



Society for Rural Urban & Tribal Initiative

National Consultation
“Proposed Land Bill: Development or Investment?”
Date: Thursday, 30 August 2012
Venue: Deputy Speaker Hall, Constitution Club, Rafi Marg, New Delhi

SUMMARY & KEY POINTS

A day long consultation on the “Proposed Land Bill: Development or Investment?” was organized by SRUTI on 30th August 2012 at the Constitution Club, New Delhi. The event was a follow-up to the *Janmorcha* and meetings coordinated by SANGHARSH (an alliance of various grass-root based organizations) on the land issue.

Several crucial aspects of the Land Bill such as commoditization of resources; impact on agriculture and livelihood; control over resources; food security & sovereignty; decentralized democracy & effective PRI, and the socio-economic-political impact were discussed as part of four focused sessions. The event saw the participation of distinguished guests speakers such as Dileep Singh Bhuria (Ex-Central Minister & Chairman Bhuria Committee) P.L.Punia (INC-Parliamentary Standing Committee Member & Chairman-National Commission for Scheduled Castes) and parliamentarians P.Rajeeve (CPM- PSC Member); SP Singh Baghel (BSP) and A.V.Swamy (Independent - Member of Rajya Sabha). The speakers also saw representation from various peoples groups and movements from across the country including Ulka Mahajan (Sarvahara Jan Andolan - Maharashtra), Anand Mishra (Chhattisgarh Bachao Andolan), Kavita Krishnan (CPI-ML), Ashok Chowdhary (NFFPFW), Lingaraj (Samajwadi Jan Parishad), Jayashree (Adharshila - Maharashtra), Jang Sai (Bharat Jan Andolan), Arvind Anjum (Visthapit Mukti Vahini - Jharkhand), MJ Vijayan (Programme for Social Action), Anil Chaudhry (PEACE - Delhi), Shankar Gopalakrishnan (Campaign for Survival and Dignity), Devendra (Hum Kisan Sangathan - Rajasthan) and Vilas Bhongade (Ghosikhurd Prakaalpgrast Sangharsh Samiti - Maharashtra). Many other sangathans from across the country were represented among the attendees and moderators.

Shibani Chaudhury of SRUTI, welcomed the various organisations, sangathans and individuals. “We need to move forward sharing experiences from the ground to ensure that communities get to engage more effectively with the legislative process. Few other legislations in India have as widely overarching a sweep as the proposed Land Bill, among other repercussions it has the propensity to link international oligarchic forces to resources in India, and equally impact individual Adivasi & Dalit lives in the remotest parts of the country. It therefore becomes critical to evolve a deeply democratic process to determine the scope and impact of the legislation. Let’s hope we can find ways to effectively impact legislations, before they irretrievably determine the destiny of the country.” The first session, moderated by Alok Shukla of Jan Abhivyakti, Chhattisgarh, highlighted the increasing commoditization of resources which serve as a source of livelihood for crores of people in the country, and also form the ecological framework that sustains life for all.

Ulka Mahajan of Sarvahara Jan Andolan drew attention to the fact that the rate of commoditization has increased markedly in the past 15-20 years. Lakhs of hectares of land being acquired for SEZs, NMZ, Delhi Mumbai Industrial Corridor, Delhi Kolkata Corridor, petro-chemical zones etc were mentioned illustrating the extent of agricultural land being acquired for non-agricultural purposes. “When agricultural land is acquired for such purposes, it is measured in sq kms; when it is brought into cityscapes it is measured not only in sq foot, it also has additional vertical value of volume. This irreplaceable resource is taken away from original holders for ‘public purpose’ with the promise of good remuneration & immediate returns. The reality is that land continues to escalate in value with the passage of time, whereas money is constantly devalued. Is land a commodity to be sold? Or do we acknowledge it to be a source of livelihood, an irreplaceable natural resource, an identity for communities entirely dependent on agriculture, a link to

overall food security and production, an integral part of the natural balance of life?" questioned Ulka. She stressed that these questions must be reiterated to initiate a radical shift in our perspective of land and its control. This is especially important since India has not reached its food security goals even after six decades of Independence. She mentioned that food security should be treated with as high a priority as border security and internal security. She also flagged that land cannot be regenerated, yet fertile land is recklessly being rendered lifeless through this commoditization. Water is also being alarmingly commoditized. She warned that the Committees and Group of Ministers etc sitting on the final policies are eventually totally disconnected from ground realities. This is setting the country on an irreversible path of destruction - of imbalance in nature, disrupted community and social rhythms, compromised food security wherein local self governance and choices of communities/individuals are diluted.

