

DISPLACEMENT OF TRIBALS IN INDIA: A CASE STUDY OF POLAVARAM DAM PROJECT

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Abstract

At present the biggest threat faced by a developing country like India is displacement born out of development projects. Such development activities have displaced considerable tribal population post-independence period. The constitutional provisions, legislative enactment along with commissions have given due regards towards protection of tribal populations. However displacement is still a hotly debated topic due to widespread protest against development projects. Very recently the Polavaram dam project has gained much attention in the news and environmental activists are strictly against the project. The project will displace lakhs of tribal populations outside their native habitats. The Government of Andhra Pradesh has promised to provide resettlement and rehabilitation to the displaced tribal population to which they are legally entitled by law. However, the situation is very grim and instances of foul play have been circulating all over the media. Development is very essential for the economic growth of the country but when it is achieved through the displacement of poor and vulnerable population there is a need to facilitate effective rehabilitation and resettlement prospects. Such prospects shall not be limited to legislations and policies but need to actually transpire into reality. The present situation of tribals displaced due to the Polavaram dam project showcases corruption at various levels of authority and disregard for the law. The aim of the research paper is to develop an understanding for the needs of tribals by discussing their distinctive characteristic features. The paper shall dwell into the various facets of resettlement and rehabilitation for tribals and the problems faced therein. The researcher has used the Micheal Cernea's impoverishment and reconstruction model to provide viable solutions that can be put into practice.

Keywords: development, displacement, polavaram dam, micheal cernea, tribals.

1. Introduction

According to the early 90's Census Report tribals constitute a sizeable portion of the total population of the country. There are historically known as 'adivasis' and are also referred to as primitive tribes, jungle people, original inhabitants of India and so on. **Dr. River** defines the term 'tribe' as a simple type of social group, in which a common dialect is used by all

tribals, they work together in war and peace. The term 'tribe' is not defined in the Constitution but Article 336(2) states that Scheduled Tribes are the tribes or tribal communities or parts or groups within such tribes or tribal communities which the Indian Presidency may specify by public notification under Article 342(1). Post-independence due attention has been given to address the issue of tribal development and the same has been enshrined under the various provisions of the Constitution. Article 339(2) the Central Government can give directions to the state in the formulation and execution of tribal welfare plans, projects and programmes. Article 46 consists of provisions that protect the economic and educational interests of the tribals. Under Article 19(5) the tribals can own property and enjoy in any part of the country. In addition to the constitutional provisions, the government appoints committees, commission and research teams to look into the problems faced by the tribal community and suggest preventive measures.

In the present time one of the greatest threats to the tribal population is that of displacement. This displacement is born out of the need for development. Tribal lands have been acquired in the name of development and the tribal populations are being evicted from their traditional habitat. The situation is very grim particularly because the tribal population is secluded from the mainstream population due to which resettlement and rehabilitation efforts are still underway in India. Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 is an act specifically pertaining to the rehabilitation and resettlement of the displaced tribal population. The Act in itself is very promising and has covered all the aspects of tribal displacement consequences and protective measures. However, the implementation of the same is not much effective. There is an urgent need to resettle and rehabilitate the displaced tribal population.

In this backdrop the research paper will be divided into four parts. **Part II** will discuss development as the major cause of tribal displacement. In **Part III** the case study chosen by the researcher is the Polavaram dam project and shall dwell into its problems and loopholes in the law. In **Part IV** the researcher will provide solutions using the Micheal Cernea's impoverishment and reconstruction model. **Part V** will conclude the paper.

2. Development- The major cause of Tribal Displacement

Mahatma Gandhi's idea of development was an “overall development of the society that included human development along with socio-economic and political development”.¹ His idea is far from the ground reality that is in practice at present. India a developing country is constantly torn between economic development and environment protection. Declining economy has negative consequence on the country's poor and vulnerable populations. To avoid this, development has been progressing at an unprecedented rate. **J.C. Mitchel** defines urbanisation as the “process of becoming urban moving to cities, changing from agriculture to other pursuits common to cities and corresponding changing of behaviour pattern”² India is primarily an agrarian country wherein half of the country's population is engaged in agriculture and its related activities. Those engaged in this sector are rural and tribal population. Development activities largely require land which is majorly available in non-industrialized areas. Displacement is termed as the migration of folks from their place of origin. When displacement occurs for establishing development projects then it is termed as primary displacement. On the other hand when development projects causes environment degradation over the years of it coming into existence it is termed as secondary displacement. It can be said that displacement is the undesired outcome of development which only seems to fill the pockets of the rich and the affluent.

