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# THE SABARMATI RIVERFRONT DEVELOPMENT PROJECT: THE ISSUE OF RESETTLEMENT AND REHABILITATION

Arjun Joshi & Namrata Maheshwari\*

*The paper is a critical analysis of the Sabarmati Riverfront Development project in Ahmedabad. It scrutinises the manner in which the judicial and administrative dimensions bolstering its implementation obliterated the fundamental and human rights of the families residing on the banks of the river. The paper highlights the abysmal resettlement provided to the informal settlers and the politics that fragmented the social relations of communities residing at the riverfront. Further, it emphasises on the need for an inclusive resettlement and rehabilitation framework that engages with the concerns of all stakeholders and prevents marginalisation of the urban poor in the process of infrastructural development. The paper concludes with a set of policy recommendations to make development an inclusive process that curbs the existing indifference towards developmental refugees.*

## I. INTRODUCTION

The presumption attached to the image of an emerging economy is one of a country riddled with inadequate infrastructure, growing social inequalities and urban poverty. Countries have challenged these notions by systematic neoliberal transformation of their developing cities. Following suit, the Indian government has sanctioned several urban renewal and development projects since the early 2000s. Prominent among these plans of urban beautification and gentrification is the Sabarmati Riverfront Development (SRFD) project in Ahmedabad, Gujarat. The SRFD project, touted to change the face of urban Ahmedabad, marginalised the interests of the urban poor and low-income groups that inhabited the banks of the Sabarmati River.

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This paper is a reflection on how the SRFD project was planned and executed and how it obliterated the fundamental and human rights of resident informal settlers. It is significant to note that informal settlers, as distinct from land owners, are not statutorily protected under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR) or any other similar legislations.<sup>1</sup> The first section of the paper explains the origin and early days of the SRFD project. The second section scrutinises the order of the Gujarat High Court following the Public Interest Litigation (PIL) filed by the riverfront occupants. The third section is a detailed analysis of the impact on the lives of riverfront dwellers as a result of an abysmal R&R plan. The fourth section charts out the extent of the right to shelter under various international law covenants and the Indian Constitution. Finally, the last section explains the inadequacy of the LARR if extended to informal settlers and contains a set of recommendations for an effective R&R policy that can make development an inclusive process.

## **II. THE SFRD PROJECT – BACKGROUND**

The SRFD project by the Government of Gujarat is being executed in Ahmedabad, its financial capital. In 1997, a special purpose vehicle titled Sabarmati Riverfront Development Corporation Limited (SRFDCL) was constituted under the aegis of the Ahmedabad Municipal Corporation (AMC) to develop the city's riverfront. The project envisaged extensive land reclamation along a 9 kilometre stretch on the riverbanks claiming to offer public spaces with ample leisure activities, a real estate zone with unparalleled commercial infrastructure, transportation services, informal markets and cultural activities and R&R of riverfront slum households.<sup>2</sup>

The project proposal was jointly prepared by the AMC and the Environmental Planning Collaborative (EPC)<sup>3</sup> in 1998. It replaced Bernard

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- 1 The Preamble of LARR restricts the applicability of the Act to cases where land is acquired or sought to be acquired. The Sabarmati Riverfront is a property owned by the Government. The absence of acquisition of land by the government for the SRFD project precludes the applicability of the LARR. In the final section of the paper, we shall explain why extending the application of the R&R provisions contained in the LARR to informal settlers would be improper.
  - 2 Environmental Planning Committee, Sabarmati Riverfront Development Corporation Limited, Sabarmati Riverfront Development Proposal 1 (1998).
  - 3 The EPC was involved primarily as a planning consultant.

Kohn's idea of development on the riverfront. For Kohn, the project was socially oriented – an ecological valley extending 400 kilometres from Dharoi dam to the Gulf of Cambay. The riverfront, as we see it today, was merely one part of this stretch. His plan envisioned the resettlement of all the Project Affected Families (PAF) in the valley itself.<sup>4</sup>

The key aspect that remained untouched in the proposal formulated by AMC and EPC in 1998 was that R&R of the urban poor residing on the riverfront would remain within the area reclaimed for the project.<sup>5</sup> The EPC found that the occupants residing along the riverbanks were employed in informal markets around their residences. Therefore, relocating these families to areas beyond 2-3 kilometres from their present accommodation would have an adverse impact on their livelihoods.<sup>6</sup> While such recommendations seem to suggest that the planning and implementation of the project was equitable, it was in fact exclusionary on multiple grounds.

The SRFD project prompted two kinds of criticism: one, by architects and urban planners engaging in a discourse about the culturalist transformation of the project; and the other by concerned citizens, scholars and activists condemning the marginalization of the urban poor and seeking to protect their right to the city.<sup>7</sup> Violent eviction drives and segregation had not only denied access to a minimum standard of living, but had also alienated the marginalised groups from the authorities governing them. In 2002, when the Venkatachaliah Commission was entrusted with the responsibility of recommending changes in the manner in which the Constitution responded to the changing needs of effective governance and the socio-economic development of the country, it observed:

There is a fundamental breach of the  
constitutional faith on the part of Governments

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4 Bernard Kohn, *A Living Pedagogy*, <http://www.bernardkohn.org/en/teacher/indian-experience.html> (last visited April 20, 2016).

5 Environmental Planning Committee, *supra* note 2, at 3.

6 Renu Desai, Municipal Politics, Court Sympathy and Housing Rights: A Post-Mortem of Displacement and Resettlement under the Sabarmati Riverfront Project, Ahmedabad 2 (CEPT Uni. & Centre for Urban Equity Working Paper, Paper No. 23, 2014), <http://cept.ac.in/UserFiles/File/CUE/Working%20Papers/Revised%20New/23%20Municipal%20Politics,%20Court%20Sympathy%20and%20Housing%20Rights%20A%20Post-Mortem%20of.pdf> (last visited April 22, 2016).