Speaking of the country's British legacy of resource exploitation, **Anand Mishra of Chhattisgarh Bachao Andolan** said that today the only difference is that Chhattisgarh, Jharkhand and Odisha are colonized. "Can factories make even a kilogram of soil?", he questioned. "If an industrialist could make a substance like soil, how much do you think it would be priced at? Why is it cheap today, because it is natural? We pay through our noses for Oxygen cylinders yet have no value for the natural machinery of a tree that ceaselessly creates oxygen. Can human beings replicate the machinery of a tree? He flagged the danger of contested resources and contested terrains and spoke of millions of human being alienated from nature and sustainability only to become prey to commoditization and consumerisation. He wondered at the leeway given to the unproductive processes undertaken for industrialization; why it was deemed economically feasible to have heavy line losses of upto 40% during transmission of electricity; why factories are shut and still new ones are being made? Calling the commoditization of natural resources a byproduct of our colonial civilization, he spoke of the need to imagine an alternative development with greener economics, focus on nature and communities and the strengthening of small & marginal farmers.

MJ Vijayan of Programme for Social Action started by asking how the terms 'oustee' can be used to refer to citizens of the country. "How can we cast a new bill, when so many lives are still not resolved?" Touching upon the role of SANGHARSH in bringing together movements across the country to demand for a fair Land Bill, he said that all requests for new land should be rejected until the historical injustice in the name of development for the past 60 years is completely resolved. He also said the 'Sarkar' on the ground is not Gram Panchayat and Gram Sabha, but the District Administration and the Police. Speaking of the idea and intent of 'development' and land acquisitions, he mentioned that 70% of SEZ allocations have gone towards real estate and not industry. Additionally of about 1.80 lakh hectare land allocated, 95% has gone to corporations - not industrialists. Of the 28 recommendations made by the PSC on the LARR, 2011 - it is stated that 25 have been absorbed - however the reality is that only 2 have been accepted in principle. It is people's resistance that has saved the country so far. Consistent efforts over the years have achieved several breakthroughs in changing the approach to land acquisition processes, a major one being the addition of rehabilitation and resettlement in the latest version that has been renamed *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act*. However the biggest threat of eminent domain, wherein the government can take over land any time, has been kept intact in the current Bill. He warned that if the Bill is enacted without heed to the recommendations it will lead to unrest. He flagged that the under the circumstances, the 2014 elections would prove to be difficult for the UPA.

Agreeing with Vijayan, **Kavita Krishnan of CPI-ML** said "*jan Andolans* have managed to take issues to the political level." However, the standpoint of the government seems to imply that '*vikas*' is a clinical/ scientific, natural process that will exert itself, and hence it cannot be stopped or compromised. Instead, the perspective from which the government should approach the issue is that of **democracy**. Public purpose should be determined by the Public. She felt that this political mindset is clearly visible in the State's reaction to the protests in Koodankulam. "What we need today is a land saving act to save agricultural and forest land. There cannot any bigger public purpose than saving agriculture, than saving democracy." She also raised the prevalent issue of deeply entrenched caste divisions in village society where upper caste people claim to speak for the entire village, and the real concerns of the people do not get reflected in the consultations and consensus. With the complexity of concerns and representations, such vast land acquisition processes cannot be just seen as a simple buyer-seller relationship with remuneration being the key point of focus. She later flagged that '*loktantra*' is not only in the '*sansad*' and governance and politics is not about entry and reentry into Parliamentary democracy, but about the larger impact on the country, resources and people. Some decisions may be irreversible. "**We need a law to save, not acquire land.**" She also questioned that taking land from

farmers to give to corporates is Public Purpose, but to give land back from corporates to farmers, as in Singur, is not Public Purpose?

