

**MANAGEMENT OF INVOLUNTARY RESETTLEMENT IN  
INFRASTRUCTURE DEVELOPMENT PROJECTS IN SOUTH ASIA**

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**DOI: 10.5958/2249-7315.2022.00125.3**

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**ABSTRACT**

*Development of infrastructure projects particularly in South Asia has led to physical and economic displacement of local communities. Majority of those project affected, or displaced people are from vulnerable sections. Once removed from their communities and local environment due to acquisition of land for the infrastructure projects, they experience trauma and face many challenges, particularly in the process of resettlement and restoration of their livelihoods. Hence, management of land acquisition and resettlement of displaced people is prerequisite to be done well through planning, designing, engaging with stakeholders, compensating for loss of properties, restoring livelihoods, addressing the needs of vulnerable people and monitoring social impacts. This paper presents a conceptual framework on involuntary resettlement and discusses existing policies and laws on land acquisition and resettlement in South Asian countries particularly in India and Bangladesh. It also presents resettlement case studies of infrastructure projects of both countries to assess in the light of international best practices.*

**KEYWORDS:** *Infrastructure projects, Management, Land acquisition, involuntary resettlement, Affected and displaced people, International best practice, South Asia.*

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**1. INTRODUCTION**

The economic benefits result from investment in infrastructure development is well established. The availability of good infrastructure supports economic growth which in turn is vital for alleviating poverty, improving living standard for all and promoting overall prosperity. However, progress of infrastructure projects, especially in South Asian countries has been severely hampered largely by conflict and protests by the affected people due to acquisition of their land. Development projects often benefits the wealthier section but forcing the backward community to leave their homes leading to homelessness, extreme economic hardship, community disintegration, mental and physical problems. These are among the risks of impoverishment that frequently come with the projects that involve involuntary resettlement (Cernea, 1997 [1]; Mathur 2011 [2]).The number of displaced people has been increased mostly in South Asian countries where rapid physical infrastructure development is considered as solution of economic growth.

In order to attain rapid economic growth the South Asian countries like India, Bangladesh, Sri Lanka, Pakistan, Nepal etc have often ignored the problem of involuntary displacement. Development policies of these countries are not concerned about the proper resettlement of displaced population of development projects. In all most all South Asian countries, governments do not keep the actual data relating to displacement. Besides, there is absence of clear cut policy of resettlement and rehabilitation of the displaced population which makes the problem more complicated (Choudhury, 2006) [3]. Lack of attention to resettlement issues not only harm the

project area people, but have other serious implications as well. Project costs go up when discontented people mount protests that can completely upset implementation schedule, resulting in huge time and cost overruns (Mathur, 2011) [2]. Therefore, management of land acquisition and resettlement of displaced people is required to be done well through planning, assessment, engaging with stakeholders, compensating for loss of land, restoring livelihoods, addressing the needs of vulnerable people and monitoring impacts. Management of involuntary resettlement should be a part of the development plan of the project that necessitates and causes relocation and resettlement and not secondary or after thought programme (Tortaja, Altinilek and Biswas, 2012) [4].

This chapter presents (i) a conceptual framework on involuntary resettlement; (ii) an overview of resettlement policies and laws in India and Bangladesh; (iii) resettlement case studies of development projects of both countries to assess in the light of international best practices. The chapter is based on secondary sources. The type of documents used for case studies are scholarly articles, monitoring reports, social impact assessment reports, progress reports, conference papers etc.

## **2. DISPLACEMENT AND RESETTLEMENT**

Infrastructure development projects such as transportation, irrigation, hydropower, mining, industries, and urban development involve land acquisition and resettlement and often lead to the physical and socio-economic displacement of people to make space for their construction and operation. Land acquisition has caused various social problems and surge conflicts between governments and local people who are forced to leave their lands for specific compensation (ADB, 2006) [5]. It is estimated that 250-300 million people have been displaced over the last 20 years due to infrastructure development projects and left without effective livelihood restoration activities and thus faced marginalization (Modi, 2009) [6]. Development projects displace about 10 million people globally each year and the number of people displaced keeps on increasing. The number of affected people has grown dramatically mostly in developing countries like India, China and Malaysia, where rapid physical infrastructure development is considered as a solution of economic growth and sustainability (Neef and Singer, 2015) [7].

