and the further extension of the power of the market and transnational corporations, people express their resistance through the language of human rights (Evans 2005 : Stammers 2009). They are making a case for local control and local empowerment as the heart of development. They are protecting what they identify as the immediate source of their survival- water, forest and land.⁴

The ongoing process of globalization and the consequential phenomenal economic growth has put enormous pressure on land and forests in particular. With the sudden expansion of industrial activities land is becoming a scarce commodity and such activities are making inroads into vast expanses of forest areas. In Indian context, since Independence this process of globalization and the resultant increase in industrial activities have brought to the surface the problem of human displacement. The present study focuses on the various issues of consequent displacement phenomena in the wake of development process as an offshoot of globalization. Displacement Issues:

1. Big Dams:

(i) **Sardar Sarvar Dam:** In this mega-project, the constructions of 3,000 small dams and canals was begun on the 1,312-kilometre-long Narmada river, which flows through an area that has had 5,000 years of continuous civilization, in the early 1980s. The projects, which included two mega dams, Narmada Sagar and Sardar Sarovar, were supposed to irrigate two million hectares, feed 20 million people, provide drinking water for 30 million people, employ one million people and generate electricity for agriculture and industry. The state was silent on the fact that the projects would inundate 37,000 hectares of forest and agricultural land, affecting the lives and livelihoods of lakhs of forest- dwelling and farming Adivasis and other rural families, and submerge ancient temples and towns with cultural and environmental significance for not only the people of the Narmada valley but also the rest of India. The social costs of human displacement and the loss of wildlife and forests were not a part of the crude (and perhaps manipulated) cost- benefit calculations. Perhaps the social ill-effects were neglected because the project affected families were predominantly Adivasi and rural.....⁵

In *Narmada Bachao Andolan Vs. Union of India*⁶, public interest litigation was initiated against Sardar Sarovar Project which consisted of the construction of a large dam on Narmada river. The petition alleged that the project would lead to ecological destruction. The Supreme Court, introducing a new dimension in “precautionary principle,” held that

this principle would be inapplicable in the present case as the construction of Sardar Sarovar dam would result in ecological upgradation.⁷

The Court stated that sustainable development means what type or extent of development can take place which can be sustained by nature/ ecology with or without mitigation. The Supreme Court balanced the environmental and developmental imperatives and pointed out that the construction of a large dam like Sardar Sarovar dam would result in ecological upgradation and not ecological disaster. The project by taking water to drought-prone areas and arid parts of Gujarat and Rajasthan would effectively arrest ecological degradation which was returning to make these areas inhabitable due to salinity ingress, advancement of desert, groundwater depletion, fluoride and nitrite affected water and vanishing green cover. The ecology of water scarcity areas was under stress and transfer of Narmada water to these areas would lead to sustainable agriculture and spread of green cover. There would also be improvement in fodder availability which would reduce pressure on biodiversity and vegetation. Moreover, the project by generating clean eco-friendly hydro-power would save air pollution which would otherwise take place by thermal generation power of similar capacity. Accordingly, the Supreme Court held that the project did not violate the mandate of sustainable development.⁸

The Judgment of the Supreme Court in ***Narmada Bachao Andolan Vs. Union of India***⁹ witnessed demonstrations by some of the environmental activists and triggered controversy among various groups. The petitioners, Narmada Bachao Andolan, have been agitating since long against the construction of Sardar Sarovar dam which the petitioners alleged violated the rights of the tribals and polluted the environment in violation of the fundamental right guaranteed by Article 21 of the Constitution of India. The public interest litigation, inter alia, involved the issue: Whether the execution of a large project, having diverse and far-reaching environmental impact and without proper planning of mitigative measures violate the fundamental right guaranteed under Article 21 of the Constitution of the affected people? The petitioners alleged that the execution of Sardar Sarovar project without a comprehensive assessment and evaluation of its environmental impacts, amounted to a violation of the right of affected people under Article 21 of the Constitution. The Supreme Court observed that the documents and the letters on record showed that the Government of India was deeply concerned with environmental aspects of the Sardar Sarovar Project. On difference of opinion between Ministries, the matter was referred to the Prime Minister.