7 *Id.* at 5.

and their method of governance lies in the neglect of the people who are the ultimate source of all political authority. Public servants and institutions are not alive to the basic imperative that they are servants of the people and meant to serve them. The dignity of the individual enshrined in the Constitution has remained an unredeemed pledge. There is, thus, a loss of faith in the governments and governance. Citizens see their governments besieged by uncontrollable events and are losing faith in institutions. Society is unable to cope with current events.<sup>8</sup>

The SRFD project is a case in point to illustrate this breach of constitutional faith. A good place to begin a descriptive analysis of the SRFD project is in 2002-03, when the EPC conducted a survey that placed approximately 10,000 families to be residing on the Sabarmati riverbank, a figure that was to increase in the coming years. It estimated that 4,400 families would be affected directly by the project plan.<sup>9</sup> While the issue of displacement received meagre attention from the project authorities, in 2003, Mr. Narendra Modi, the then Chief Minister of Gujarat hailed the project and directed the authorities to complete the project in 1000 days.<sup>10</sup> He entrusted the responsibility to the AMC and SRFDCL authorities to ensure that Ahmedabad is akin to mega-developed urban cities such as Tokyo and Singapore. Efforts to execute the plan according to the Chief Minister's directions intensified concerns among the informal settlers about displacement. It was the lack of engagement by the authorities that eventually depleted the faith of people in governing institutions.

### **III. COMPLICITY OF THE JUDICIARY**

With the passage of time, the goal of maximizing beautification and gentrification of the riverfront monopolised the focus of the authorities. AMC neglected the repeated claims of the urban poor residing on the river

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8 Venkatachaliah Commission, Department of Legal Affairs, Report of the National Commission to Review the Working the Constitution 3 (2002).

9 Sabarmati Riverfront Development Corporation Limited, Sabarmati River Front Development 32 (2004).

10 Desai, *supra* note 6, at 9.

embankments that sought to highlight the dismal relocation policies. For instance, the residents received no official information about resettlement sites and the only sources of information were the local newspapers.<sup>11</sup> The minimal engagement of the authorities with local communities and the absence of inclusive development intensified the occupants' concerns about displacement. This led to the erosion of trust in governing authorities which eventually manifested in serious social problems. The State faced serious issues when these occupants mobilized to collaborate and collectively seek their rights. In this section, we will introduce the rise of collective movements that ultimately led to the first PIL being filed 7 years after the project commenced. We will analyse the PIL and the shortcomings of the orders passed by the High Court of Gujarat. We argue that the Court orders had loopholes which allowed the AMC and SRFDCL authorities to continue to exploit the marginalised communities residing on the riverbank.

By 2003, the project garnered attention from different sections of the society. Occupants, with the help of local organisations, united to form the Sabarmati Nagrik Adhikar Manch (SNAM). Through 2003 and 2004, SNAM members gathered several riverfront occupants to collectively approach AMC and SRFDCL with their concerns. Simultaneously, members of the opposition party, the Gujarat Congress, attempted to mobilise the riverfront occupants by forming the Ahmedabad Sheher ane Riverfront Jhupda Samiti.<sup>12</sup> With such political and administrative interventions, local communities including SNAM quickly became disillusioned.<sup>13</sup> Conflicts arose within the community when AMC co-opted local leaders to conduct surveys during the process of resettlement. There are various instances of these local leaders demanding money to include names in the survey list that was required to be prepared under Court orders.<sup>14</sup> SNAM then attempted to unify local rallies into a mass movement involving all occupants residing on the 9 kilometre stretch. Despite the fragmentation of the movement in light of political involvement, several

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11 Desai, *supra* note 6, at 28.

12 Desai, *supra* note 6, at 14. Ahmedabad City and Riverfront Slum Union.

13 Renu Desai, *Governing the Urban Poor: Riverfront Development, Slum Resettlement and the Politics of Inclusion in Ahmedabad*, 47(2) ECONOMIC AND POLITICAL WEEKLY 49 (2012).

14 *Riverfront Project: 4,000 Families to be Rehabilitated in Vadaj Colony*, INDIAN EXPRESS, Dec. 22, 2011, at 4.

stakeholders collectively decided to file a PIL in the High Court of Gujarat in 2005 through advocate Girish Patel.<sup>15</sup>

For the riverbank occupants, the PIL served as a medium to communicate their concerns. The occupants had migrated from rural areas across Gujarat to earn a livelihood and belonged to the marginalized sections of society. They were denied access to public spaces for accommodation and given their socio-economic conditions, private housing was not affordable. Consequently, they became informal occupants of the riverfront, having set up households and means of livelihood in the area. Patel asserted that these occupants “form an important segment of the informal economy and contribute substantially to the growth, development and prosperity of the city.”<sup>16</sup>

The PIL extensively articulated the rights of the riverfront dwellers, drawing upon the fundamental rights jurisprudence developed since the 1980s. It stated that the right to shelter is an integral part of the right to life guaranteed by Article 21 of the Indian Constitution. Given the nature of their economic activities, the PIL explained the inextricable link between the riverfront dwellers’ right to life, right to shelter and right to work and earn a livelihood. It also brought to light the insecurity engendered on account of uninterrupted implementation of the project and lack of engagement between the authorities and affected families. Elucidating the public trust doctrine, the PIL also pointed out that the government is a public trustee of community resources and must therefore use them for the benefit of the whole society and not merely for beautification or to serve the interests of the privileged sections of society while side-lining the concerns of the poor.<sup>17</sup>

Having highlighted each contour of the web of their democratic, constitutional and human rights, the PIL made four appeals to the Court:

1. To involve the riverfront residents in the decision-making process of aspects of the project that affect them.
2. To keep them informed about the process of R&R.
3. To provide for resettlement in an area near the riverfront in order to minimise the negative impact on their livelihood.

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15 Aliyarkhan v. Gujarat, S.C.A No. 6280/2005.

16 *HC Breathe for Hawkers at Gurjari Market*, INDIAN EXPRESS, May 5, 2011, at 3.

17 Desai, *supra* note 13, at 11.

4. To restrict the state and local authorities from implementing the project until concrete steps are taken to fulfil the rights of riverfront residents.<sup>18</sup>

The order passed by the Gujarat High Court engaged with the broad assertion of the rights contained in the PIL but not with the essence of those rights. The Court issued a stay order, directing authorities to refrain from evicting families and to provide details of their plans for R&R. The stay order, therefore, put a hold only on eviction and not on the project as a whole.<sup>19</sup> It led to a situation where the residents had legal protection against eviction but were continued to be treated as collateral damage as the project was relentlessly implemented. Further, the order did not impose a time limit on authorities to submit their R&R policy. Consequently, construction of the SRFD project continued over the next three years, until the R&R policy was submitted in 2008.<sup>20</sup> Eviction of the occupants became inevitable in order to facilitate smooth construction as they ‘obstructed’ development and attempts to this effect were thus made repeatedly by AMC and SRFDCL. The SNAM was only successful in halting some of these attempts.

