



# DEVELOPMENT PROJECTS THROUGH ALTERNATIVE DISPUTE RESOLUTION

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## ABSTRACT:

This Research Paper explains that Alternative Dispute Resolution (ADR) is a method of resolving conflicts between the parties without seeking the help of court. ADR helps to communicate more effectively between parties and come up with their own solutions without the acrimony that frequently results from protracted trials. Any project carried out with the intention of growth is referred to as a development project. Communities are relocated as a result of development projects like dams, mines, and urban infrastructure their means of subsistence frequently diminished here. So consequently the difficulty lies in putting projects in to action that both advance regional or national development objectives and benefit displaced populations in terms of social and economic outcomes. People being uprooted from their home country or area are referred as displacement. The more number of individuals were mostly affected by a development activity which includes the underprivileged, women, children, and elderly individuals as well as those who depend on the land of others for their livelihood or residence and the individuals who lack recognized claims under national or customary land laws. To avoid such disputes careful consideration must be given to the affected people through proper aid management. This Research paper is an attempt to comprehend more about the development of activities that required huge extent of land, the procedures related to acquisition of the land, displacement of people, kinds of dispute arise during this process and finally how those disputes can be dissolved through the ADR.<sup>2</sup>

## INTRODUCTION:

Many nations around the globe have been awed by the benefits of various development projects. A method of progress that results in increased human wellbeing is development. Displacement is the most important impact of development initiatives. Development projects have the ability to address our many economic and social issues, enhance our quality of life, and eliminate poverty. These developments, which through the process of industrialization promised to put nations on the road of modernization and development, have been symbolized by large irrigation projects and centrally located industries. A number of states, including Orissa, Jharkhand, Andhra Pradesh, Kerala, Goa, West Bengal, and Assam, have done studies on development and displacement. Major development projects that force people to relocate include the following: a) Development of transportation (building of roads, highways, railways, airports, ports, etc.); b) Construction of dams, hydropower plants, artificial reservoirs, and irrigation channels; c) Urbanization, re-urbanization, and other changes to urban space; d) Resource mining and transportation; e) Deforestation and development of agriculture. One of the most significant factors in displacement due to growth is dam construction. A study states that over the past fifty years, India has built about 3,300 big dams. Since gaining its independence, India has conducted a number of experiments to try to become a self-sufficient nation. With the adoption of policies for planned development, policymakers made the exploitation of the nation's water resources for irrigation and the production and distribution of electricity a top priority. As big dams gained popularity, support for earlier technologies that relied on diversion or run-of-the-river plans progressively declined.<sup>3</sup> Secondly the government has repeatedly proclaimed its support for sustainable mining extraction in which the rural and tribal communities residing close to mining regions were affected badly. In comparison to earlier years, the area of the mines is currently expanding dramatically. The typical size of a coal mine has increased from 150 acres in the year of 1960s to 800 acres in the year of 1980s. Over the past 3 decades as a result of the switch from underground to opencast mines for the extraction of lower-quality coal, which required more land and caused the eviction of more people without even providing employment to absorb them, over 1500 acres of land were taken.<sup>4</sup> Finally the government has proclaimed their attention towards the purchasing agricultural property for use in industry. Large areas had to be acquired because heavy industrialization is the foundation of India's planned growth. People who were settled by housing are now displaced due to the proximity of markets and physical facilities for the placement of industries. In 2005, the government passed the Special Economic Zones (SEZs) Act.

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<sup>2</sup> Social Impact of Development Projects: Experience in India and other Asian countries. Cham: Springer. Pp. 75–86.

<sup>3</sup> N.D. Jayal And Anr Vs Union Of India And Ors (2004) 9 SCC 362

<sup>4</sup> <https://pib.gov.in › PressReleaselframePage>

According to this act, the government has officially authorised 404 projects totalling 54,280 hectares of land, which are seen by policymakers as new solutions promoting growth and development and in accordance with the neoliberal discourse prevalent throughout the world. The government's acquisition of land for special economic zones and the subsequent transfer of ownership of that land to "developers" highlight the government's growing position as a supporter of corporate-led economic growth. As a result, compensation for displacement is forced into the private sector where it may be negotiated by the market, free from the state's rehabilitation obligations.<sup>5</sup> ADR's background and development can be traced back to the 12th century in China, England, and America. And from an Indian perspective, it has been observed that the custom of amicably resolving disputes dates back to historical times, when in the villages, disputes were typically settled between members of the same family, profession, or other related groups. This Research paper is an attempt to comprehend more about how ADR's Arbitration, Mediation, Negotiation and Conciliation are resolving the conflicts without going to court.