Since the 1970s several conceptual frameworks have been developed to analyze and understand displacement and resettlement issues. In early 1980s, Scudder and Colson proposed four stage model of how people along with socio-cultural systems respond to resettlement. These stages were categorized as recruitment stage, transition stage, potential development stage and handing over/incorporation stage (Scudder and Colson, 1982) [8]. In recruitment stage, policy makers or planners formulate development plans or projects such as dam construction, mining, industries or establishing hydroelectric project and rehabilitation plans without informing those to be displaced. In the transition phase, people come to know that they have to vacate their native place and will be resettled in unfamiliar places. This will obviously heighten the level of stress among people. Potential development stage begins after physical relocation in unfamiliar places. In this stage, displaced people start reconstructing their economic activities and social relations with neighboring communities for peaceful social life. In handing over or incorporation stage, local production systems and community leadership are handed over to a second generation of residents. In this stage they feel like they are at their home in the community. Once this stage has been achieved, resettlement is considered a success. The Scudder and Colson model on different behavioral tendencies common to each of a series of stage through which resettlers passed. The model was formulated to voluntary settlement and was later applied to some cases of involuntary resettlement. However, evidence from involuntary resettlement shows that not all programs pass through all the stages successfully (Sapkota and Ferguson, 2017) [9]. Chiruguri (2015) [10] argues that this model neither gives suggestions to policy makers nor instructions in favour of project

displaced families/persons to be implemented in the prescribed four stages.

In the 1980s and 1990s, the growing evidence of involuntary resettlement schemes that failed to pass through all four stages suggested that a new model was necessary to explain the consequences of involuntary relocation. In 1990s, Michael Cernea proposed Impoverishment Risks and Reconstruction (IRR) model which aims to identify the impoverishment risks intrinsic to forced resettlement and the processes necessary for reconstructing the livelihoods of displaced people. Cernea identified inter alia eight interlinked potential risks intrinsic to displacement that includes i) landlessness; ii) joblessness; iii) homelessness; iv) marginalization; v) food insecurity; vi) increased morbidity and mortality; vii) loss of access to common property; viii) social disintegration (Cernea, 1997) [1]. Apart from these eight risks, Mahapatra (1991) [11], Downing (1996) [12] and Robinson (2003) [13] have added three more risks like loss of access to public services, loss of educational opportunities, and loss of civil and human rights. The IRR model advocates for targeted measures to address the risks: land-based resettlement, job creation, housing, health and nutritional measures, and social network building.

McDowell (2002) [14] proposed a framework of “forced displacement, sustainable livelihoods, and impoverishment risks” by combining IRR model and the elements of sustainable livelihoods approach previously used in poverty reduction and development fields. Along with the analytical models, some development oriented resettlement policy frameworks have evolved since 1980s. Multilateral Development Banks (MDBs), including World Bank and Asian Development Bank (ADB), adopted resettlement policies promoting sustainable resettlement and livelihood restoration for displaced persons in development projects. The key elements of MDB resettlement policies include (i) minimizing resettlement by exploring design options; (ii) improving or restoring livelihoods of displaced persons by proper assessment, planning and management of land acquisition and resettlement; (iii) making efforts to share project benefits; (iv) ensuring participation of displaced persons; (v) addressing the needs of vulnerable groups. Several developing countries, including those in South Asia developed national resettlement policies reflecting elements of development oriented resettlement. The recent United Nation Conference in 2015 adopted 17 Sustainable Development Goals. Of the 17 goals, goals 1-19 are relevant to sustainable resettlement and livelihood restoration of displaced persons.