Parliamentary Standing Committee Member & Chairman of the National Commission for Scheduled Castes, PL Punia, said the most important view to be considered is that of farmers. He agreed that historical injustice needs to be undone. He spoke of the rights of agricultural labour that are largely ignored in the land acquisition process. He stressed that the dignity and security of farmers should be considered as priority to pursue social justice. He felt that *Jan andolans* and environment groups must be given credit for flagging violations of people's rights and environmental norms in several mining areas.

Beginning the second session focused on agriculture, community control over resources and food security and sovereignty, **Ashok Chowdhary of NFFPFW** said that food security is assured if resource rights are made a priority. "How does the government make a law that returns the rights of people over land? Return what the British took away? Until there are land rights, where does the question of acquisition arise?" He was of the opinion that the powers-that-be have already decided to not consider the Standing Committee's suggestions. Reiterating the fact that resource rights are integral to food sovereignty, he said that 3 essential points must be addressed for the Bill to be accepted - land rights for the landless, a white paper detailing the status of every piece of land acquired and a comprehensive Land Use Policy. He said it was unacceptable that our political system and governance runs on a system of giver and receiver instead of true entitlement for the people. Moderator **Malika Viridi of Maati, Uttarakhand**, strongly agreed saying that this is the root of the problem.

Further underscoring the crux of food sovereignty, **Lingaraj of Samajwadi Jan Parishad** felt that enough impetus is not being given to agriculture and this is reflected in the approach and debate on land acquisition. "Many people are mistaken that a law representing the voice of movements will be introduced. If land acquisition will happen on such a large scale what will be the impact on agriculture? We need to move the discussion forward to all the people who are reliant on agriculture and those who are not ready to give up their land." He also asserted that the consultation should have been named '**Proposed Land Bill: Development or Destruction?**'

Jayashree of Adharshila, Madhya Pradesh, first flagged the primary right of citizens to their land. She also flagged that Food Security at the policy level and hunger on the ground are two very different things. The very same people and rural cultivators who have fed the country for centuries, are today seen as the beneficiaries of the Right to Food? Why has this situation arisen? How much worse will it get once the new Bill is enacted? She spoke to how farmers who are the providers of food, today have been reduced to receivers. How the Right to Food and food security translates into India's poor begging and queuing up - whether it is for ration or a school mid-day meal. She asserted that the current development model has diminished rural incomes to unsustainable levels. Natural crop diversity, variety of seeds, availability of natural nutrients in local diets have been devastated with the cash crop culture, and green revolution economics that force the farmer to buy everything from seeds to fertilizer on loans, instead of deepening the natural and organic productivity processes. Barely any value filters down to farmers for life supporting crops, they have to opt for cash crops. How will agriculture reflect as a robust economic sector, if all policies work to weaken it? Villagers do not want to sell their land - they are pushed to sell their land. There should be equity for villagers in development processes - they should be given control over resources and supported with relevant value addition where they have a fair stake in the end product and end price-returns. Fields, Villages and People should be prioritized in 'Vaikalpik Vikas'. How can you decide on GDP rates and economic returns when the cost of foodgrain remains the same, but cement, iron and fuel keeps increasing? "The forest, river and land is the food security of the farmer - and the nation."

Supporting Jayashree's viewpoint, **Arvind Anjum of Visthapit Mukti Vahini, Jharkhand**, felt that "Right to Food and Right to Work, without Right to Resources is a way to make people more dependent on the government for their basic existence. This is an erosion of sovereignty of the people. He said that there are several alternatives that can be adopted to ensure resources for people and productivity of returns. Farmers must become a part of the processes beyond farming - and have a share in value additions and end produce. Why should the high return activities be considered a part of industry and robust economy, while the original producers are increasingly devalued, alienated and displaced? Terming the current scenario as an 'antithesis situation', he said that the value of agricultural labour

and produce needs to be reassessed to embrace an alternative development paradigm that will ensure a truly productive and secure democracy.