## ARBITRATION:

Arbitration means a procedure whereby a neutral third party renders a formal judgement that resolves a legal dispute without the need for a judicial hearing. A judgement or award rendered in arbitration is enforceable in court and is legally binding on both parties. Arbitration is frequently used to settle business conflicts. According to Hindu Law, the "Brihadaranyaka Upanishad" is where considered as an earliest arbitration in India. It allowed for a variety of arbitral bodies, including Panchayat, local courts, and individuals working in related fields. The Panchas, or Panchayat members, served as the system's arbitrators at that time period and handled the conflicts. The first legislative body for British India was established, and the "Indian Arbitration Act, 1899" became the country's first law governing arbitration. However, the Act only applied to the presidency cities of Calcutta, Bombay, and Madras. The British Arbitration Act of 1889 served as the primary inspiration for this Act. The Arbitration Act of 1940 followed, covering all of India, including Pakistan and Baluchistan.<sup>6</sup> In the case of Industrial development there has also been a corresponding rise in conflicts between employers and employees over the promotion of each party's particular interests arbitration can be used to provide the best resolution to this dilemma. Industrial disputes are two categories they are Interest disputes and Rights issues. The setting of wage rates, salary levels, and job conditions fall under the first category of disputes, whereas the determination, interpretation, or application of already established standards falls under the second. Such disagreements are frequently referred to as grievance disputes. In these conflicts, it is alleged that the workers have not been treated in line with the contracts, laws, and regulations, or collective agreements that control individual employment. Such complaints may be made about layoffs, terminations, salary, working hours, overtime, seniority, job classification, work regulations, and compliance with agreed-upon obligations relating to safety and health. Arbitration is of two kinds they are Voluntary and compulsory arbitration. In Voluntary arbitration it covers circumstances in which two disputing parties mutually decide to refer their case to a third party. The Industrial Disputes Act, 1947's Section 10-A states that if the conciliation process is unsuccessful, the parties should choose voluntary arbitration. When two parties are told by the government to choose Compulsory Arbitration, both parties are required to abide with the arbitrator's decision. Arbitration offers justice at the lowest cost and in the shortest amount of time, and mutual consent fosters the development of trust and good relations between the parties. These are just a few benefits of using arbitration to settle disputes. It also ensures that the two parties have faith in each other. A formal agreement can be made if the parties to a dispute agree that the disagreement should be sent to an arbitrator. Such agreement is referred as Arbitration agreement. A copy of the agreement, along with the name of the arbitrator to whom the dispute will be sent, must be given to the relevant government for publication in an official gazette. According to Section 11, the arbitrator may conduct the arbitration according to his or her own procedure as long as it does not conflict with the principles of natural justice. The government should make public the results of the investigation and decision about the industrial dispute that was referred to an arbitrator in accordance with the arbitration agreement. In India, there have been a number of well-known cases involving arbitration in development projects. **The Narmada Bachao Andolan v. Union of India (2000) case**, which concerned the development of a dam on the Narmada River in Gujarat, is one such instance.<sup>7</sup> There were worries about the dam's environmental effects and the likelihood that the project would force numerous people from their homes and land. Arbitration was used to resolve the conflict, and in the end, the tribunal found in the government's favour and permitted the project to move on. However, the case brought up significant issues regarding the use of arbitration to settle disputes involving development and relocation projects. **Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board (2013)** is a case that is also significant in this field.<sup>8</sup> This lawsuit involves a copper smelting factory in Tamil Nadu that was said to have harmed the environment and caused health issues for nearby communities. Arbitration was requested to resolve the conflict, but in the end, the panel sided with the factory and granted permission for it to keep functioning. The case did, though, draw attention to the need for greater openness and accountability in the arbitration process, particularly in situations when there are significant concerns about public health and environmental protection. In broad terms, arbitration's usage in development and relocation projects in India is a complicated and developing legal subject.