Both these kinds of displacement have enormous pressure on tribal population as they are left to live as refugees in their own households. Evidence suggests that more than fifty per cent of the tribal population of India is living outside their traditional habitations.³ The major reason for such displacement is to pave the way for development projects such as building dams, mining activities, construction of highways etc. A study conducted by the **Centre on Migration, Citizenship and Development** reveals that twenty one million people have been internally displaced because of the above mentioned development projects.⁴ The large scale organic basins and availability of land makes tribal lands susceptible to development

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¹ Dr. Usha Thakker, *Gandhian Perspective of Development*, MK GANDHI (Oct. 20, 2020, 7:55 PM), <https://www.mkgandhi.org/articles/gandhian-perspective-of-development.html#:~:text=Gandhi's%20basic%20aim%20was%20to,socio%2Deconomic%2D%20political%20development.&text=According%20to%20him%20life%20cannot,society%20suffers%2C%20all%20parts%20suffer>

² Dr. S.R. MYNENI, *SOCIOLOGY* 362, (2 ed. Allahabad Law Agency 2006).

³ Richard Mahapatra, *More than 50% of India's tribal population has moved out of traditional habitats*, DOWN TO EARTH (Oct. 20, 2020, 11:42 AM), <https://www.downtoearth.org.in/news/health/more-than-50-of-india-s-tribal-population-has-moved-out-of-traditional-habitats-62208>

⁴ Nalin Singh Negi and Sujata Ganguly, *Development Projects v Internally Displaced Populations in India: A Literature based Appraisal*, Centre on Migration and Development 6 (2011).

activities. Displacement of tribals due to large scale development activities commenced with the establishment of **Sardar Sarovar Dam** which dates back to the 90's. The dam alone displaced fifty six percent of tribal population in Gujarat.⁵ The Narmada Bachao Andolan movement was born out to showcase outrage against this displacement. Following this another major dam named **Tehri** set up in 1979 displaced twenty four thousand people. Post-independence about twenty million people "have been displaced by mining and industrial activities" of which fifty per cent constitutes the tribal population.⁶ Coal plays an important role in meeting the energy demand of the country which is largely concentrated in the states of "Odisha, Jharkhand and Chattisgarh" where more than one-fourth of the country's population resides.⁷

Tribal populations have to involuntarily move out of their native habitats which have negative implications such as the lack of jobs, educational prospects and a shift in lifestyle as a whole. The researcher argues that for the in depth understanding of the negative implications of displacement requires analysing the distinctive features of tribals. *Firstly*, tribals have common habitation and are geographically secluded from the rest of the population. This social exclusion makes it difficult for them to be integrated in the mainstream society. *Secondly*, each tribe has a distinct dialect and they are not well versed with the dialects of the urban society. *Thirdly*, tribals have their own culture and traditions which include superstitious beliefs, animal sacrifices, black magic and other harmful practices are still found among them. They believe in ghosts and spirits which are not accepted in the present society. *Lastly*, tribals are emotionally attached to forests for they believe that their gods, spirits live in forests. The researcher submits that a good portion of the land in the tribal areas has been legally transferred to non-tribals. The tribals who have been deprived of their rights to the land and forest have been reacted sharply to the restrictions imposed by the government on their traditional rights.