#### **4. INVOLUNTARY RESETTLEMENT POLICIES AND LAWS**

Policies and laws on land acquisition, rehabilitation and resettlement for infrastructure development projects are being updated in South Asian countries. India has already adopted a new land acquisition, rehabilitation and resettlement law, while Bangladesh has begun the process of formulating the national policy on involuntary resettlement with technical assistance of ADB. Overall, there is recognition in the region of the necessity to amend legislation on land acquisition and resettlement. This section examines the involuntary resettlement policies and laws in India and Bangladesh.

##### **3.1 India**

In India, lands, building and other immovable properties are mostly acquired under the colonial Land Acquisition Act of 1894 and the Act was amended in 1984 with inclusion of progressive provisions for the affected communities. These included like solatium from 15 percent to 30 percent, inclusion of additional market value in compensation, introduction of consent award etc. (Jamdar, 2014) [15]. However, the 1894 land acquisition act was characterized by a total absence of approval which allowed for forced acquisition, no real grievance mechanism, no safeguards, no mentioning of resettlement and rehabilitation of displaced and low rates of compensation. The law only recognizes titleholders and excludes squatters and other informal dwellers from compensation programs, triggering impoverishment and further marginalization of such vulnerable

groups.

In 1980, the World Bank influenced the governments to amend the laws and came up with an Involuntary Resettlement Statement. During this period and till the late 1980s, the development projects largely addressed the resettlement issues as they arose in a purely adhoc manner. The government adopted the first national policy for project affected people in 2004 and a modified version called National Policy on Rehabilitation and Resettlement was notified by the Government of India in 2007. On the basis of this policy, the government presented a new bill to repeal the Land Acquisition Act to the parliament.

In 2013, the Parliament passed the Right to Fair Compensation and Transparency in Land Acquisition Act (RFCTLARR Act, 2013). The Act combines land acquisition and rehabilitation and resettlement in one umbrella. The primary objective of the Act was to provide fair compensation, thorough R&R of those affected, adequate safeguards for their well being and complete transparency in the process of land acquisition. The important features of the Act are (i) the consent of 80 per cent of land owners is needed for acquiring land for private projects and of 70 per cent of landowners for Public Private Partnership(PPP) projects,(ii)the term ‘public purpose’ is restricted to land for strategic purposes, infrastructure projects, planned development or improvement of rural and urban areas or residential purpose for weaker sections and persons residing in areas affected by natural calamities or displaced,(iii) compensation has been increased to four times the market value in rural areas and twice the market value in urban areas,(iv) rehabilitation and resettlement package for the affected families with additional benefits to the scheduled castes and scheduled tribes families,(v) the government will not acquire land for private companies for private purpose, multi-cropped, irrigated land cannot be acquired unless it is for defence or emergency caused by natural calamity,(vi)the Act mandates Social Impact Assessment(SIA) when government proposes acquisition of land, which should be conducted in consultation with the gram sabha (village council). The process for land acquisition involves preparation of SIA study, publication of preliminary notification stating the intent for acquisition, declaration for acquisition and resettlement and rehabilitation awards. The provisions of this Act shall not apply to acquisitions under 16 existing legislations including Atomic Energy Act, 1962, the Railway Act, 1989, the Special Economic Zones Act,2005, etc. The new Act has very much protective provision for scheduled castes and scheduled tribes and it has also provisions for the protection of culture and heritage of displaced tribes during rehabilitation and resettlement process (GoI, 2013) [16].

During the past 30 years, the states of Karnataka, Odisha, Gujarat and Uttar Pradesh have adopted their own state-level resettlement and rehabilitation policies. Both federal and state governments can legislate on land acquisition. Section 107 of the RFCTLARR Act empowers state governments to frame a law or policy which provides a higher compensation and thereby enables a person who has lost land to avail of the higher compensation under such policy or other act. Several public sector organizations have also formulated their own resettlement and rehabilitation policies.