A series of discussion took place in the Secretariat and a conscious decision was taken to grant environmental clearance to the project. In order to ensure that environmental management plans are implemented pari passu with engineering and other works, the Narmada Management Authority was directed to be constituted. The Prime Minister gave environmental clearance thereafter. Accordingly, the Court held that the environmental clearance to Sardar Sarovar Project cannot be said to be given without application of mind.¹⁰

The Court further held that change in environment does not *per se* violate any right under Article 21 of the Constitution of India, especially when the ameliorative steps are not taken to preserve but to improve ecology and environment. In the present case, the grant of environmental clearance under Section 3, Environment (Protection) Act, 1986, was preceded by various studies to ascertain environmental impact of the project. Ameliorative steps were also taken to counter the adverse environmental impact of the project. The Court agreed that every construction of dam would result in some change of environment, and there was no reason to presume that Sardar Sarovar Project would result in ecological disaster. On the other hand, the Court stated, Sardar Sarovar Project would result in ecological upgradation and therefore, would not amount to violation of Article 21 of the Constitution.¹¹

Despite the Apex Court's Judgment cited above, the controversy around Sardar Sarovar dam, has not yet settled. The Narmada Bachao Andolan has completed 30 years of people's resistance to the dam projects in the Narmada Valley.¹²

Apart from the NBA's organised resistance against large dams primarily for social justice and its critique of them and their adverse economic- environmental effects, there were escalating controversies on large dams elsewhere. This prompted the creation of a World Commission on Dams (WCD) in MAY 1998, with Medha Patkar as a member. The WCD was financed by the World Bank and the Asian Development Bank; the governments of Australia, Canada, China, Denmark, Finland, Germany, Ireland, Japan, the Netherlands, Norway, South Africa, Switzerland, the United Kingdom and the U.S.; the Corporate ABB, Voith Siemens, Manitoba Hydro, Atlas Copco, Tractabel, Enron and Hazra Engineering; and civil society organisation such as the World Wildlife Fund (now also called World Wide Fund For Nature). This new model of funding through 54 public, private and civil society organisations relied on extensive public consultation through a forum of 68 members from 36 countries representing a cross-section of interests, views and institutions.

The WCD was to review the development effectiveness of large dams to develop internationally accepted criteria, guidelines and standards for the planning, design, appraisal, construction, operation, monitoring and decommissioning of large dams. Thus, the WCD report was the product of an independent, international, multi-stakeholder genuinely reflecting the interests of diverse groups. The WCD's final report (titled "Dams and Development: A New Frame-work for Decision-Making") was released in November 2000 by Nelson Mandela. It incorporated five core values for decision-making concerning large dams: Equity, Efficiency, Participatory Decision- making, Sustainability and Accountability. The Government of India did not accept the WCD's recommendation, and the construction of large dams continued not only in Narmada Valley but all over India.¹³

The Project-affected families can approach the following agencies with regard to their rights, demands and grievances: the Narmada Control Authority; the Narmada Valley Development Authority; local courts and High Courts and the Supreme Court; Grievance Redressal Authorities; the State Governments of Madhya Pradesh, Maharashtra and Gujarat; and the Central Government. These have mostly failed to deliver justice owing to collusion between them.¹⁴

(ii) Tehri Dam: In *N.D. Jayal Vs. Union of India*,¹⁵ the petitioner urged the court to issue necessary directions to conduct further safety tests to ensure the safety of a dam at Tehri for hydel power and look into the rehabilitation aspect of the migrants. It has made clear by the court that the right to health, clean and healthy environment is a fundamental right under Article 21 of the Constitution.¹⁶

River Valley projects are considered viable alternatives to cleaner energy and various other purposes. However, in reference to construction of big dams, what is needed is a comprehensive rehabilitation policy. Displacement should be minimized to the maximum, that is, it should be pursued only if there is no alternative. It should be based on prior informed consent. The replacement value should be the norm for compensation, instead of the current market value. Replacement value encompasses the real cost of changing the lifestyle pursued earlier. The foremost aspect that the authorities have to keep in mind is that the evictees are giving up their property for the sake of national development. The right to live with human dignity guaranteed under Article 21 should be respected. The displaced person should be the first beneficiaries of the project and be provided with alternative land. In the case of tribals and indigenous populations, the compensation should encompass common property resources and forest lands that are acquired from them. The rehabilitation work should be done simultaneously with development work. Thus, a comprehensive rehabilitation policy can mitigate the plight of evictees to a considerable extent and reduce public opposition to a project.¹⁷