3. Polavaram Dam Project

⁵ Thakkar Himanshu, *Displacement and Development: Construction of Sardar Dam*, CULTURAL SURVIVAL (Oct. 20, 2020, 11:42 AM), <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/displacement-and-development-construction-sardar-dam#:~:text=The%20dam%20alone%20displaces%20more,by%20the%20dam%20are%20adivasis.>

⁶ Elizabeth Puranam, *The mine that displaced India's indigenous people*, ALJAZEERA (Oct. 21, 2020, 7:34 PM), <https://www.aljazeera.com/features/2016/7/7/the-mine-that-displaced-indias-indigenous-people#:~:text=Adivasis%20make%20up%208%20percent,to%20be%20rich%20in%20minerals.>

⁷ Ibid.

The Polavaram dam project is an ambitious project to uplift irrigation demand in the southern state of Andhra Pradesh. During its inception the project has gained various accolades including two Guinness World Records “for the most concrete continuously poured in twenty four hours and the largest concrete pour”⁸ The project aims to irrigate forty two lakh acre which will supply all the thirteen districts of the state.⁹ However this promising project has been in the news lately for not very pleasant reasons. The dam will be borne out by submerging three hundred villages and displacing two lakh people belonging to the tribal population of the state. Various testimonials reveal the unfair method of compensation meted out to the native people of Polavaram village displaced due to the construction of the dam. One testimonial of the affected family stated that they were ransacked and embittered by insurance companies. Before we deeply analyse the problems with the Polavaram dam the researcher will give the primary details of the project in this section.

3.1 History of the Project

The Polavaram dam project vision was conceptualised by the former Madras Presidency in 1941. The early outcome of the project was the “Ramapada Sagar Project since the backwaters of the reservoir would touch the Lord Rama temple at Bhadrachalam”.¹⁰ The Rampada Sagar Project entailed a one hundred and thirty metre dam, two hundred and nine kilometres canal running into the Vizag Port, two hundred kilometres canal along the river Krishna (right side), one hundred and forty three kilometres up to Gundlakamma river and a hydroelectric power station. Neighbouring states have welcomed this project with open hands as it enables the sharing of Godavari river. The project has been conferred as a national project under the central government. The Planning Commission had granted all necessary kinds of legal clearances have been obtained for the construction of the dam. The total cost of the project stands at sixteen thousand ten crores.

3.2 Inter-state sharing of Water

According to the inter-state agreement of 1951, states of Bombay, Hyderabad, Madras and Madhya Pradesh discuss the use of the river Godavari amongst the riparian states to which Orissa became a signatory in 1975. River Godavari and Krishna were selected among the

⁸ Polavaram Dam Project- The lifeline of Andhra Pradesh, NAVAYUGA(Oct. 22,2020, 7:54 PM), <http://www.necld.com/project-polavaram.html>

⁹ Ibid.

¹⁰ Polavaram Irrigation Project, Government of India, (Oct. 22,2020, 7:54 PM), <https://polavaram.cgg.gov.in/ispp/aboutUs>

sink states and after the reorganisation of the states led to the changes in the boundaries of such states. In order to facilitate harmonious settlement the Government of India constituted the Godavari Water Disputes Tribunal in 1969. The Tribunal initially was not much effective as it was preoccupied in settling the dispute involving river Krishna. The Ministry of Agriculture played a pivotal role in settling the disputes arising out of the bilateral agreements. The Tribunal held the following three orders- the project shall be meted by the Central Water Commission (CWC), the design and functionality of the dam shall also be overlooked by the CWC and any changes shall only come into force after the consultation with the states of Andhra Pradesh, Madhya Pradesh and Orissa.

3.3 Need for the Project

Andhra Pradesh the south eastern state of India and is blessed with the river Godavari. Approximately three thousand million cubic feet of this river water runs into the ocean as surplus every year. The project was born out with the need to utilize the surplus water flowing into the ocean towards agriculture and household needs of the native people.¹¹ Visakapatnam the well-known port city of Andhra Pradesh requires a great deal of water consumption for the functioning of industries. The Godavari river will enable water distribution to the port city along with the Vizag district. The project will empower nine hundred and sixty Mega Watt of electricity which will considerably boost the state's electricity supply. River Godavari is the most flooded river in the country which uproots vegetation, wildlife and incurs large financial losses for the state. The Polavaram dam project will act as a natural barrier in slowing and redirecting the stream of the river. Moreover the project will facilitate affordable and speedy passage of forest harvest and cereals to the bazaars and essential minerals to the industries.

