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Janadesh For A National Land Policy

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Thousands of tribal and Dalits who started their march under the banner of Ekta Parishad, from Gwalior on October 2nd, 2007, were not allowed to step out of the Ramlila grounds in Delhi. It was unfortunate that the government did not allow them to vent their voice at the parliament house, the Panchayat of our democracy. Minister for Rural Development, who has been well respected for some of his ministry's project came to the meeting to announce that the prime minister has agreed to a number of the demands raised by Ekta Parishad and has decided to form a committee under his chairmanship. Those of us who have been observing this government's policies know well that to get rid of a people politicians easily promise something for instant release which they later on forget. Ekta Parishad had demanded special courts for land settlement, which is actually very important given the fact that most of the land related cases in India have ended up in court cases. The second demand was implementation of the forest act, which is on the process and will definitely be challenged by the environmental lobby in the Supreme Court. Land is a state subject and hence it is difficult for the government at the center to promise anything. At the moment when the central government look meek while the state government and its bosses there are becoming more powerful, one will have to see the real agenda of the government and its promises. How will the central government convince the state government on the land redistribution agenda?

One need not to be an expert here to explain that the current phase of instability and violence in India is land related. The government of India knows well that deaths, by the Naxal violence in India is much higher than the so-called terrorist violence. Over 130 districts in India, mainly Chhatisgarh, Jharkhand, Bihar, Andhra Pradesh, Orissa, Tamilnadu, Uttar-Pradesh, and Maharastra are under the Naxal influence. Naxal violence in two tribal states of India, Chhatisgarh and Jharkhand is unabated and growing day by day. Now, they are targeting the police and paramilitary forces. Just two days back, the son of former chief minister was shot dead in Jharkhand. Such violence will not stop unless the government introspect what is wrong with its policies.

The alienation of tribal and Dalits from their land is the biggest challenge that India face today and the government should understand it in right spirit. Not only the new economic regime where Special Economic Zones (SEZ) have been created all over India has been exploitative of the nature but also our own indigenous caste system, which considered the Dalits and tribals racially inferior. So the battle of land in India is two fold. One external where you have the powerful corporations, multinational companies, big private companies in India and the internal forces of the upper caste elite which has hijacked every sector including the civil society and intellectual space. It is here the trouble start with the land movement. Some time, the issue of local exploitation of Dalits and tribal is relegated to backstage as the upper caste leadership in the movement only presents the politically correct external aggression. Hence SEZ and other colonization is an easy trap for all those who ignore the caste prejudices and violence on the Dalits and tribal.

For the government, both things come handy. At the moment they continue to invite big corporations to enter Indian forest and have no rehabilitation policy. In the mad rush for investment we have killed tribal habitat without really providing any alternative for their livelihood. The central government is expecting more than 300000 crore's investments from SEZ. It says that it will create nearly 3-4 million new jobs. So far the government has notified about 133 SEZ and it expect 229 more soon. So far more than 48,000 hectares of land has been acquired for the SEZ. The government claim that about Rs 43,133 crore's investment has already come been received and over 35,000 people have got jobs. One does not know how many people lost their livelihood and how many of these jobs went to the Dalits, tribal and other marginalized communities. Government's SEZ policy has openly been criticized by IMF an institutions which all our neo-liberal governments look for guidance. Now, the violence is still a part of life in

Nandigram (west Bengal) and Kalinganagar tribal have not forgotten the sacrifice of their fellow brothers and sisters when they opposed the Tata plant in the area. Struggle of the Narmada displaced tribal is still going. One must not feel amused at the government's response to form another commission given the nature of our political parties to announce louder things before the elections. Madhya Pradesh government has on record said in the Supreme Court that there is no land available, which could be given to the displaced people. Now, if Madhya Pradesh, which is one of the biggest states of India and where a fairly large number of land is vacant, says that it has no land to be given to tribal, what would be the condition of other states. How will states of Uttar-Pradesh, Bihar, Andhra Pradesh, Maharastra, Orrissa and Rajsathan going to act on this where thousands of acres of land has been occupied by the powerful caste forces.

Two years back, the Prime Minister Manmohan Singh appointed a committee headed by noted economist Arjun Sen Gupta to look into condition of work and promotion of livelihoods in unorganized sector. The committee submitted it's finding on July 7th, 2007. Some of the findings of the commission are actually a stricture against the government's own neo liberal policies. It says ' , as on January 2005, the total employment in the Indian economy was 457 millions, of which the unorganized sector accounted for 395 million, or 86% of the total workers. Of the 395 million unorganized sector workers, agriculture accounted for 253 million and the rest 142 million are in non-agricultural sector. The commission has estimated the total number of unorganized/informal workers at 423 million, of which 395 millions are in unorganized sector and 28 millions in the organized sector.'