2. Displacement and the Right to live with human dignity

Displacement causes the residents of one particular locality to move into new areas some of which are overcrowded or the areas in which the decent life style is not thinkable on account of certain socio-economic factors. This is inevitable because of paucity of land for establishing a new colony for the displaced population. In such cases, the displaced families are provided space for accommodating them in crowded, unhealthy and sometimes in very remote areas where even ordinary life appears to be unbecoming of a decent life standards. Our Apex Court, the Supreme Court has given a new dimension to Article 21 of the Constitution by holding that *the right to 'live', is not merely confined to physical existence but it includes within its ambit, the right to live with human dignity.*¹⁸

Elaborating the same view the Supreme Court in *Francis Coralie Vs. Union Territory of Delhi*¹⁹, held that the right to live is not restricted to mere animal existence. It means something more than just physical survival. The right to 'live' is not confined to protection of any faculty or limb through which life is enjoyed or the soul communicates with the outside world but it also includes "*the right to live with human dignity*", and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing ourselves in diverse forms, freely moving about and mixing and commingling with fellow human being.²⁰

In *K.C. Malhotra Vs. State of M.P.*²¹ the court held that right to life means something much more than just physical survival.....includes right to live with human dignity, viz. the bare necessities of life such as adequate nutrition, clothing, shelter, facilities of reading.....freely moving about and mixing, co- mingling with fellow human beings.

3. Land Acquisition and the Displacement

During the post -independence years, the Indian State mostly acquired land for public sector projects. Land acquisition for private companies was legal under the Land Acquisition Act, but was limited in practice due to the prevalence of a development model in which the public sector built infrastructure and controlled the "commanding heights" of the economy. Most land acquisition was for public sector dams, mines, and industry. While tens of millions of people were dispossessed of their land for these projects, the Nehruvian State was fairly effective at convincing the public that these projects served the national interest in State-led development. Eventually, people began to point out that this development involved dispossessing farmers and Adivasis with scandalously little compensation. And by the 1980s, groups like the Narmada Bachao Andolan began to pose the more fundamental question: development for whom? ²²

The question has only become more relevant since economic liberalisation prompted state governments to start acquiring land for private companies on a large scale. The reforms of the early 1990s gave greater importance to the private sector, which began demanding land not just for manufacturing (which remained fairly stagnant), but for *real estate, mineral extraction, and all manner of infrastructure under public-private partnership (PPP) agreements*. State governments, now competing with each other for this investment, began systematically acquiring land for private companies for almost any private purpose that constituted "growth", whether *elite housing colonies, hotels, private colleges, or Formula 1 race tracks*. This new regime of dispossession reached scale in the mid-2000s with *Special Economic Zones* and the practice of urban development authorities simply auctioning off acquired land to private developers. Capturing the dispossession windfall itself became the purpose of land acquisition as State Governments quietly morphed into land brokers for private capital. The flagrant injustice of this land brokering produced the "Land Wars" of the last 10 years, and generated the political pressure for Land Acquisition, Rehabilitation and Resettlement Act (LARR), 2013.²³

The (LARR) Act of 2013 has been criticised from all sides. Farmers and social movements have argued that LARR failed to adequately compensate land losers, contained large loopholes such as exempting irrigation projects, and, most importantly, continued to

allow land acquisition for private companies. Industrialists, developers, and state governments, on the other hand, have complained that the Act would delay projects, increase the costs of land acquisition, and impede economic growth. However, the LARR Act contains a new and very innovative provision- Social Impact Assessment. The LARR Act has mandated this provision as a precondition for proceeding with land acquisition. This casts a duty upon the government to assess the negative consequences of dispossession as well as to weigh them against projected benefits. Like the Land Acquisition Act that preceded it, LARR takes as its starting point the land's assessed market value- what is known as "circle rate". The circle rate is based on the land's past agricultural value and not its potential value as industrial, commercial, or residential land. It is no secret that it is kept deliberately low to minimise stamp duty. The difference between the circle rate and the market rate is usually vast. The Greater Noida Industrial Development Authority (GNIDA), for example became notorious for acquiring land at Rs. 820 per square metre and reselling it to developers at Rs. 35,000. This itself was a fraction of the ultimate price of the high-end flats to be built on the land. But GNIDA was not alone- this is the common practice of urban development authorities and industrial development corporations across the country. Capturing the huge gap between market prices and compensation prices is, in fact, the primary motive behind much land acquisition in India today. We might call this gap the "dispossession windfall". The transparent injustice of this practice was one factor behind widespread farmer protests that finally pressured the UPA government into passing LARR.²⁴