3.4 Benefits of the Project

The benefits of the Polavaram project are numerous. *Firstly*, seventy two lakh acres of irrigated land will be created. *Secondly*, eighty thousand million cubic of river water will be diverted to river Krishna. *Thirdly*, the project will facilitate development and tourism. *Fourthly*, boost to agriculture produce up to one hundred and nine lakhs mega tonnes per year. *Fifthly*, Odisha and Chhattisgarh will derive five thousand million cubic and one

¹¹ Prasanth Garapati, *Polavaram Project: All you need to know about the life line project of Andhra Pradesh (AP)*, MEDIUM(Oct. 22,2020, 7:54 PM), <https://medium.com/@prasanth.garapati1992/polavaram-project-all-you-need-to-know-about-the-life-line-project-of-andhra-pradesh-ap-e295ef308895>

thousand million cubic of irrigation water individually. Overall the benefits of the project include the economic and social development of the state of Andhra Pradesh.

3.5 Problem of Tribal Displacement

The Polavaram dam could potentially cause the largest displacement of adivasi community in the history of the country. The local people of the Polavaram village are predominantly tribals hence will have to be evicted for the construction of the dam. The Environmental Impact Assessment of the dam estimates that two hundred and seventy six villages will be affected.¹² It is expected that one lakh fifty thousand tribal population will be evicted from each of such villages.¹³ The displacement of tribals due to the construction of the dam is not the problem per se. But issues such as resettlement, rehabilitation and compensation are emerging as a grave concern for the tribal population. In this regard the state has failed tremendously in providing alternate means of livelihood or satisfactory resettlement opportunities to the tribal population. The National Commission for Scheduled Tribes which is the backbone for safeguarding the interest of the tribal population found that substitute land given to adivasis is impossible to cultivate, on unsteady topography, and deteriorating water content. A report formed by the “National Alliance of People’s Movements, Adivasi Sankshema Parishad, Human Rights Forum and others stated that land acquisition for the project was carried out without settlement of forest rights of thousands of tribals as per the Forest Rights Act, 2006 and the Land Acquisition and Rehabilitation Act, 2013.”¹⁴ The Polavaram villagers were asked to move out early in 2007 and the newly constructed homes were not in the shape for occupancy. They were forced to move out even if still villages have not been submerged due to the dam. The entire resettlement procedure was hurried and the new settlement colonies were not surrounded by green pasture lands. They were unable to secure their livelihood opportunities in the new colonies.

3.6 Loopholes in the law

The Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (“Act”) is a central act solely pertaining to land acquisition and

¹² *Why Polavaram is a pointless project*, DOWN TO EARTH(Oct. 24,2020, 11:23 AM), <https://www.downtoearth.org.in/coverage/forests/why-polavaram-is-a-pointless-project-33445>

¹³ Subhojit Goswami, *Polavaram Dam Project has opened floodgates of corruption: activists*, DOWN TO EARTH(Oct. 24,2020, 11:23 AM), <https://www.downtoearth.org.in/news/environment/polavaram-dam-project-has-opened-floodgates-of-corruption-activists-60963>

¹⁴ Ibid.

its regulation. In the present case the state government argues that it acquired the land in consonance with the Land Acquisition Act, 1894 and is committed to provide rehabilitation and resettlement under the above mentioned Act. **Section 41** of the Act prohibits acquisition of land belonging to Scheduled Tribes unless it takes place as the last resort.¹⁵ **Section 41(3)** of the Act required prior consent from the Gram Sabha or the Panchayats in case of acquisition of land belonging to the Scheduled Tribes.¹⁶ The Polavaram dam project was not welcomed by the Gram Sabha but did not matter as the Ministry of Environment and Forest gave clearance. This kind of clearance goes against the very crux of Sec. 41 which is a protective provision for the tribal communities. The various requirements of the Act were to uplift the right to life and livelihood enshrined under **Article 21** of the Constitution. But the Act is violating the crux of the constitutional provision. There is no public consultation required in the case of government projects which is the issue pertaining to the Polavaram dam project. The Social Impact Assessment¹⁷ (SIA) which is a necessary requirement of the Act failed to account for the negative social consequences on the tribal populations invoked by the construction of the dam. The Act aims to ensure livelihood opportunities for the displaced tribal population unless it is in the interest of public which is monitored by the SIA and the affected citizens are given rehabilitation. In the instant case there is a havoc of uncertainty regarding the life of the tribal population being evicted outside their traditional homes with absolutely no rehabilitation efforts. This argument is further strengthened in the SIA conducted where in number of displaced tribal population outweighs the actual benefits which will be received by the state.