### **3.2 Bangladesh**

The provisions of land acquisition are mentioned in Article 42 of the constitution of the People’s Republic of Bangladesh. The land acquisition law in Bangladesh gives the right to take property for public purposes. The Government of Bangladesh is empowered to acquire land in two ways: 1) every citizen have the right to hold, acquire, dispose or otherwise transfer the property,2) a law made under clause (1) shall provide for acquisition with compensation and either fix the amount of compensation to be paid (Syed Al Atahar, 2013) [17]. Over the years various types of Acquisition Laws were followed in Bangladesh. In order to assure the best use of the most valuable property of the country, in 1976 the Government of Bangladesh established the District Land Allocation Committee (DLAC) and a Central Land Allocation Committee (CLAC). DLAC is responsible for

land allocation at the district level and CLAC deals with land allocation in Dhaka city. The Requiring Body and Acquiring Body have worked together to acquire land. Under the Compulsory Land Acquisition Law 1982, market value is taken for the valuation purposes. Sometimes there may be increase of 20% from market value (50% in some cases). Under this law, there is no obligation for relocation but it was not followed due to suffer from lack of work, money and transportation all at once, as they lose their daily activities and income (Vikram and Murali, 2015) [18].

The present legislation governing land negotiation for Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance 1982 (hereinafter, “the Ordinance”) and subsequent amendments (1989, 1993, 1994, and 2004). It focused on compensation issues and this law has continued to exist as the sole instrument of land acquisition in Bangladesh. Some additional payments were added to the prescribed amount of compensation (Murali and Vikram: 2016) [19]. However, it does not cover project affected persons without titles or ownership record, such as squatters, encroachers, and informal tenants and lease-holders and does not ensure replacement value of the property acquired. It has no provision of resettlement assistance for restoration of livelihoods of the non-titled affected persons (BBA, 2009) [20].

With the help of Asian Development Bank, the Government of Bangladesh has prepared a National Policy on Involuntary Resettlement, which is consistent with the general policy of the Government that the rights of those displaced by development project shall be fully respected and treated with dignity and assisted in such a way that safeguards their welfare and livelihoods irrespective of title, gender, and ethnicity. The draft policy was submitted to the Government in November 2007 and it has been approved by Ministry of Land in January 2008. Ministry of Land has enacted “The Padma Multipurpose Bridge Project (Land Acquisition) Act, 2009” and Dhaka Elevated Expressway Project Land Acquisition Act, 2011”. The policy is still in the process of evaluation and approved by the Government. Once the Policy is approved by the Cabinet, it will be further reviewed and finalized, including a legal framework of enactment of the policy into law with detailed implementation guidelines. Then the Ordinance II (1982) and the new Law will complement each other in dealing with development induced displacement (ADB, 2006) [5].

## **5. PROJECT CASE STUDIES IN INDIA AND BANGLADESH**

### **4.1 Social Safeguards Implementation of Padma Multipurpose Bridge in Bangladesh**

The Padma Multipurpose Bridge Project (PMBP) is a priority project of the Government of Bangladesh. The project will provide direct connectivity between the central and southwestern part of the country through a fixed link on the Padma River on Mawa-Janjira points. This project is co-financed by the Government of Bangladesh, the World Bank, the Asian Development Bank (ADB), the Japan International Cooperation Agency (JICA) and the Islamic Development Bank (IDB). The Project covers three districts – Munshiganj (Mawa/North bank) and Shariatpur and Madaripur (Janjira/South bank). The bridge is designed to be an approximately 6.15 km long fixed crossing double deck steel bridge over the river Padma with provisions for a four lane divided motorway, a rail line, gas pipeline, optic fiber cable and power transmission lines on the bridge (BBA, 2011). The project will bring in positive economic impact on trade, transportation, agriculture, education, health, and all other sectors, and eventually on life and livelihood of the people in the region and the nation as a whole. However, the project’s adverse impacts have been documented at various stages of the project. The total area of land was required for various components is 1062.14 ha. Due to land acquisition, it is estimated that a total of 13501 households consisting 75000 persons will be affected directly and indirectly by the Project in Munshiganj, Shariatpur and Madaripur districts (BBA, 2010) [21].