In the recent past, the seething discontent of the proposed land-holders who were in the process of being dispossessed erupted into violent clashes with police and administrative authorities at so many places like Bhatta Parsaul in Gautam Budh Nagar and Tappal in Aligarh districts in Uttar Pradesh and Singur in West Bengal where Tatas were given land for manufacturing the Nano Cars. The list is just illustrative, not exhaustive one but it clearly exposes the shortcomings and deficiencies in the legislative enactments as well as in the thinking process of our politicians. Till now, the process of Social Impact Assessment has not started. This is not only question of money which hurts the landholders- the pain of displacement and uprooting from a place which has been the habitat for such persons for generations is multi-dimensional and certainly not skin-deep. It hurts badly and for long periods. It takes a fairly long time to re-establish oneself in new surroundings and to live the remainder of the life happily. Moreover, many experts have expressed doubt that special economic zones (SEZ), hi-tech parks and real estate colonies represent "development" that will provide them with jobs or other benefits. In the final analysis, it can be stated that on the basis of experience, there is no denying the fact that the land acquisition in the name of development has produced the negative impact on the land-holders and as such they have become poorer and tragic victims of displacement. This is high time the Government, the civil society and the politicians alike deliberated on this very sensitive issue and tried to evolve a way out to the satisfaction of both the sides.

4. Displacement and the Tribal Perspective

The industrial and technological achievements of civilization have led to the extinction and absorption of many of the world's tribal peoples and cultures. After destroying the political autonomy of the tribals or adivasis, the state gained control of their lands. It implemented various programmes in the name of development and progress posing serious threat to their livelihood, culture, language, marriage, customs and religion. But progress for these marginalized people has meant using their resources to benefit the larger national economy. The struggle between tribes and states can be traced to states taking advantage of the plentiful resources on tribal territories for short-term and immediate profit. Many of the natural resources of the country like minerals, sources of hydel power, non-wood forest produce including medicinal herbs are concentrated in tribal areas. When these resources are mobilized for 'public purpose', or 'national interest', a large number of tribal people are either displaced from their traditional habitats or are dispossessed of the

productive resources, which sustain their life support system. This clearly amount to the violation of their Right to Life under Article 21 of the Constitution of India.²⁵ As a consequence, tribal protests and marches have, over the years, led to many deaths and human right violations. Occasionally, tribals have blown up train tracks, and resorted to other violent methods, countered by police violence, to win their rights.

In **Banwasi Sewa Ashram Vs. State of Uttar Pradesh**,²⁶ a case was initiated through a public interest litigation on behalf of local people protesting reservation of forest land by the State. People in 433 villages had lived in or near the forest for generations and relied on the forest products- fruits, vegetables, fodder, flowers, timber, animals and fuelwood- for their daily needs. The petitioners alleged that the state had ignored the claims of these people over the forest and that steps were being taken for the eviction of many of the forest dwellers. In 1983, the Supreme Court prohibited eviction of the forest dwellers pending investigation of their claims over the forest. In the meantime, the government informed the Court that it wanted to site the proposed Rihand Super Thermal Plant of the National Thermal Power Corporation (NTPC) in the disputed forest lands. The Court responded by immediately lifting the prohibition of evictions on all 1800 acres of forest requested by the NTPC for the project. Although the Court noted that forests are a 'much wanted national asset', it determined that a scheme to generate electricity is of equal national importance and cannot be deferred. The Court did not treat the claims of those dispossessed by the forest reservation with such dispatch and deference.²⁷

5. Right to Shelter- a fundamental right for displaced persons:

In **Chameli Singh Vs. State of U.P.**²⁸, The Supreme Court has held that the right to shelter is a fundamental right under Article 21 of the Constitution. In any organized society, the right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to benefit himself. Right to live guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilised society. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being.²⁹ However, it is an open secret that at the time of displacing people from their natural and original habitat to other places, the concerned authorities hardly take notice of all such judgments of the Apex Court.