Section 15 of the Act, states about the hearing of objection with regards to the acquisition of land for development activity.¹⁸ The anomaly in this section is that the final decision will be taken by the concerned Government itself. There is a possibility of foul play as the Government and bureaucrats are more likely to go ahead with the projects for their personal gains. The tribal community of the Polavaram village have resorted to stringent protests showcasing non-acceptance towards the project. The rehabilitation and resettlement scheme

¹⁵ Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 S 41, cl.2.

¹⁶ Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 S 41, cl.3.

¹⁷ Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 S 4.

¹⁸ Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 S 15, cl.2.

as provided by the Act are overlooked by various government officials such as the District Collector¹⁹, Sub-divisional Magistrate²⁰, Administrator²¹ and the concerned Government. Despite this kind of authority control there is widespread resentment against the project. Rampant corruption arising from such projects cannot be overlooked. It is disheartening to witness the various officials of the government playing along its whims and wishes. The Act aims to provide transparency in approving the rehabilitation and the resettlement scheme to the public²² despite the adivasi community contending that they were being provided with uncultivable land and no viable livelihood opportunities.

The researcher submits that the Act in itself has covered all the aspects of rehabilitation and resettlement. It has given due consideration to the needs of the tribal population by incorporating the consent of the local self-government. However, the Act is confined only to the piece of paper. Government and bureaucrats have manipulated the Act to suit their personal gains. The tribal displacement due to the Polavaram dam project clearly shows the disregard for vulnerable populations in the name of development. The Act has been failing drastically and the government seems to be sleeping over the problem. There is a need for the better implementation of the Act.

4. Solving the Displacement crisis of the Tribals

In order to find effective solutions for the displacement crisis faced by the tribals, the researcher shall use **Michael Cernea's impoverishment and reconstruction model** to the present case study. The aim of the model is to provide a description on the consequences of forced displacement. Besides it devises a theoretical instrument to provide solutions for the adverse consequences. During the early 90's the World Bank had applied this model for its projects involving resettlement. The model sets forth eight probable perils of displacement which are- **loss of land, loss of job, loss of homes, marginalization, shortage of food, increased morbidity, loss of access to common property resource and community disarticulation**. The model provides the strategy to reverse the probable perils into desired outcomes which are- *“from loss of land to land-based resettlement, from loss of job to re-employment, from loss of homes to house construction, from marginalization to social*

¹⁹ Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 S 11.

²⁰ Ibid.

²¹ Ibid.

²² Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 S 18.

*inclusion, from increased morbidity to better health care, from shortage of food to food security, from loss of access to restoration of community assets and services and from social disarticulation to networks and community rebuilding”.*²³

The researcher will use the following eight probable perils to provide solutions on the basis of the reverse strategy provided by the model as discuss above.

4.1 Loss of Land and Job Opportunities: One major direct consequence of displacement is the loss of tribal land to pave the way for development projects. *Firstly*, Alternative resettlement land shall include land that is cultivable. Since the tribals are predominantly involved in agriculture and allied activities there is a need to inculcate resettlement land that is viable for agriculture. *Secondly*, the tribal population are in a way geologically separated from the mainstream population. Most of them are residing in remote physical areas such as deep valleys, dense forests, mountains etc. It is difficult to establish relation with others, and hence socially they are far away from the civilised world. This kind of physical as well as social isolation or seclusion has contributed to various other problems.