## MEDIATION:

The parties confer with a third party who is neutral and impartial and who helps them negotiate their differences is said to be known as Mediation. In the mediation process participants can retain complete and exclusive decision-making authority. The mediator may ask the parties for permission at the beginning of the mediation process to refrain from litigation and to keep all statements made in the various sessions private and not be interpreted as admissions or used against any party in any other proceeding if mediation is unsuccessful. A joint session to establish the agenda, clarify the issues, and determine the position and/or concerns of the parties usually precedes mediation. The main advantages of Mediation are Control & dominion, Restoration of relationship, Confidentiality & privacy, Flexible or creative solutions, Cost efficient and time saving. India has two main categories for mediation, both of which are widely used. They are Court referred Mediation and Private Mediation. In

<sup>5</sup> Economic and Political Weekly, Vol. 31, No. 24 (Jun. 15, 1996), pp. 1486-1491 (6 pages)

<sup>6</sup> [https://www.indiacode.nic.in/handle/123456789/1978?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1978?sam_handle=123456789/1362)

<sup>7</sup> The Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664

<sup>8</sup> Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board (2013) 4 SCC 575



accordance with Section 89 of the Code of Civil Procedure, 1908, the judge may send an ongoing case to India for mediation. In matrimonial disputes, especially in divorce situations, this type of mediation is frequently used. This mediation comes under the Court referred mediation. In private mediation, qualified individuals serve as judges for a set fee. Anyone may choose to use mediation to settle their disagreement, including courts, the general public, businesses, and the government sector. The mediation played an important role in Mining Disputes because mediation is a good resolution tool and is able to minimize time invested, cost, and resources. For a very long time, there has been terrible administration in India's mining industry. Government agencies often help mining businesses rather than the impacted people when they do become involved. In reality, government entities barely have the staff or other resources to prevent infractions or look into them once they have been committed. According to a survey in India, there are 585 land-related conflicts which cost's \$13 trillion in investments and posing a threat to 6.7 million people.<sup>9</sup> Multiple clearances make investors and lenders leery, even if a corporation plans to purchase land on its own, in which case LARR does not apply. Due to the extreme boldness and danger involved in sponsoring such undertakings, financial institutions avoid doing so. There are 47 mining conflicts going on right now that are harming 616,466 people, 225,843 hectares of land, and investments totalling 106,859 crores (\$15.6 billion). There is scarcely any attention given to India's "National Policy on Resettlement and Rehabilitation for Project Affected Families." It is not even half-heartedly implemented. In any case, there is no organisation or system in place to evaluate and keep track of traumas and displacements. Rehabilitation is typically utterly insufficient. People who lose their livelihoods are hardly ever rewarded. Conflicts between parties over land acquisition and rehabilitation may be resolved through mediation.<sup>10</sup> It is more adaptable and sensitive to the needs of the various parties involved. The mediator can collaborate with the parties to expedite the settlement of the disputed issues. Affected individuals have the opportunity to discuss their issues. An official or licensed government representative must offer payment for all essential damages. The use of mediation in foreign nations for development projects entails the use of a disinterested third party to assist in resolving disagreements and conflicts that can develop between various project parties. This is crucial in foreign nations where there may be linguistic and cultural barriers as well as where the legal and regulatory systems may be different from those in the home country of the project creators. The Chad-Cameroon Pipeline Project is one instance of international mediation for development projects.<sup>11</sup> This project entailed building a pipeline to carry oil from the Chad to the coast of Cameroon for export. The operation, which required the relocation of thousands of people from the areas impacted by the pipeline construction, was funded and supervised by a coalition of major oil firms. However, the project was opposed by a number of parties, including local communities, environmental organisations, and human rights groups, who voiced worries about the project's social and environmental effects. The management of these worries and ensuring that the resettlement process was carried out in a fair and equitable manner presented issues for the project's creators. In order to deal with these issues, the project's creators used mediation to settle disagreements and conflicts with the various parties. A neutral third party was chosen as part of the mediation process in order to help the parties involved communicate and negotiate. The project developers were able to resolve the issues raised by the various stakeholders through this approach, and they also managed to come to agreements that were palatable to all parties. There have been a number of instances in recent years where disputes between project developers and impacted communities have been settled through mediation. One such instance is the **Nandigram case**,<sup>12</sup> which involved a disagreement over a proposed chemical hub in the Nandigram area of West Bengal. The project was opposed by local farmers and fishermen who were concerned about the environmental and health impacts of the project, as well as the loss of their land and livelihoods. The disagreement led to violent clashes between the protesters and the police, which resulted in several fatalities and injuries. The West Bengali administration engaged a mediator to encourage communication between the parties in response to the violence. Following the mediation, a settlement agreement was reached that included provisions for compensation, alternative livelihoods, and environmental protection measures, and it addressed many of the issues that the protesters had expressed. Both parties agreed to the settlement, and the project was ultimately shelved. In the context of development and relocation projects in India, these stories show the potential of mediation as a tool for settling disagreements. Compared to litigation, mediation is almost always less expensive.