In **Intellectuals Forum Vs. State of A.P.**³⁰, the Supreme Court held that Shelter is one of the basic human needs just next to food and clothing. Therefore, the government must formulate policy regarding working for public to promote sustainable development of habitat in the country, with a view to ensure equitable supply of land, shelter and services at affordable prices. Such projects must be for the betterment of people. In this case, A.P. Housing Board constructed multi-storey houses in the areas of old tanks which were not in use for a long time. The plaintiff pleaded to restore the water tanks. The Court approved the project of housing and declared that such projects requires high degree of judicial scrutiny. In **G. Sundarrajan Vs. Union of India**,³¹ the Court explained that right to shelter includes "adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and civil amenities like road, etc. so far as to have easy access to his daily avocation.

6. Right to Education : a Fundamental right for the displaced families

In **Unni Krishnan Vs. State of A.P.**³², the Supreme Court specifically held that the right to education for the children of the age of 6 to 14 years is a fundamental right. The Constitution (86th Amendment) Act, 2002 has added a new Article 21A after Article 21 and has made education for all children of the age of 6 to 14 years a fundamental right. In the

light of this provision in the Constitution itself, it is the bounden duty of the State to provide for elementary education to all children of school-going age. It implies that in case of displacement of people, the authorities are under duty to provide for primary schools at least, in the new places of resettlement. It is observed that the resettlement colonies or the allotted land for resettlement are situated in distant places from the main city or inhabitation. As a consequence, the education of children suffer because of no schooling facility. This is an important angle of displacement which needs to be emphasized again and again.

7. Right to health and Medical Assistance in the context of displacement

Right to health and medical assistance is very fundamental to every human being. In **Vincent Parikurlangara Vs. Union of India**,³³ the Supreme Court held that the right to maintenance and improvement of public health is included in the right to live with human dignity enshrined in Article 21. A healthy body is the very foundation of all human activities. In a Welfare State this is the obligation of the State to ensure the creation and sustaining of conditions congenial to good health ³⁴ In this light, it becomes the primary duty of the government authorities to provide for urgent medical facilities in case of resettlement of displaced persons. However, the past experiences indicates the failure in this regard also. This also requires a correctional approach.

In **Consumer Education & Research Centre Vs. Union of India**,³⁵ the Supreme Court held that right to health, strength and hygienic working conditions is an integral facet of meaningful right to life.

In **L.K. Koolwal Vs. State of Rajasthan**,³⁶ The Court held that maintenance of health, of sanitation and preservation of environment fall within the purview of Article 21 of the Constitution” as it adversely affects the life of the citizen and amounts to slow poisoning and reducing the life of the citizens because of the hazards created.

In **Burrabazar Fireworks Dealers Assn. Vs. Commr. of Police**,³⁷ it was held by the court that the right to sleep peacefully, right to leisure, and have a clean environment is a part of right to life under Article 21 read with Art. 19.

In **K.F. Hussain Vs. Union of India**³⁸ the Kerala High Court declared that one of the attributes of right to life is right to potable water as it is one of the basic elements which sustains life itself.

8. The Impact of displacement on the livelihood condition:

In **Olga Tellis Vs. Bombay Municipal Corporation**,³⁹ popularly known as the “pavement dwellers case,” a five Judge Bench of the Supreme Court has finally ruled that the word ‘life’ in Article 21 includes the ‘right to livelihood’ also. In this case the petitioners had challenged the validity of sections 313, 313-A, 314 and 497 of the Bombay Municipal Corporation Act, 1988 which empowered the Municipal Authorities to remove their huts from pavement and public places on the ground that their removal amounted to depriving them of their right to livelihood and hence it was violative of Article 21. While agreeing that the right to livelihood is included in Article 21 the Court held that it can be curbed or curtailed by following just and fair procedure. The Court took a humanistic view and in order to minimise their hardships involved in the eviction it directed the Municipal Authority to remove them only after the end of the current monsoon season. The Court also directed the Corporation to frame a scheme for demarcating hawking and non-hawking zones and give them licenses for selling their goods in hawking Zones.⁴⁰

It has been made clear time and again by the Supreme Court that the hawkers and squatters have a Fundamental Right to carry on business on public streets but reasonable restriction can be put on it under Article 19 (6). The government was directed to pass law to regulate the hawking and street vending.⁴¹ It was opined that the courts while dealing with the question of livelihood and survival of a large number of families should adopt a “compassionate approach”. The National Policy on Urban Street Vendors, 2009 has

recognised this right and insured that the vending activities do not lead to overcrowding and unsanitary conditions in the public spaces and streets.