The Court order effectively delinked the framework and implementation of the SRFD project from the R&R policy for the families the project would affect. This led to a precarious situation wherein the urban poor were treated as second class citizens, with their lives, experiences and concerns eclipsed by the entrepreneurial politics of the urban mega-project and the goal of beautification and gentrification of the city’s landscapes. In the absence of a mandate to provide resettlement in a nearby area, families were relocated to sites that were 6-15 kilometres away.<sup>21</sup> Predictably, this had a profoundly negative impact on their livelihood. The distance between the pleadings contained in the PIL in true recognition of their constitutional, democratic and human rights and the limited framing of the court’s order is evidence of the evisceration of the riverfront residents’ rights.

The judiciary and the government have so far been homologous in their approach towards developmental projects. Informal settlers are systemically and routinely marginalised by the judiciary as well as the legislature. ‘Development’

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18 Desai, *supra* note 13, at 12.

19 Desai, *supra* note 6, at 54.

20 Desai, *supra* note 6, at 55.

21 Desai, *supra* note 6, at 32.



is invoked repeatedly to justify the en-masse forcible evacuation of disempowered communities including agriculturalists, dam oustees, forest dwellers, and pavement dwellers.<sup>22</sup> There have been several instances like the SRFD project where the judiciary has failed to enforce the fundamental rights of informal settlers in the face of development induced displacement. A sitting judge, while hearing the PIL triggered by the SRFD project, remarked “Even I had to bear inconvenience and noise, when an extension was built or renovation was taking place in my house”. The frivolousness with which the plight of the displaced riverfront occupants was treated is also apparent by the lack of timely injunctions and their improper enforcement leading to the continuation of forcible evacuation.

### Repercussions of the Court Order and Abysmal R&R of the Displaced

With fragmented relocation programmes, the authorities dismantled the solidarity that the residents had built over the years. In *Identity & Violence*, Amartya Sen observed that a well-integrated community stands in solidarity only with those it identifies as its own and is hostile towards outsiders moving into their region.<sup>23</sup> Such hostility was visible among the riverfront dwellers when their existing neighbourhoods were uprooted. Moreover, facilities were as lacking as their sense of security as they were forced to endure abysmal living conditions. In this section, we focus on how AMC and SRFDCL retracted on their 1998 proposal and carved out a significantly different R&R policy in 2008 with several irregular amendments. These alterations almost challenged the very existence of the occupants.

In 2008, with the persistence of SNAM, AMC prepared a shabbily drafted R&R policy and submitted it to the Court. AMC recklessly rescinded a fundamental component of the 1998 policy that the resettlement sites will be on the riverfront itself.<sup>24</sup> By the time the Court sought production of the resettlement plans, it was too late as construction had already commenced. We argue that the Court, by opting not to injunct the execution of AMC and SRFDCL’s amended resettlement policy, facilitated the internal politics of

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22 Arundhati Roy, *The Greater Common Good*, FRIENDS OF RIVER NARMADA, <http://www.narmada.org/gcg/gcg.html> (last visited March 14, 2016).

23 AMARTYA SEN, *IDENTITY & VIOLENCE: THE ILLUSION OF DESTINY*, 17 (2006).

24 OUR INCLUSIVE AHMEDABAD, BRIEF REPORT ON GANESHNAGAR: VISIT PERIOD JAN 9 TO JAN 18, 2012, 46 (2012).

driving the occupants away from the riverfront. This move applied the widely held misconception that indigenous people and societies are obstacles to development and the recognition of their rights would mean subverting the growth of the nation state.<sup>25</sup>

Another significant deviation in the 2008 policy was that the R&R of occupants would not be financed by the Gujarat government. AMC and SRFDCL opted to secure the resettlement process using the Central Government's Jawaharlal Nehru National Urban Renewal Mission (JNNURM), specifically under its Basic Services to the Urban Poor (BSUP).<sup>26</sup> Even though the State tied up with the Centre and arguably outsourced the resettlement programme with additional resources at hand, it failed miserably in two very important steps of the process. First, the quality of alternate accommodation remained dismal and far from the riverfront. Second, the State did not prioritise the need to successfully administer a simplified process to assist occupants and ensure that they are eligible for the alternate accommodation provided under the scheme. Neither did the authorities clarify the various documents that were required to prove the occupants' eligibility to seek houses under their schemes nor did they specify the resettlement sites and their distance from the former residences on the riverfront.<sup>27</sup>

Owing to large scale displacement<sup>28</sup> the Court recognized the need to link PAF and SRFDCL to sustain their social fabric and give them adequate representation. It directed the creation of an association of PAF to assist SRFDCL in the resettlement process. Subsequently SNAM finalised a panel of six members, who would assist the Buch Committee, responsible for R&R as per the SRFDCL policy. Two years later, in its first meeting, the Buch Committee authorised relocation over three terms from 2009.

After the three terms, AMC and SRFDCL conducted demolition drives on the Sabarmati embankments in 2011. AMC collated data based on a survey

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25 JOHN KENNETH GALBRAITH, *ECONOMIC DEVELOPMENT IN PERSPECTIVE*, 43 (1962).

26 Desai, *supra* note 13, at 33.

27 Desai, *supra* note 6, at 50.

28 See Desai, *supra* note 6, at 44: AMC and SRFDCL after collaborating with the JNNURM scheme, sought the Court's permission to relocate 416 families situated in nine different localities on the riverbanks. Subsequently in 2009 and 2010, the authorities further sought permission to relocate 4001 and 1608 families respectively.

conducted by SNAM to relocate 4319 families residing across all the different localities.<sup>29</sup> Later, SNAM approached the High Court and claimed that 1433 families were not included in the relocation programme and hence were rendered homeless.<sup>30</sup> The Court ordered the AMC to complete the resettlement process, while simultaneously directing the Buch Committee to verify the eligibility of the remaining claimants for resettlement. The administrative procedures rendered many of the riverfront occupants unable to prove their eligibility because important documents such as ration cards and election cards had not been issued by the Government since 2007.<sup>31</sup> Numerous occupants were harassed on account of having insufficient documents for proof and insignificant issues such as incorrect spelling of their names. The AMC made forcible demolitions along the banks of the river and shifted the evictees to Ganeshnagar on the outskirts of Ahmedabad.<sup>32</sup> Relocation sites were located near garbage dumps and were devoid of reasonable space, concrete shelter and sanitation facilities. This arrangement could at best have been treated as temporary accommodation.