Land acquisition for the project has been done under the Acquisition and Requisition of Immovable Property Ordinance II (1982) and State Acquisition and Tenancy Act 1951. The Padma Multipurpose Bridge Project (Land Acquisition) Act 2009 has been promulgated to refuse any fraudulent claim for compensation of land or structures. Video filming the right-of-way is a provision of the law to ensure compensation for genuine losses only (BBA 2011) [22]. The Jamuna “model” of resettlement has been adopted as a “standard” for PMBP. Several action plans have been developed to address the resettlement impacts of the PAPs. These action plans are included in a Social Action Plan for Padma Bridge Project, including four components: Resettlement Action Plans (RAP), a Gender Action Plan (GAP), a Public Health Action Plan (PHAP) and a Consultation and Participation Plan (CPP). Since the 1982 Ordinance falls short of the requirements of co-financiers’ safeguard policies on many grounds, the project land acquisition and resettlement policy has been harmonized with donor’s safeguard requirements. The harmonization was carried out through a gap analysis involving the 1982 Ordinance II and the co-financiers’ safeguard policies and gap-filling measures (BBA, 2010) [21]. A detailed compensation and livelihood support program has been developed covering a 10-year timeframe. A relocation program has been developed that includes the development of five resettlement sites and supports housing development and relocation for the displaced households.

Extensive consultations were held with various stakeholders at various stages of the project. Stakeholders participation was ensured through open consultation meetings with beneficiary groups, affected households, local elected representatives, Upazila (sub-district) officers, Design Consultants (Main Bridge/AR Engineer, RTW Specialist, Safeguards Specialists, International Non-Government Organisation (INGO) and BBA personnel. Stakeholder participation will continue during implementation, operation and maintenance. The minutes of meetings of the consultations held during detailed project design phase are documented and available. The INGOs are also involved in conducting awareness programs and facilitating project implementation. Summary of safeguard documents have been translated into Bangla and are made available by BBA. Two level grievance redress committees (GRC) are formed in PMBP, such as local level GRC and project level independent GRC. The committees hear, review and resolve the cases related to social/resettlement/ environmental issues (BBA, 2019) [23].

The RAPs and the Income and Livelihood Restoration Plan (ILRP) will be implemented using the services of experienced and capable NGOs. A safeguard division has been proposed within Project Management Unit (PMU) in BBA and the capacity of the Resettlement Unit (RU) of the safeguard division is being enhanced through recruitment of additional staff/consultants. Budgets for implementation of RAPs and ILRP will be included in the project cost and all land acquisition and resettlement costs will be borne by the Government. BBA is the project owner and executing agency of the PMBP. A Project Management Office (PMO), headed by a Project Director, has already been set up within BBA for execution of the PMBP. A RU has been established within the PMO, which is responsible for implementation of the RAP – disbursement of compensation through Deputy Commissioner and resettlement benefit through its own staff with assistance from resettlement implementing NGO. RAP implementation is supervised and monitored by the Head of RU in coordination with the Deputy Directors, Assistant Directors, Field Officials and staff of the implementing agency/INGO. The monitoring will be done both internally and externally to provide feedback to BBA and to assess the effectiveness of the resettlement policy and implementation.

#### **4.2 Social Safeguards Implementation of Rajasthan State Highway Investment Program in India**

The Government of Rajasthan has proposed to upgrade its road network under Rajasthan State Highway Investment Program (RSHIP) under ADB financial assistance. As a part of this end

avour, the Public Private Partnership (PPP) Cell of the Public works Department of Rajasthan Government is implementing the RSHIP which aims to improve 20000 km of State Highways and Major District Roads (MDR) to 2 lane or intermediate lane standard. Nearly 1000 Km have been identified under Tranche-1 in four different Packages. Due to acquisition of 200.98 ha private land and 68.13ha government land the project will cause impact to 1825 displaced persons and 189 common property resources (GoR, 2016) [24].