The researcher suggests that for solving this issue there is a need to **assimilate** tribal population into the mainstream of general life of rest of the population. The researcher is aware that complete assimilation is an impossible task. However attempts must be made to educate and rehabilitate them with the values and beliefs of modern society in case resettlement occurs in urban areas. Adequate respect shall be given to their age old traditions, religion and beliefs but they shall not be a hindrance for them to acquire new talents for livelihood opportunities. They should be provided with the funds to advance their own native art and beliefs.

4.2 Loss of homes: Another direct consequence of tribal displacement is the loss of homes. Many a times the resettlement endeavours in terms of providing alternative homes are not effective. There is enough evidence to suggest that resettlement homes are *kutchha* houses and do not have proper maintenance. At present the government of the concerned state is responsible for providing alternative homes. This is not being fulfilled effectively in the case of the tribal population displaced by the Polavaram dam project. One major reason for the dissatisfactory construction of substitute homes is because no act explicitly mentions about the construction of pakka houses. The acts are largely manipulated to be only read within the

²³ Micheal M. Cernea, *Impoverishment risks, Risk Management, and Reconstruction: A Model of Population Displacement and Resettlement*, COMM DEV(Oct. 24,2020, 7:57 PM), <https://commdev.org/pdf/publications/Impoverishment-Risks-Risk-Management-and-Reconstruction.pdf>

purview of resettlement “land”. There are no supervisory officers enforced by any act to check the quality of the homes build. The researcher suggests that the Gram Sabhas can play an important role here in taking up such issues with the concerned authorities. Gram Sabhas work closely with the tribals and live in the same vicinity and can effectively address the quality reconstruction of homes.

4.3 Marginalization, loss of common property and community disarticulation:

Resettlement efforts should not only look from the economic standpoint but also consider the social factors while resettling the displaced tribal population. Members of a tribe have a definite sense of unity and speak a common dialect. Researcher submits that the resettlement shall not take place in such a manner that it separates the members of a particular tribe. The members of a tribe protect each other and work in the spirit of unity. They have a notion of joint ownership of property. Common culture produces a life of homogeneity among the tribals. Many clans constitute together to form a tribe. Researcher suggests that reserved areas shall be provided to the displaced tribal population. Such reserved areas would help the tribal population to maintain their independent identity without outside influence. The Ministry of Tribal Affairs could provide a list for such reserved areas.

4.4. Food shortage and increased morbidity: One of the indirect causes of the tribal displacement is the shortage of food and health issues. Alternative livelihood may not seem to be viable in all situations. The immediate consequence of this non-availability is the lack of food. Sometimes the tribal population may not be able to cope up with the alternate livelihood due to which they are left to fend for themselves. There is no monitoring authority that overlooks the rehabilitation in terms of food and health of the tribals. Moreover, tribals may not be adapted to all climates as they have lived their whole life in a particular topography and used to a certain climatic conditions. These are indirect consequences of displacement which cannot be foreseen at the preliminary stage of resettlement scheme. The researcher suggests that the tribal welfare is not the concern of the government alone. Private organizations and individuals interested in the task of tribal upliftment must also be given due encouragement in this regard.

5. Conclusion

The researcher would conclude the paper by stating that resettlement and rehabilitation of tribal population is the need of the hour. The researcher firmly believes that development activities are very much necessary but when done at the cost of displacement of

tribal population there needs a serious legal and policy intervention. What needs to be taken care of is that the displaced tribal population are not left to fend for themselves. Special emphasis need to be given for the tribals as they are not part of the mainstream society and are culturally and traditionally distinct from the rest of the population. The researcher firmly suggests that the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 should be put effectively to use. Moreover, tribals are not to be governed by a strict law but there is a need to build empathy and understanding towards them. Tribal population have a spiritual connection with the forests and members of tribe are deeply united. Development project pose as hindrance towards their communal harmony. Hence there is a need to not impose our wishes on them instead they should be given the opportunity to be heard. It is not only illegal but morally wrong to evict tribals from their homes and not provide them with alternative home and livelihood opportunities.

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