There is no denying the fact that in case of displacements of persons from one place to another, the biggest and gravest problem which arises before the settlers is that of livelihood. There is no immediate prospects of livelihood means. The displaced population is left to fend for themselves as far as livelihood aspect is concerned. Only in rare cases, they are offered jobs in the proposed industries by the government or the private companies, and in the given situation, only few persons are to be accommodated on the basis of their skills. Consequently, an immediate problem of earning livelihood appears before the displaced community which sometimes acquires dangerous portents.

Conclusion

The Narmada Water Disputes Tribunal (NWDT) established specific conditions regarding the resettlement and rehabilitation of the people that would be displaced by the creation of the Sardar Sarovar Dam. The language of the tribunal award clearly states that all "Project Affected Families" would be re-established as communities with access to *water, education and health* [clause IV (1)] on a '*land-for-land* basis.'⁴² This award of the Tribunal is illustrative of our approach towards displacement and resettlement of human population in particular. In this award, only four elements, namely, water, education, health and land has been mentioned specifically. From the abovementioned discussion of the subject, it is amply clear that the process of displacement spreads its tentacles to numerous areas of human life which must be considered before taking-up the issue of acquisition of any land for public purposes. The new LARR Act contains the provision of Social Impact Assessment, but this has yet to kickstart and to be put on solid firmament. Moreover, the authorities must resort to acquisition of land, either for making big dams, power houses to residential colonies or for establishing industries, with a need-based approach. The uprooting of certain population does not mean mere settling of people from one place to other. The whole process is quite painstaking and it takes years together to find roots once again for the displaced communities. Women are the worst sufferers in this process. Sometimes it appears that the displaced people are like fish out of water destined to achieve the slow death.

In the present times, the expansion of the process of globalization has put a greater demand on resources, especially land. In future, there is every likelihood that the phenomenon of displacement will assume larger and graver proportions. If not tackled properly, the situation might get out of hands of the planners and the government machinery. Therefore, this is high time the concerned authorities, policy planners, and the lawmakers sat together and brought out a solution of this problem considering the aspect of displacement with a holistic approach and not in a piecemeal manner. A proper balance has to be maintained between the development needs and the basic human rights of the common man who in all likelihood is destined to become victim of the displacement phenomenon.

Bibliography

- Baylis, John & Smith, Steve and Owens, Patricia; *The Globalization of World Politics*, Oxford University Press, U.K, 2014.
- Chauhan, Rajinder S. & Thakur, Harish K (ed.); *Globalization and Human Rights*, Radha Publications, New Delhi, 2007.
- Diwan, Shyam & Rosencranz, Armin; *Environmental Law and Policy in India*, Oxford University Press, New Delhi, 2010.
- Gadgil, Madhav; Guha, Ramchandra; *Ecology and Equity*, Oxford University Press, 2008
- Held, David & McGrew, Anthony (Ed.); *Governing Globalization*, Polity Press, Cambridge, U.K. 2002.
- Levien, Michael; *Dispossession, development and democracy*, *The Hindu*, dt. 4.2.2015.
- Pandey, J.N.; *Constitutional Law of India*, Central Law Agency, Allahabad, 2015.

- Sahasranaman, P.B.; Oxford Handbook of Environmental Law, Oxford University Press, New Delhi, 2009.
- Singh, Gurdip; Environmental Law, Second Edition, Eastern Book Company, Lucknow, 2016.
- Shastri, S.C.; Environmental Law, Fifth Edition, Eastern Book Company, Lucknow, 2015.
- Frontline, August 19, 2016.