The legal framework and principles adopted for addressing land acquisition, rehabilitation and resettlement issues in the RSHIP have been guided by the legislation and policies of the Government of India, the Government of Rajasthan and ADB. Resettlement Plans (RP) have been prepared for all four packages by PWD, Government of Rajasthan and RPs have been implemented during project implementation with the assistance of implementing NGO. Final SIA for acquisition of land has also been carried out by implementing NGO. Entitlement matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements and is in compliance with National/State laws and ADB safeguards policy. The matrix presents the entitlements corresponding to the tenure of the displaced persons and the same has been approved and endorsed by Government of Rajasthan.

Public hearings on sharing the findings of the SIA under RFCTLARR Act, 2013 have been carried out by the NGO in all four packages. The project disclosure document including the entitlement to project affected persons has been translated in Hindi, the local communication language. Once approved, the NGO will distribute this to all the displaced persons and owners / trustees of Common Property Resources (CPRs) for wider publicity of the entitlements. For livelihood restoration of DPs, training need assessment is carried out by NGO. The vulnerable DPs include women headed households, scheduled tribes and scheduled castes households, Below Poverty Line (BPL) households and physically challenged persons have been considered for special provisions of resettlement assistance and support. During verification of affected persons under SIA carried out by the implementing NGO, consultations such as in-depth interviews with key informants, focus group discussions, seminars and meetings were conducted. The consultation programs include heads of households likely to be impacted; household members; clusters of affected persons, villagers, village panchayats, and Government agencies and departments.

GRC has been established at two-levels, one at the District level and another at PMU level, to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances. The institutional setup for implementation of RP is established and functioning system and procedures are in place. The jurisdictional Additional Collector is the administrator for land acquisition, resettlement and rehabilitation and is supported by the Project Director, PIU in implementation of resettlement plan. The PPP Division, PWD, Government of Rajasthan is the PMU and PMU is supported by eight Project Implementation Unit (PIU). PMU has Safeguard Officer(SO) to monitor the implementation of social safeguards of road subprojects under RSHIP. A monitoring mechanism for this project has been proposed and it will have both monitoring by PIU and monitoring by an external agency / expert (GoR,2016) [24].

## **6. CONCLUSION**

Involuntary resettlement under development projects can give rise to severe economic, social, and environmental risks, and result in long-term hardship and impoverishment of affected people if it is not managed well. Involuntary resettlement is a complex issue and requires a comprehensive framework to study and manage particularly in development infrastructure projects. The sustainable development resettlement framework provides a comprehensive tool to assess, plan, and monitor resettlement programs.

Land acquisition and resettlement policies and laws have been evolved in India and Bangladesh

during the past 40 years. India has developed a fairly comprehensive regulatory framework to address land acquisition, resettlement and other social concerns in relation to development projects. Whereas, the present legislation governing land negotiation for Bangladesh focused only on compensation for land acquisition and it has no provision of resettlement assistance for restoration of livelihoods of the non-titled affected persons. However, in order to address social development issues and implement social safeguards particularly on involuntary resettlement, both projects case studies have met the requirements of donor's safeguard policy and regulatory framework of country.

Overall, the review finds that project proponents of both countries have tried to implement several best practices in land and involuntary resettlement from International Financial Institutions' (IFI) involuntary resettlement policy. Among the best practices adopted from IFI's involuntary safeguard policy were the payment of compensation prior to affected persons' relocation, the provision of an additional entitlement package for the affected poor and vulnerable households that includes housing and income restoration and improvement, the compensation for non-titled affected persons, consultation, participation of affected people and grievance redress, training and capacity development, role of NGO in resettlement, and the provision of monitoring and supervision mechanism. Some new approaches to resettlement, aimed at improving the lives of displaced people, are now emerging. These novel ways of addressing resettlement include (i) displaced people as project partners and (ii) benefit sharing (Mathur 2011) [2]. These approaches to resettlement should be used for any infrastructure development projects to improve the living standards of displaced people.

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