## NEGOTIATION:

The most productive way for resolving disputes is through negotiation. Although the two most popular ADR methods are arbitration and mediation, bargaining is nearly often used to settle disputes first. Through negotiation, a problem can be resolved by getting the parties together. The fundamental benefit of this method of dispute resolution is that it gives the parties themselves the ability to direct the course of action and the resolution. Developers, government organisations, local communities, and other stakeholders are just a few of the parties with different interests that may be involved in a negotiation for a development project. Disputes may occasionally emerge, and parties may turn to the legal system to settle their differences. By offering precedent and instructions on how comparable problems have been settled in the past, case laws can be useful in negotiating development projects. An important component of development efforts is negotiation. To reach a deal that benefits everyone concerned, negotiations and compromises between many parties are necessary. Here are a few instances of negotiations in construction projects. Land purchase is frequently required for development initiatives. It could be necessary to negotiate with government agencies or private landowners in order to purchase land. The negotiations may cover topics including remuneration for the land, relocation of the inhabitants, and any environmental issues. A crucial component of development programs is community involvement. To make sure that the community's concerns and interests are taken into account, negotiations may be necessary. For instance, a business could have to bargain with the locals to build a plant there. Discussions about employment prospects, environmental effects, and community development initiatives might come up during the negotiations. Funding for development initiatives is needed from a number of sources. Funding from donors, financial institutions, or the government may require negotiation. The feasibility of the project, potential dangers, and the financial terms and conditions may all be

<sup>9</sup> Co-founded by journalists Ankur Paliwal and Kumar Sambhav Shrivastava in 2016, Land Conflict Watch has documented over 600 conflicts across India in the last two years. The majority of these conflicts are on community-owned rather than privately-owned land.

<sup>10</sup> University of Chicago Law School - Global Human Rights Clinic, "Resolving Land Disputes through Restitution Dynamics: A Comparative Analysis of Country Case Studies" (2017).

<sup>11</sup> Chad-Cameroon Pipeline, Center for Environmental Law, accessed September 2017

<sup>12</sup> Association For Protection Of ... vs State Of West Bengal And Ors. ... on 16 November, 2007 (4) CHN 842

discussed during the negotiations. Government agencies frequently need to approve development initiatives. To make sure that the project confirms the rules and requirements, negotiations may be necessary. The following are a few instances of negotiations in development and relocation initiatives. Land acquisition is frequently required for development projects, and discussions with landowners and the people that will be impacted are crucial. For instance, it might be difficult to negotiate with landowners to purchase the required land when building a new road, especially if they believe that they are not being treated properly. Compensation amounts, relocation options, and other pertinent topics may be discussed during negotiations. Resettlement of impacted communities is frequently required by displacement initiatives, necessitating negotiations with these groups. For instance, the project may need for the relocation of surrounding populations when constructing a new dam. Discussions on the relocation location, salary, and other employment opportunities may be part of negotiations. The environment may be significantly impacted by development initiatives, necessitating agreements with environmental organisations and authorities. For instance, discussions of environmental impact studies, pollution prevention strategies, and community engagement initiatives may be part of negotiations while constructing a new factory. India's legal system and body of case law, along with other factors, make negotiation in development and relocation projects a complex subject. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) is one of the main legislative frameworks that controls the acquisition of land for development projects in India. The LARR Act outlines the legal parameters for land acquisition and offers provisions for settlement, rehabilitation, and relocation of impacted people. In addition to the LARR Act, the Indian judiciary has over the years developed a number of case law precedents that have influenced the legal framework surrounding development and displacement initiatives. For example, the Supreme Court of India has rendered a number of significant rulings on the subject of land acquisition and compensation, including the well-known "**Lavasa**" case, which involved the purchase of land for a hill station project.<sup>13</sup> In general, negotiation in development and displacement projects in India necessitates a thorough knowledge of the country's legal system and case law, as well as a dedication to transparency and democratic decision-making. Negotiation is significantly less formal and provides a lot more latitude than other ADR methods.