References:

1. Ngaire Woods, "Global Governance and the Role of Institutions", 25, (Ed.by) David Held & Anthony Mc Grew, "Governing Globalization, Power, Authority and Global Governance", Polity Press, U.K., 2002.
2. Ibid.
3. John Baylis, Steve Smith, and Patricia Owens, "The Globalization of World Politics", 300-308, Oxford University Press, U.K., 2014.
4. Ibid.
5. S.G. Vombatkere, "Relentless Cusade", 100, Frontline, Aug. 10, 2016,p.100
6. (2000) 10 SCC 664, cited in Gurdip Singh, Environmental Law, 121, 2nd Edition, Eastern Book Company, Lucknow, 2016.
7. Gurdip Singh, "Environmental Law", 121, 2nd Edition, Eastern Book Company, Lucknow, 2016.
8. Gurdip Singh, "Environmental Law", 122, 2nd Edition, Eastern Book Company, Lucknow, 2016.
9. (2000) 10 SCC 664.
10. Gurdip Singh, "Environmental Law", 128, 2nd Edition, Eastern Book Company, Lucknow, 2016.
11. Ibid, p. 129.
12. S.G. Vombatkere, "Relentless Crusade", 100, Frontline, August 19, 2016.
13. S.G. Vombatkere, "Relentless Gusade", 102, Frontline, August 19, 2016.
14. S.G. Vombatakere, "Relentless Crusade", 102, Frontline, August 19, 2016. 15. AIR 2004 SC 867.
16. S.C. Shastri, "Environmental Law", 66, Fifth Edition Eastern Book Company, Lucknow, 2015.
17. P.B. Sahasranaman, "Oxford Handbook of Environmental Law" 92, Oxford University Press, New Delhi, 2009.
18. Maneka Gandhi Vs. Union of India, AIR 1978 SC 597.
19. AIR 1981 SC 746. J.N. Pandey, "Constitutional Law of India", 255, Central Law Agency, Allahabad, 2015.
20. Ibid
21. AIR 1994 MP 48, cited in S.C. Shastri, "Environmental Law" 70, Fifth Edition, Eastern Book Company, Lucknow, 2015.
22. Michael Levien, "Dispossession, development and democracy", The Hindu, 4.2.2015
23. Ibid.
24. Michael Levien , "Dispossession, development and democracy", The Hindu, 4.2.2015
25. Tapan Biswal & Bishnu Satpathy, "Human Rights of Marginalised Groups",137, Ed. by Rajender S. Chauhan and Harish K. Thakur, Globalization and Human Rights, Radha Publications, New Delhi 2007.
26. AIR 1987 SC 374, cited in Shyam Diwan, Armin Rosencranz, "Enviornmental Law and Policy in India", Oxford University Press, 2010, 316-317
27. Ibid
28. (1996) 2 SCC 549: AIR 1996 SC 1051, J.N. Pandey, "Constitutional law of India", 258, Central Law Agency, Allahabad, 2015.

29. J.N. Pandey, "Constitutional law of India", 258, Central Law Agency, Allahabad, 2015.
 30. (2006) 3 SCC 549: AIR 2006 SC 1350, cited in S.C. Shastri, "Environmental Law", 68, Fifth Edition, Eastern Book Company, Lucknow, 2015.
 31. (2013) 6 SCC 620,718, cited in S.C. Shastri, " Environmental Law", 68, Fifth Edition, Eastern Book Company, Lucknow, 2015.
 32. (1993) 1 SCC 645 cited in J.N. Pandey, "Constitutional law of India", 323, Central Law Agency, Allahabad, 2015.
 33. (1987) 2 SCC 165, cited in J.N. Pandey, "Constitutional law of India", 258, Central Law Agency, Allahabad, 2015.
 34. Ibid.
 35. AIR 1995 SC 922, cited in S.C. Shastri, "Environmental Law", 71, Fifth Edition, Eastern Book Company, Lucknow, 2015
 36. AIR 1988 Raj 2, , cited in S.C. Shastri, "Environmental Law", 71, Fifth Edition, Eastern Book Company, Lucknow, 2015
 37. AIR 1998 Cal 121, Ibid
 38. AIR 1990 Ker 321, Ibid, p.70.
 39. AIR 1986 SC 180, cited in J.N. Pandey, "Constitutional law of India", 258, Central Law Agency, Allahabad, 2015.
 40. Dr. J.N. Pandey, "Constitutional Law of India", 256, Central Law Agency Allahabad, 2015.
 41. Gainda Ram Vs. MCD, (2010) 10 SCC 715, cited in S.C. Shastri, " Environmental Law", 69, Fifth Edition, Eastern Book Company, Lucknow, 2015.
 42. Shyam Divan, Armin Rosencranz, "Environmental Law and Policy in India" 455, Oxford University Press, New Delhi, 2010.
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