The evictees were provided with *pucca* houses with an area of 28 square metres, which had several problems.<sup>33</sup> To begin with, the majority of the resettlement sites were located far from the central city area and the riverfront dwellers' places of work. The increased distance meant more expense and time spent on travel, thereby significantly altering their mobility and standard of living. Furthermore, they had to travel long distances to avail healthcare and education on account of inadequate facilities near resettlement sites. Moreover, computerised allotment forced random groups of people, as opposed to the existing neighbourhoods, to live together which triggered social fragmentation and dissatisfaction. Relocated, scattered and afar, the social disruption robbed the resettled families of their investments in social capital, leaving them wanting of a sense of community and safety.<sup>34</sup> The minimum distance between an evicted family's previous riverbank home and resettlement site is five kilometres,

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29 Desai, *supra* note 6, at 46.

30 Desai, *supra* note 6, at 47.

31 *Sabarmati Riverfront: Post HC Stay on Demolition, Civic Body Speeds up Resettlement Drive*, INDIAN EXPRESS, May 2011, at 5.

32 *Id.*

33 *Supra* note 31, at 6.

34 Desai, *supra* note 6, at 51.

the average distance is about nine km, and the furthest relocation is about 16 km, even though estates closer to eviction points were available.<sup>35</sup> Not only do these distances sever links between the families' work, food and nutrition security, education and health amenities, but they also break long-established community relationships and networks.<sup>36</sup> Given the communal and political climate in Ahmedabad, religious segregation and conflicts within the community became inevitable.

Many of the BSUP housing units have insufficient water, drainage and waste management. Water, including drinking water, is provided at most sites through bore-wells. The water is not potable and its poor quality has triggered widespread complaints about its adverse effects on the health of residents. For many who had larger houses and a better standard of living, the BSUP units were a degradation. As a result of these factors, a number of families have either sold or rented out their houses illegally.

The absence of amenities in resettlement sites was taking a toll on its occupants. When the winter set in, several elderly, sick and infants languished on the wastelands. Occupants spent whatever they could save from their earlier homes to buy plastic sheets and poles to build temporary sheds. With disproportionately few latrines, women feared the stench and others would defecate in the open spaces between the temporary sheds. Food was scarce and children were found plucking and consuming wild weeds which led to poisoning and deaths.<sup>37</sup>

Owing to the dismal resettlement provided by the Government, several families were forced to resort to their own coping mechanisms and were scattered across different parts of the city, making their inclusion even more difficult. They were compelled to take such steps as a desperate attempt to occupy any decent space they found for themselves in a city that had rapidly marginalized their interests. It is worthwhile to note Joseph Stiglitz's contention on this issue:

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35 Darshini Mahadevia, *Communal Space over Life Space: Saga of Increasing Vulnerability in Ahmedabad*, 47 ECONOMIC AND POLITICAL WEEKLY 4850 (2002).

36 Desai, *supra* note 6, at 65.

37 Desai, *supra* note 6, at 63.

“[P]ower” – political power – matters so much. If economic power in a country becomes too unevenly distributed, political consequences are bound to follow. While we typically think of the rule of law as designed to protect the weak against the strong, and ordinary citizens against the privileged, those with wealth will use their political power to shape the rule of law to provide a framework within which they can exploit others. They will use their political power, too, to ensure the preservation of inequalities rather than the attainment of a more egalitarian and more just economy and society.<sup>38</sup>

The SRFD project exemplifies the manipulation of those in power to perpetuate the existing inequity in society. It shows how the rule of law falls prey to those who possess authority as opposed to rescuing the vulnerable sections of society. Many erstwhile riverfront occupants continue to reside in Ganeshnagar, waiting anxiously and endlessly, to be deemed eligible for BSUP housing.

Navdeep Mathur claims that the SRFD project was “deliberately obscure in order to deceive the people of the city”<sup>39</sup>. A careful appraisal of the project indicates that the costs outweigh the benefits, which eventually makes one sceptical of ‘development’. A sound theory of needs locates a hierarchy of importance and urgency around three categories: needs of the first order, enhancement needs and luxury needs.<sup>40</sup> Authentic development does not exist when the first-order needs of the many are sacrificed in favour of the luxury needs of a few, or when enhancement needs are not widely met.

The government described the association between the Sabarmati and the occupants of its riverbank as unfit for preservation.<sup>41</sup> This insensitivity of the government towards the needs and experiences of informal settlers is also

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38 *Joseph Stiglitz, Price of Inequality*, 191 (2012).

39 Navdeep Mathur, *On the Sabarmati Riverfront: Urban Planning as Totalitarian Governance in Ahmedabad*, 47 ECONOMIC AND POLITICAL WEEKLY 64 (2012).

40 Galbraith, *supra* note 25, at 61.

41 Desai, *supra* note 6, at 38.

reflected by the abysmal R&R facilities made available to the families displaced by the SRFD project. Moreover, the actions of the government are in direct breach of the state's obligation under the Indian Constitution as well as international law to protect its citizens' fundamental right to shelter.

#### **IV. RIGHT TO SHELTER AND ARTICLE 21**

Where does a poor man who has migrated to the city for work stay and fulfil his basic needs if all spaces in the city are either private, where he cannot enter, or public, where he cannot stay? The right to shelter is an essential component of the right to life guaranteed by Article 21 of the Indian Constitution. Without a space to live in and a roof overhead, it is impossible to fulfil one's right to live a life with dignity.

'Life' as expressed in Article 21<sup>42</sup> was interpreted in *Francis v. Administrator*:

We think that the right to life 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 oneself in diverse forms, freely moving about, mixing and commingling with fellow human beings, of course the magnitude and economic development of the country, but it must in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities to constitute the bare minimum necessities of the human self.<sup>43</sup>

Working in tandem with these broad parameters, it was in *Tellis v. Bombay* that the Supreme Court first considered the question of slum and pavement dwellers.<sup>44</sup> The case is lauded to have recognized that the right to shelter is inextricably linked to the right to livelihood which is an important element of the right to life. However, the judgment limited itself to the right of such residents to receive notice and be heard prior to eviction. It did not extend itself

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42 CONSTITUTION OF INDIA, January 26, 1950, Art. 21.