### CONCILIATION:

Conciliation's most basic definition is the resolution of disputes outside the court of justice. The Industrial Disputes Act of 1947 is the law that first codified the idea of conciliation. The Application and Scope of Conciliation are outlined in Section 61 of the Arbitration and Conciliation Act of 1996. Conciliation is an alternative dispute resolution (ADR) procedure where a neutral third party, the conciliator, aids parties to a dispute in identifying the disputed issues, developing options, considering alternatives, and attempting to come to a resolution. Conciliation may be requested voluntarily, commanded by a judge, or stipulated in a contract. It frequently takes place during a judicial or administrative procedure. Conciliation is classified into 2 type, they are formal conciliation and informal conciliation. Formal conciliation means where a client and attorney meet to talk, and attempt a resolution with the assistance of a conciliator present. Formal conciliation also called as 'conciliation conference'. Informal conciliation is when a client and attorney communicate via phone, email, or written correspondence to resolve their differences. Conciliation is typically conducted face-to-face so that a party can communicate openly. However a party can schedule distinct meetings with the conciliator. The process of resolving disagreements or conflicts between the parties involved in a project that leads to the displacement of individuals or communities is known as conciliation in the development and displacement industry. People are frequently uprooted from their homes, lands, and sources of income as a result of development initiatives including building infrastructure, mining, and hydropower projects. For the affected populations, displacement can have negative social, economic, and environmental effects. To protect the interests of the affected populations and ensure that any conflicts are settled in a fair and equitable manner, it is crucial in such circumstances to have a method for conciliation. Conciliation has been employed as a means of dispute settlement in a number of cases involving development and relocation initiatives in India. The pollution from tanneries in the Vellore district of Tamil Nadu was the subject of the case **Vellore Citizens Welfare Forum v. Union of India (1996)**.<sup>14</sup> The Vellore Citizens Welfare Forum (VCWF) petitioned the Supreme Court to provide the impacted individuals with relief. In order to facilitate a resolution between the VCWF and the tanneries, the court appointed a neutral party. Following the conciliation procedure, the tanneries agreed to put up effluent treatment facilities to lessen pollution and pay the impacted individuals. These are only a few instances of how conciliation has been used to settle disagreements involving development and relocation projects in India. Overall, Conciliation is a useful strategy in development and displacement projects because it gives the affected communities a say in the choice-making process and can lessen the negative effects of the project on their lives and livelihoods.

### ADVANTAGES OF ADR IN DEVELOPMENT AND DISPLACEMENT PROJECTS:

An approach called ADR (Alternative Dispute Resolution) allows conflicts to be settled outside of the traditional judicial system. ADR can provide various benefits over traditional litigation in the context of development and displacement projects in India, including:

- 1) **Time Management:** ADR has the potential to be substantially quicker than litigation. ADR normally takes weeks or months to resolve, whereas court trials might take months or even years.<sup>15</sup>
- 2) **Flexibility:** ADR procedures are frequently more adaptable and informal than standard legal procedures. Due to the parties' ability to customize the process to their unique requirements and circumstances, a more collaborative and cooperative environment is fostered. Flexibility and informality can help to promote productive conversation and problem-solving in development and displacement projects where there are several stakeholders with varying interests and concerns.

<sup>13</sup> <https://www.freepressjournal.in/legal/supreme-court-issues-notice-to-maharashtra-govt-in-lavasa-case>

<sup>14</sup> Vellore Citizens Welfare Forum v. Union of India (1996) 5 SCC 647

<sup>15</sup> Sampurna Behrua v. Union of India (2019) 16 SCC 480

- 3) Cost Effective:** ADR is frequently less expensive than conventional litigation. It can reduce the cost of legal representation, expert witness fees, and other court-related expenses.<sup>16</sup>
- 4) Privacy:** ADR procedures often provide a higher level of privacy than open court hearings. The use of sensitive information, trade secrets, or private data may be useful in development and displacement efforts. The protection of confidentiality aids in safeguarding the interests of the parties and promotes open communication without worry of adverse consequences.
- 5) Relationship Preservation:** ADR can aid in the preservation of relationships between parties. It can lead to less hostility and resentment between the parties because it is a less adversarial process than litigation.
- 6) Better Results and Participation:** ADR may produce better results for both parties. They can directly participate in talks or make their case, giving them more influence over the outcome. Together, the parties can frequently come up with more inventive and advantageous solutions than a judge or jury could order in a court case. This participatory method in development and displacement initiatives gives impacted communities, NGOs, and other stakeholders a voice and a say in coming up with a solution that meets their issues.<sup>17</sup>

Efficiency, flexibility, relationship preservation, knowledge, secrecy, improved control, and involvement are just a few of the benefits that ADR offers in development and displacement initiatives. These advantages promote successful project outcomes, reduce possible conflicts, and encourage a more constructive and collaborative approach to dispute resolution. In conclusion, ADR can be a helpful tool in resolving conflicts that emerge in development projects.