Shockingly, the more bare factors of India shining comes in point number 7 of the report which says,' over the decades while the percentage of the population below the poverty line has come down, in 2004-2005, 77% people, totaling 836 million, had an income less than twice the official poverty line or below Rs 20 per day per capita. These are the poor and vulnerable segment of the Indian population. About 79% of the unorganized workers, 88% of the Scheduled Castes and Scheduled tribes, 80% of the OBCs and 84% of the Muslims belong to this category of the poor and vulnerable. Contrary to the trend in the number of people below the official poverty line, the number of people in this segment has steadily increased over the years.'

Recently, I had an opportunity to see a document of European Union-India bilateral trade. I was shocked to see one of the findings that National Rural Employment Guarantee Scheme (NREGS) which ensures 100 days employment to rural poor, as an alternative to land redistribution. That would be a great mistake, if such anti poverty programmes were considered as a replacement to land reforms, which have historic roots world over. Just Six months back when I walked through several district of Uttar-Pradesh, nearly 400 kilometer for Land, Dignity and Freedom, the issue of special courts for land was one major issue demanded by the people. Other point came was the NREGS is not an alternative to land reform as it has failed to reach the people and also does not ensure employment to them. Thirdly, it was also pointed out that most of the communities who are dying of hunger are actually landless and fourth important point was that root cause of atrocities on the Dalits was their struggle for land rights. But today the Minister Mr Raghuvansh Prasad Singh's answer in the Ramlila ground reflected this mindset in the government, which want to convince us that if there is NREGS, we should not demand for the land rights of the people. The argument the government make is that land holding is now reducing, family growing and we must not press it further to a condition of impossibility. That is a dangerous argument and can not bring peace in the country.

The activists for land rights are the victims of state oppression. Last month, two women land right activists were arrested by the Uttar-Pradesh police for 'inciting' the tribal under the charges of NSA, though these charges were later withdrawn. Increasingly, the governments have failed to respond to the question of land alienation of the Dalits and tribal and the voices of dissent are being scuttled through various means, by cooption or coercion. Nandigram, Kalinganagar, Khammam etc reminds us that people will not sit silently and will not even wait for NGOs to guide them. They will pick up their own issues and fight with the state if land issue is not resolved. Ironically, Chhathishgarh government arrested Dr Binayak Sen, a very respected human rights activists on the charges of helping the Naxal. Dr Binayak Sen's problem was that he was raising the issue of human rights violation of tribal who were victims of police atrocities. So, we can understand how the governments in different states of India are treating the activists

fighting for land rights and how are protest for land rights are being seen. This attitude needs change.

Often the government has maintained that land is state subject and their hands are tied. However, it reflects the mindset of those in power. Land Ceiling act has never been implemented properly. The Zamindari Abolition Acts have so many loopholes that it became virtually redundant in state like Uttar-Pradesh. There has been no land reform in Bihar. The situation in Punjab, Haryana, Rajasthan, Madhya Pradesh is alarming. Karnataka, Andhra, Tamilnadu, Kerala are already opening up themselves for the big companies. States like Orrisa, Chattishgarh and Jharkhand have gone ahead with wooing the investment without taking care of the vast tribal population. The result is now growing resentment against the government policies duly exploited by the Maoists and Naxalites.

The Arjun Sen Gupta committee clearly mentioned that the current economic policies of liberlisation and globalisation have not helped the poor. It has specifically mentioned government's policy on SEZ, rehabilitation due to dams, urban planning by displacing millions of urban slum dwellers as some of the areas of concern.

Over 1.31 crore people are landless as per the government owns figures from the Ministry of Rural Development. These families as per the information, do not have even land for their own habitation. Most of the people who construct their houses or clusters are basically living on either the communal land or at the mercy of the other. The Uttar-Pradesh's government recently passed a notification that all the Dalits who have possession of any communal land till May 13 2007, will be given legal entitlement for that land. The problem is how many Dalits have possession of the village communal land? Hence such announcement from the government look nice on papers but do very little to alter the situation at the grassroots.

Apart from the impact of displacement and land acquisition, which are policies, based issues, One of the major hindrance in the land distribution of the land is the non existence of the implementation of Land Ceiling Laws. We all know most of the biggest farmers politicians of India has huge land, which they cannot acquire but which is benami. Those of us who have been in the land rights movement for last 15-20 years have seen how even the Supreme Court's order are mis-interpreted and misused by the governments and it's implementing authorities with close association of the rural power elite. Hence the Dalits and tribals who are victim of India's racist caste structure have no chance of getting land unless land ceiling act is implemented. This is because many states are now stating that there is no land remained for redistribution. Most of the access land is in the hands of powerful farmers Communities, which are politically very mobile and physically violent. It would be difficult to seize land from Jaats, Gujjars, Rajputs, Bhoomihars, Bramins, Kurmis, Reddy's, Thewars, Marathas and Yadavas. These are the powerful communities in different parts of India. We have seen these racial prejudices of Indian political class in Shaheed Udham Singh Nagar district where 1164 hectare of the ceiling land was not redistributed to Dalits but wrongly went to immigrants Sikhs from Punjab who paid hefty sum of bribe to local powerful bureaucrats and political leaders. Nobody has power and courage to take on the powerful people who have huge farmhouses in Tarai region and who have kept the tribal as bonded in their own land. The governments definitely have no spine to seize that land.