43 *Francis v. Administrator*, (1981) 2 SCR 516.

44 *Tellis v. Bombay*, (1985) 2 SCR 51.

to cover the true expanse of their right to shelter that imposes a corresponding duty on the State to ensure that they have adequate housing. Adequate housing encompasses more than just a roof overhead. It includes all that is essential for a person to lead a dignified and healthy life. Adequate housing helps a person fulfil his physical need to stay secure and protected from externalities, his psychological need for personal and private space and his social need to form and nurture important relationships. Sanitation facilities and access to healthcare and education are integral to the concept of adequate housing.

Through multiple cases following the *Francis* judgment, courts provided comprehensive insights into the right to life.<sup>45</sup> It observed that the right to life with human dignity encompasses within its fold some of the finer facets of human civilization which makes life worth living, and its expanded connotation would mean the tradition and cultural heritage of the persons concerned. In the context of the SRFD project, the riverfront occupants' right to life was severely compromised by a lack of regard towards their heritage comprising their social relations and activities. Their shared cultural experiences, including the celebration of festivals, and the social capital created thereof, are what contributed towards making their lives dignified. The social fragmentation triggered by the reckless resettlement process urged several occupants to compare the social bonds that they shared with other residents in the earlier settlement with the adversity they found themselves in at the alternate sites.

Extermination of the tradition that binds communities residing together is intrinsically related to the extensive displacement that is seen as less important than development. In such situations, it becomes all the more important for the Government to ensure that the uprooted societies continue to live in mutual harmony and are relocated in a manner that enables them to maintain their investments in social capital. However, feuds between occupants belonging to different religions from different localities on account of being forced to resettle together, demonstrate a failure on the part of the Government to preserve social bonds and sentiments. For instance, in Vatva, Hindus and Muslims share accommodation facilities whilst residing in adjoining sites.<sup>46</sup> The residents have

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45 *Ammini v. Union*, AIR 1995 Ker 252.

46 Renu Desai, *Producing Uncertainty: A Study of the Politics of Slum Resettlement under the Sabarmati Riverfront Project* (Indian Institute of Management – Ahmedabad, Centre for Urban Governance, Paper No. 14, 2009).



termed the former as Hindustan and the latter as Pakistan. Such animosity is a result of the agitation stemming from being forced to abandon all that the occupants considered familiar and comfortable. Similarly, in several other resettlement zones, the resettled communities face severe hostility from existing residents, who blame these communities for the high crime and violence in the area. With such unfamiliar neighbourhoods, the erstwhile Sabarmati riverbank occupants, especially women, experience frequent harassment that contributes to their social exclusion.<sup>47</sup> The State's haphazard manner of allocating alternate accommodation has failed to uphold the heritage of these communities, which is at odds with the Courts' elucidation of the right to life.

Apart from domestic judicial precedents, the State also failed to function according to the international treaties that bind the country, as a signatory. India has ratified several international human right treaties that contain provisions recognizing an individual's right to adequate housing. One of the foremost documents is the Universal Declaration of Human Rights, wherein Article 25(1) declares:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.<sup>48</sup>

Furthermore, Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also makes an explicit assertion of this right. In a detailed General Comment regarding the right to adequate housing, the Committee on Economic, Social and Cultural Rights noted that adequate housing includes i) affordability ii) habitability iii) availability of facilities,

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47 *Id.*, at 23.

48 Universal Declaration of Human Rights, Art. 25(1), Dec. 10, 1948.

49 International Covenant on Economic, Social and Cultural Rights, Art. 11(1), Dec. 16, 1966. See UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991, E/1992/23, available at: <http://www.refworld.org/docid/47a7079a1.html> (last visited April 19, 2016).



services, materials and infrastructure iv) legal security of tenure v) accessibility to disadvantaged groups vi) location that allows access to education, medical services, employment options and other social facilities, and vii) cultural adequacy.<sup>49</sup>

International covenants guide the process of rehabilitation at every stage, but the AMC and SRFDCL, and even the legislature, were unable to draft an R&R policy within this framework. The lack of follow up by the legislature on the extended scope of Article 21 as elucidated by the judiciary allowed the State to conveniently circumvent its fundamental duty to ensure that its citizens can realise their right to life. The Constituent Assembly Debates laid down the standard that contemporary legislators and the judiciary are expected to uphold.

We contend that framers of the Indian Constitution envisaged multifarious liberties that an individual is entitled to, stemming from the fundamental rights. Dr. Ambedkar, in the Constituent Assembly Debates, maintained that the words “fundamental” and “directive” are necessary to understand the purpose of enacting Part III and Part IV of the Constitution. He asserted that these elements directed future legislatures and the executive with regard to the manner in which they ought to exercise their power. He added that:

It is not the intention to introduce this part, these principles are mere pious declarations. It is the intention of this Assembly that in future both the legislature and the executive should not merely pay lip service to these principles enacted in this part, but that they should be made the basis of all executive and legislative action that may be taken hereafter in the matter of the governance of the country.<sup>50</sup>

The framers emphasized that the onus of realising the potential and meaningful expanse of the Constitution in the right context was on the people of India. Shri K Hanumanthaiya, while commenting on the draft Constitution observed, “It is my hope that the people of India and their representatives will

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50 CONSTITUENT ASSEMBLY DEBATES, <http://parliamentofindia.nic.in/ls/debates/vol11p4.htm> (last visited Jan. 29, 2016).

be able to work this Constitution with all its disadvantages and drawbacks to the best interests of the country.”<sup>51</sup>

The legislators of the Constitution entrusted the responsibility of identifying key issues that plagued the holistic development of the country to the future judicial and legislative bodies. In light of the recent experiences, it is rather imperative for the legislators to formulate a structured and nuanced resettlement process that is devoid of ambiguity and more importantly, is inclusive. Within this framework and the large-scale displacement that is induced by development, we put forth a set of policy recommendations that emanate from the Sabarmati Riverfront Project debacle.