#### DISADVANTAGES OF ADR IN DEVELOPMENT AND DISPLACEMENT PROJECTS:

In order to settle problems and disputes, Alternative Dispute Resolution (ADR) techniques like negotiation, mediation, and arbitration are frequently employed in the development projects. ADR isn't without drawbacks, though. ADR in development and displacement projects may have the following drawbacks:

- 1) Inadequate Security of Rights:** The rights of impacted communities, particularly those of vulnerable groups like indigenous peoples or marginalised populations, may not be appropriately prioritised or protected through ADR processes. Issues pertaining to land rights, cultural heritage, or social and economic repercussions may not be fully addressed if the focus is on achieving a compromise or settlement.<sup>18</sup>
- 2) Unfair Bargaining Power:** In some ADR situations, one side may have more power to negotiate than the other. A major global firm, for instance, might have greater resources and negotiation strength than a modest community organisation. This can lead to an unfair conclusion of the conflict.<sup>19</sup>
- 3) Lack of Transparency:** Because ADR frequently takes place in private, the general public may not have access to information regarding the procedure or the result. This could be a problem in construction projects that have an impact on a lot of people or the environment.
- 4) Limited Involvement and Lack of Enforceability:** ADR might not permit full stakeholder participation in a development initiative. Other parties, such environmental NGOs, might not be heard in a disagreement between a local community and a government agency, for instance. The enforceability of other ADR outcomes, such mediated agreements, may not be as high as that of arbitration verdicts. When it comes to development and relocation initiatives, when compliance and implementation are crucial, this may be a drawback. The agreed-upon resolutions might not be effectively implemented in the absence of appropriate enforcement procedures.
- 5) Cost:** ADR can be pricey, especially if several sessions or professional mediators are needed. Some parties, particularly those with low means, may find this to be a barrier to access.
- 6) Discretionary Legal Actions:** The goal of ADR procedures like negotiation or mediation is to come to a mutually agreeable agreement between the parties. However, this can make it more difficult to pursue legal action or make the guilty parties answerable for their deeds. The affected parties may not be able to obtain justice through ADR alone in situations where there have been serious human rights abuses or violations.
- 7) Unfair ADR gain:** Effective engagement in ADR processes frequently requires both financial resource and knowledge. For marginalised groups and those who might lack the resources or expertise to fully engage in the ADR process, this could be a hurdle. As a result, their issues and interests might not be adequately represented, which would maintain current disparities.

ADR processes can be helpful in settling disagreements in development and displacement initiatives, but they may also have some serious drawbacks. These problems show that ADR procedures need to be more open, accountable, and enforceable, especially when affected populations may be at a disadvantage.

<sup>16</sup> M.C.Mehta v. Union of India (2001) 3 SCC 756

<sup>17</sup> V.B.Raju v. State of Karnataka AIR 1986 SC 1955

<sup>18</sup> K.S. Puttaswamy v. Union of India (2017) 10 SCC 1

<sup>19</sup> Samata v. State of Andhra Pradesh [1988] 3 SCC 433



**CONCLUSION:**

The most important and delicate problem for development projects in recent years has been the rehabilitation and resettlement of families who have been impacted by those projects. Conflicts between people frequently arise in rural areas of India where illegal land ownership, ambiguous mention of land titles, corrupt patwari and their poor land records cause problems. The construction of projects in their resource-rich areas disturbs their way of life and livelihood. They are often forcibly displaced from their houses & lands and lose almost everything, including their kinship connections and identity. The majority of cases in Indian courts are land conflict cases, which make up 25% of all Supreme Court cases. There is no denying the necessity of development projects for raising the human welfare, but there is now a widespread understanding that such projects shouldn't put people's welfare at risk. Delay in justice is justice denied. ADR practise are promoted to circumvent the slow judicial systems and provide prompt justice. The only real kind of restitution for those who have been forcibly evicted that is guaranteed by the law is monetary compensation for taken individual properties, most commonly the land or homes.<sup>20</sup>



<sup>20</sup> Economic and Political Weekly (EPW) 1996. Special Issue on Development, Displacement and Rehabilitation.