?Since the major drive to redistribute land under ceiling legislation; from about 1972-73 government estimates indicate that about 26 lakh hectares has been appropriated for redistribution from their erstwhile owners. Of this 8 lakh hectares is still undistributed due to on-going litigation and has not been given to landless beneficiaries. The government has signalled its intention to establish fast-track courts to deal with such cases and has indicated that it will specifically expedite the distribution of these 8 lakh hectares. These data are also doubtful. One more important factor is the Bhudan land. Most of the land acquired under Bhudan never reached the rural poor. We found that people have taken back their land after several years. A large number of lands were acquired by NGOs, big CBOs as well as for Ashrams, Gowshalas (cowherd). One need to remind the government that India would be the only country where land can be had in the name of religious book. There is no ceiling on farmland, land for temples, mosques or Gurudwaras; therefore people have used this strategy to evade land-ceiling laws. The NGOs, social movements do not speak on these politically incorrect things as it exposes their own deeds. There is need to take a hard stand on these issues as we continue to hear from government and authorities that there is little land. There is lot pretence as

where is land? One does not understand why the government is unable to establish fast track courts for the land disputes particularly where the land ceiling act has been evaded and challenged.

Interestingly, according to government's own figures; there is more than 50 lakh hectares of Public owned land that can be redistributed. This land can be delivered to landless households; with an aim to distribute at least 0.5 hectares to each landless household. While the government recognises that this may not be enough to turn landless households into Surplus producers of food grains or other crops, it does believe that it will deliver some Security and improve the social position and bargaining power of the landless in the countryside. With the government already promised to give the tribal 5-hectare of land from the forest, there is an increasing pressure to give the land to Dalits also. Problem with the current regime is that it want to promise even moon to every one even when that might not be possible. It is unable to offend the local ruling elites in the villages. It does not want to capture land from the power elite. It does not want to offend the business, as it want to see its sensex zooming. It wants to clean the Delhi streets for the common wealth games. It wants to enjoy everything and therefore when the issue of Dalits and tribal are concern, it just promises more so that people go home satisfactorily. It also want to tell the people before the next election that the land redistribution is on its agenda.

If this government can not impose ceiling laws, how is it going to seize land from the Possession of the powerful rural elite? What will it do? Good, Prime minister has decided to head the commission for Land Reform, which India persistently sidetracked. Every time, there was demand for land redistribution, the government would always say, it is a state Subject. However whenever issue of land acquisition came, government did not hesitate in doing so on an urgent basis. Land Ceiling has virtually been abolished. Central government was keen to amend Land Acquisition Act to help the big companies acquire huge track of land. In state like Andhra Pradesh, government both the current regime and previous one of Chandra Babu Naidu went overboard to side track the historic Samata Judgment of the Supreme Court, which clearly stated that the forestland in the agency areas of the tribal could not be given for mining to multinational corporations without the permission of the local tribal Panchayats. The government's have always handled the issue with out any sensitivity.

Today, India is at war with its own people. Thousands of people have died in the land related Violence and the government want to inform us that this is a law and order issue. Sorry, Mr Prime Minister, if the onslaught on the livelihood of the dalits, tribal and other marginalized continues, I am afraid, the forces of the war will win. Hope the prime minister and his cabinet will keep their promise to millions of people of the country that there government is serious on the issue of land redistribution and most important of these would be implement ceiling laws effectively without any prejudices and biases and disallow land in the name of religious trusts, Gaushalas. Let them also face-ceiling laws.

Land Rights in India are broader issue, not only region and community wise but also perception wise. Earlier it was mainly an issue raised by the left groups, later the Dalit and tribal organizations had it on their agenda. It is important to understand that no one organization can claim to represent India and its vast masses. It would be suicidal for the government to develop a coterie in the name of land rights. It need to open the debate on a broader level and run this debate throughout the country, otherwise, the issues would remain the same and nothing concrete could be achieved. At the moment, thanks to Ekta Parishad's March the land agenda seems to have hit the media headline. Hopefully, they will not forget it later. One is sure that government too will be willing to broaden its debate and involve multiple players working on the land rights in different parts of the country so that diverse views could be debated before arriving at any decision.