## **V. R&R POLICY RECOMMENDATIONS**

### **Legal Vacuum<sup>52</sup>**

Before we delve into the recommendations, it is pertinent to analyse the R&R provisions of previous policies and LARR, the only central legislation that comes close to a comprehensive R&R framework. In the past, States have attempted to formulate legislations to regulate R&R in their projects. For instance, a noteworthy R&R plan was drafted by the Orissa government in 2006. The plan involved families, on the verge of displacement, to partake in selecting the areas for resettlement. It further mandated that the resettlement sites be built prior to the displacement, which would ease the process of shifting. Most importantly, it accounted for the possible hostility between the host and resettled communities, and placed the onus of facilitating cordial social relations on the government.<sup>53</sup> Other States have responded by formulating case specific resettlement policies for people affected by instances of development, such as construction of highways, urban development, etc.<sup>54</sup>

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51 CONSTITUENT ASSEMBLY DEBATES, <http://parliamentofindia.nic.in/ls/debates/vol7p9.htm> (last visited Jan. 29, 2016).

52 Apart from the lack of a comprehensive legislation governing R&R of informal settlers, the legal vacuum is also demonstrated by the fact that laws governing urban development do not provide for R&R of affected informal settlers. Section 12 of the Gujarat Town Planning and Urban Development Act, 1976, enumerating the particulars that a Development Plan (DP) must contain, does not mandate the inclusion of an R&R procedure for informal settlers.

53 Orissa Resettlement and Rehabilitation Policy, 2006, Sec. 8(ix).

54 HARI MOHAN MATHUR, DISPLACEMENT AND RESETTLEMENT IN INDIA, 44 (2013).

In 2007, the Rehabilitation and Resettlement Bill was introduced in Lok Sabha.<sup>55</sup> The purpose of the Bill was to 'provide for R&R'. However, it contained no provision requiring that PAF be actually resettled. Further, clauses pertaining to minimising displacement, improving standard of living and protecting livelihood were not made mandatory. This inept attempt to streamline the regulation of R&R in India, failed to be enacted. Since then, the only other legislation that broadly stipulates the manner of conducting R&R is LARR. However, the LARR also has its own shortfalls. The biggest of these is that it does not extend to informal settlers, such as those residing on the riverfront. In this section, we argue that even if the application of the LARR is extended to informal settlers, such a move would be inadequate and improper. When the context is changed from land owners whose land is acquired to informal settlers on a land which is government owned, the set of considerations informing the applicable R&R policy changes significantly.

Legislators drafted the LARR to enable PAF, on privately owned land being acquired by the government, to partake in the process of rehabilitation, resettlement and compensation, to improve their post-acquisition social and economic status.<sup>56</sup> Consequently, a high threshold of responsibility is imposed on the government as the transactions primarily involve legal owners of land or other beneficiaries who are associated with the land.<sup>57</sup> Section 8 of the Act,<sup>58</sup> in furtherance of social impact assessment, requires a bona fide and legitimate purpose to undertake the acquisition. Identifying and applying similar levels of responsibility is unwarranted whilst dealing with informal settlers on government owned land, such as the riverfront. Extending the applicability of the LARR to cases like the SRFD project, would result in an unfair burden on

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55 The Rehabilitation and Resettlement Bill, 2007 was introduced in the Lok Sabha on Dec. 6, 2007 and was referred to the Standing Committee on Rural Development.

56 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Preamble.

57 PAF, apart from owners of the land, benefit simply on account of being associated to the land that is owned by private individuals and not the government. For instance, the R&R process in LARR includes artisans and agricultural labourers who do not own the land. However, people of the same description on the riverfront were not given the same rights. The difference is merely that in one case the land is privately owned while in the other it is owned by the government and there is a policy governing R&R of landless PAF associated with the former and not the latter.

58 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 8.

the government when it is dealing with its own land in accordance with its statutory functions.<sup>59</sup> While R&R of informal settlers on government owned land must not be compromised, the government's accountability to convey legitimacy of a project, in similar cases, is comparatively lower.

Since the LARR was conceptualised in the context of land owners, the procedures it specifies for R&R are tailored to suit the needs of such owners. For matters such as social impact assessment, the LARR mandates consultation with the concerned governing bodies.<sup>60</sup> Legal land owners are adequately represented by municipal corporations or panchayats. However, this is not true for informal settlers who are beyond the ambit of LARR. In the context of the SRFD project, the municipal corporation itself is spearheading the execution. Developing the riverfront falls within the functions of AMC. Such involvement of the AMC negates the possibility of an unbiased approach towards the concerns of informal settlers. The procedure would thus have to be substantially altered to include organisations like SNAM as representative bodies for the purpose of consultation.

Another procedural aspect that needs greater deliberation in the context of informal settlers is that of demarcating the land occupied by affected families. The LARR prescribes that all particulars of the land of affected families must be recorded.<sup>61</sup> It does not lay down the procedure to conduct such surveys because data pertaining to land legally owned by individuals is available in government records. This is where there is a divide in the road. The land occupied by informal settlers is neither documented nor easy to demarcate. It is therefore imperative that a procedure with a nuanced and focused approach is established to appropriately measure the land and facilities that the informal settlers not only occupy but access for their livelihoods.

A significant difference in the nature of an R&R policy for land owners versus one for informal settlers is that the former has a significant focus on monetary compensation, as is evident in the LARR,<sup>62</sup> whereas the same is not

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59 Gujarat Town Planning and Urban Development Act, 1976, Sec. 3-7.

60 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 4.

61 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 16(1) and Sec. 23(a).

62 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 28 and Sec. 29.

required in the latter. Over and above infrastructure facilities,<sup>63</sup> the LARR stipulates that the affected families be awarded monetary compensation as part of their R&R entitlements.<sup>64</sup> Monetary compensation is important in cases where the government is depriving legal owners of their assets as in the case of land owners envisaged in the LARR. However, informal settlers are not entitled to any such monetary compensation. The onus on the State is to enhance their standard of living and protect their fundamental right to life and shelter as elucidated in the previous section. In consonance with the build back better doctrine,<sup>65</sup> the duty of the State is to qualitatively improve the lives of informal settlers by providing them with better housing and maintaining or improving the job opportunities that they had prior to resettlement. Moreover, as in the case of the SRFD project, it is logistically impossible to determine the exact amount each affected family deserves in the absence of ownership of land or clear demarcation of the land that they use.

The LARR does contain certain noteworthy provisions on R&R. For instance, it recognizes the build back better doctrine and aims to improve the socio-economic condition of the displaced land owners.<sup>66</sup> Further, it lays down a fairly comprehensive procedure for conducting a social impact assessment.<sup>67</sup> However, applying the same threshold and procedures for R&R of informal settlers would mean neglecting their specific circumstances and needs. It is with this background, that we make recommendations for an R&R policy focused on the needs of informal settlers.

### **R&R Policy for Informal Settlers: Recommendations**

A successful R&R policy that goes hand in hand with development projects is the fundamental responsibility of a state. No initiative that alienates

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63 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Third Schedule.

64 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 30(2) read with the First Schedule.

65 Action Aid, *Building Back Better? The Caracol Industrial Park and post-earthquake aid to Haiti*, Action Aid USA (Jan. 2015), [http://www.actionaid.org/sites/files/actionaid/building\\_back\\_better\\_the\\_caracol\\_industrial\\_park\\_and\\_post-earthquake\\_aid\\_to\\_haiti.pdf](http://www.actionaid.org/sites/files/actionaid/building_back_better_the_caracol_industrial_park_and_post-earthquake_aid_to_haiti.pdf) (last visited April 22, 2016).

66 *Supra* note 50.

67 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 4-9.

the rights of marginalised sections of society can truly be termed as development. Ideally, the process of R&R should engender new rights that will enable people to become equal beneficiaries of the development project. The primary aim of an R&R policy is the empowerment of socially and economically marginalised sections of society. Just as displacement is not an unavoidable ramification of infrastructural development and must not be viewed as such, impoverishment should not be a necessary result of resettlement. Our recommendations are from the frame of reference of the SRFD project and are in consonance with the constitutional and international human rights standards on right to shelter as well as international practices.

1. Social Impact Assessment (SIA)

It is only fair that the balance of any project that drastically affects the rights of vulnerable communities, particularly with respect to land and livelihood, be tilted in their favour. The intention is not to deny the legitimacy of the State or the importance of national and regional developmental goals but to prevent exploitation. Decisions pertaining to development must be a result of a comprehensive and participatory process of social impact assessment.

The SIA we recommend is different from the SIA contained in the LARR primarily on two fronts. Firstly, it is oriented towards the challenges faced by a community as opposed to a family. Informal communities thrive on their shared experiences and social cohesions. It is far more important to preserve the social bonds and neighbourhoods of such occupants as that is the only asset they possess. Chapter II on SIA does not allude to assessment of social relations and the disruption that would follow after implementation of the project. In Section 31 of the LARR, each particular of the R&R award, determined post the SIA, focuses on a family as a unit and makes no reference to transposing existing neighbourhoods and communities to resettlement sites together.<sup>68</sup> Further, the focus of the LARR is on formal structures and it does not adequately recognise the needs of informal communities. Section 4 of the LARR states that the government must consult with the Panchayat, Municipality or Municipal Corporation while conducting the SIA.<sup>69</sup> Such a model would fail to deliver an

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68 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 31.

69 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Sec. 4.

objective outcome in cases such as the SRFD project wherein they would be adequately represented by SNAM and not AMC. Secondly, it takes into account the impact of their surroundings on the nature of their jobs and consequently, their livelihood. LARR stipulates several factors that must be considered while conducting a SIA.<sup>70</sup> However, there is no allusion to the nature of the employment of the displaced and the impact of their surroundings on the same.<sup>71</sup> Informal settlers such as the ones on the riverfront depend almost entirely on their surroundings to develop skills that will earn them a livelihood. For instance, a significant number of occupants are either washermen/women or fishermen/women. It is thus imperative to assess the displaced persons' nature of employment so that resettlement can be carried out accordingly.

Broadly, the SIA must entail:

- An analysis of the project framework to examine whether the displacement of locals is absolutely inevitable. Is there scope for an alternative that does not necessitate extensive displacement or an alternative that allows for resettlement on the same land?
- An overall assessment of the social and ecological impacts. What will the costs of the consequences of the project be for the environment and various sections of society? In light of the various options available to fulfil the desired objectives, is the project planned so as to maximise the benefits and minimise the social costs? Is it in consonance with the goal of sustainable and equitable development?
- An estimation of the cumulative loss to the displaced community that appreciates their shared experiences, average standard of living, their surrounding environment and other factors that constitute their lives. Have measures been taken to preserve existing neighbourhoods and prevent social conflicts?
- An analysis of how the existing allocation, access and control of resources will be altered. Who will benefit from these changes? Will these changes be in harmony with principles of distributive justice and equity?

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70 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Chapter II.

71 Section 4(5) states that the livelihood of affected families must be taken into account. However, livelihood is not the same as nature of employment.



- Determination of the magnitude of risk to indigenous communities and a detailed study on how risks such as loss of land, employment, access to common resources, health and education services and social and food security can be averted or minimised. This must be done in consultation with representatives of the local communities. Are job opportunities in consonance with their current nature of employment available in and around resettlement sites?

Timely completion of social impact assessment is of utmost importance. Further, once the report is prepared by the government, it should be made accessible in the public domain in the local language.

## 2. Process of Consultation

It is important for the authorities executing a developmental project to engage in a dialogue with local communities regarding all aspects of the project that affect them. Inclusion right from the stage of decision-making would result in a sense of security among those affected, thereby creating a solid foundation for an equitable implementation of the project. For instance, in Slovakia, the Environmental Impact Assessment Act mandates the formulation of a Consultation Information Centre for effective flow of information and interaction with the PAF.<sup>72</sup> Such State established mechanisms facilitating interaction with the PAF ensure that there is no civil unrest on account of misinformation.

Baseline studies to assess social and economic impacts should be undertaken in consultation with the locals. In the SRFD project, local representatives and groups such as SNAM should have been consulted. All the occupants likely to be displaced should have been divided into groups according to their existing neighbourhoods.<sup>73</sup> Each such group should have selected one representative to correspond with authorities and facilitate exchange of information that summarises the broad preferences and demography of that group.

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72 Leopoldo Jose Bartolome, *Displacement, Resettlement, Rehabilitation, Reparation, and Development*, WCD THEMATIC REV. (Nov. 2000), <http://siteresources.worldbank.org/INTINVRES/Resources/DisplaceResettleRehabilitationReparationDevFinal13main.pdf> (last visited April 22, 2016).

73 Robert Vachon, *Alternatives to Development* (Intercultural Institute of Montreal Working Paper Series, Paper No. 3, 1988).



In accordance with the ICESCR's elucidation of the right to adequate housing,<sup>74</sup> some examples of the kind of information that must be collected to ensure that the resettlement plan is effectuated to best suit everyone's needs are:

- For preservation of social networks and safety- Whether there are any unresolvable conflicts between communities that would hamper a sense of safety and security if they are made to be part of the same neighbourhood.
- To ensure availability of employment opportunities in resettlement area- What are the various occupations that the individuals in the group are involved in?
- To ensure ease of access for the elderly- Number of families in the group with elderly members so that they can be given housing that is easily accessible.
- To make adequate provision for livestock and cattle- How many occupants are engaged in cattle rearing so that facilities for their safekeeping can accordingly be made?

### 3. Inclusion with Information

When the riverfront occupants approached authorities with queries and concerns, the responses they received were opaque, vague or non-existent. Consequently, newspapers were the only source of information for the displaced communities.<sup>75</sup> To avoid such situations, the government can adopt a practice similar to a recommendation made to the Swedish Government. It suggested that a local person in each project affected area should be engaged with as an "act keeper"<sup>76</sup>. This person would be equipped with all the pertinent documents related to the project, laws and policies that regulate it which would subsequently enable the local communities to "watch, understand, defend and assess their losses, costs and rights". However, we contend that to avoid politicisation of such a post, members of the community and collectives such as SNAM should collaborate to recommend a representative.

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<sup>74</sup> *Supra* note 49.

<sup>75</sup> Desai, *supra* note 6, at 28.

<sup>76</sup> Lovgren, *Moratorium in Sweden: An Account of the Dams Debate*, 45 (European NGO Hearing, Paper No. 12, 2000).

Examples of the kind of information that should be offered in the public domain are:

- Areas that will be affected directly due to reclamation.
- Areas that will be partially affected due to reclamation.
- Laws and policies that govern the developmental plan.
- R&R policies of the project.
- Eligibility criteria and resettlement zones that are offered.
- Grievance redressal mechanisms in place.
- Documents and other eligibility proofs required to access such resettlement housing.
- Various governmental schemes that can compensate loss of livelihood, employment.
- Authorities and timeline for providing compensation.
- Details of the phasing of resettlement programmes.
- Details of the social impact assessment conducted.

#### 4. Empowerment of Indigenous Organisations

It is imperative that provisions are made to make it possible for people affected negatively by a development project to participate in a meaningful manner. Legal and policy provisions would play the most important role in enabling this participatory process. However, another effective way to further this aim is for the project proponents along with the State to provide resources that would allow the affected people to keep themselves better informed. In the Great Whale component of the James Bay Project in Canada, the project proponent, Hydro Quebec, empowered the indigenous people to conduct their own studies regarding the impacts of the project by providing funds to their organisation, the Grand Council of Cree.<sup>77</sup> In case of the SRFD Project, the project proponent namely AMC should have been directed to empower the affected families in a similar manner via their organisation, SNAM. Strengthening SNAM and the communities it represents would have enabled the

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<sup>77</sup> *Id.*, at 47.

occupants to preserve their cultural and traditional heritage in consonance with their constitutional right to life.<sup>78</sup> A mandate of this nature would therefore effectuate a meaningful participatory process.

5. Awareness regarding Employment Opportunities and Introduction of Government Schemes for Employment of the Displaced

Since developmental projects tend to egregiously affect employment of the displaced occupants, the government must ensure implementation of awareness programmes to give the occupants an insight into employment opportunities available to them after resettlement. For example, since many of the riverfront dwellers were artisans and tailors, the authorities could have distributed brochures containing job opportunities in their preferred areas of work. Further, awareness programmes could have been conducted to inform them about various vocational training workshops and alternative job opportunities since not all forms of employment can be easily replicated after resettlement.

At the central level, the Prime Minister's Employment Generation Programme (PMEGP) is a credit linked subsidy programme that aims to augment employment opportunities by establishment of micro enterprises in urban as well as rural areas. To take employment security for the displaced a step further, a similar programme should be implemented by the State Government. Through establishment of micro enterprises with a special focus on employment of people displaced owing to government projects, a 'Chief Minister's Employment Generation Programme' (CMEGP) could potentially result in a significant reduction in the risk of loss of livelihood for the urban poor.

6. Consultation with other Ministries

Any project undertaken by the government has ramifications that impact several different dimensions of society. Normally, when one department of the government conceptualises a project in isolation, the project lacks an all-round analysis of its effects. At the planning stage, the government body floating the project must consult with other departments of the government. For instance, in case of the SRFD project, the AMC should have consulted the departments

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78 *Supra* note 42. See the discussion in Francis, Tellis and Ammini.

of labour and employment, human resource development, health and family welfare, drinking water and sanitation and social and justice empowerment. Such engagement between the various departments of the government prior to execution of a project would ensure that each of their expertise is used to holistically analyse its impacts and solutions to potential problems.

## **VI. CONCLUSION**

This paper has attempted to chronologically observe the course of events that took place on the Sabarmati riverbank from 1998 to 2012. The discourse and politics of neoliberal transformation are intrinsically linked to these observations of the exclusionary developmental model that caused large-scale displacement. Further, the paper has tried to highlight the dismal state of resettlement and rehabilitation policies in such projects that necessitates interventions by groups such as SNAM and activist-lawyers like Girish Patel. The primary aim of this paper is to emphasise the lack of an inclusive, consultative and transparent process that enables displaced communities to effectively engage with authorities and seek their fundamental rights. From autonomous, independent members of the informal markets that contribute to the economic growth of Ahmedabad, these displaced communities have been transformed into charity cases and welfare-seeking dependents.<sup>79</sup> Abysmal policies regulating rehabilitation programmes have led to a stigmatizing change in the lives of these citizens. With this background, the paper has attempted to formulate a set of policy recommendations that would eliminate the possibility of exclusionary development plans that adversely affects the fundamental rights of marginalised communities. We contend and hope that an institutionalized reform that is geared towards an inclusive, holistic and balanced rehabilitation policy will dispel the notion of the poor being obstacles to development.

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79 Mathur, *supra* note 39, at 69.