The next session, moderated by **Shubhranshu Choudhary of CGNet Swara**, on decentralized democracy & effective PRI, including the Panchayat Extension to Scheduled Areas Act (PESA), 1996 was initiated by **Shri Dileep Singh Bhuria, Ex-Central Minister & Chairman of the Bhuria Committee**. “80% our country’s mineral resources are in tribal areas. No land can be taken in 5th schedule areas without permission from the gram sabha. The adivasi economy is entirely dependent on jal, jangal, zameen and they are the owners of natural resources.” Education and awareness about the PESA Act at the village level is imperative, as this awareness and importance of participatory democracy is a struggle that needs to be made in every adivasi village. History has been witness to the victory of adivasis over oppressive government processes, and this can happen again with progressive legislations such as PESA.

Member of Rajya Sabha (Independent), AV Swamy, shared his personal experience growing up in the adivasi area of Koraput in Odisha. He felt that a series of disappointments since Independence, have completely isolated adivasis. He said that when the Panchayati Raj was introduced, it was largely managed by officials who did not understand the spirit of the Institution. This was followed by the radical Bhoodan movement which was also abandoned midway leaving adivasis vulnerable for exploitation. These events have led to Maosists filling the governance vacuum. “PESA in tribal areas is not only participation, but also what has been taken from adivasis. To return what was looted from these people. Their right to self determination and community control. The gram sabha is competent as per law to manage forest resources and to steer the community. In spite of this, the government is ignorant.” He shared his belief that social change cannot occur by law but only through mobilisation of people in villages and cities.

Reinforcing this, **Jang Sai of Bharat Jan Andolan, Chhattisgarh**, said that “PESA is a revolutionary law; it gives priority to society & community over the individual. It says that the gram sabha is more important than the individual. If we want to change the situation in the country, we need make sure that PESA is implemented in every village and the true spirit of the law is enacted on the ground. This is the only way to allow fair control over resources and end the idea of eminent domain.” As far the debate over industry and economic growth needing priority, he flagged that the whole problem with the development paradigm is exclusion and alienation. “There are never any stakes for local people, except becoming chowkidars and cleaners for factories, on their own land.” The violence and breakdown is not only due to a lack of governance and basic facilities, but autocratic approaches that render bona fide people of this country, displaced, helpless and without choices. **Independent researcher, Usha Ramanathan**, highlighted some key aspects of PESA Act and how it reverses the traditional hierarchies created by Laws. “Every time there is a conflict, what is attacked is the hierarchy. The State can make any law, whether it can implement that law is dependent on the extent of resistance or the extent of cooperation.” Restating the ignorance surrounding PESA and Vth Schedule, even among some judges, she said that it is important to keep the government and administration aware of the realities and nuances. She flagged how development has grown to be equated with national security - where CISF personnel guard walled industries (from the original inhabitants of the land). “People are seen as a fundamental enemy; that is a disturbing trend.” She mentioned the key difference between consultation and consent, legality and legitimacy; asserting that the State controls people’s lives through legal ways, but can law override people’s action? She acknowledged that the struggles of people’s movements have helped protect resources, and make land grab more difficult in India. She mentioned that the focus is now shifting to Africa, and that it is important that while we defend resources in India we should also hold Indian companies heading for other parts of the world (like Africa) responsible for justice in their dealings.

PSC and CPM Member, P.Rajeeve, shared his experience as a member of the Parliamentary Standing Committee on the LARR Bill 2011 calling the latest version of the Bill ‘a face saving mechanism’ for the government. He felt that the Standing Committee’s report was the most progressive report considering the composition of the committee. Criticizing the exemptions given to 13 central legislations, he said the future Act will have no relevance if these provisions continue to be in the law. “In advanced democracies, only the parliament can overrule the recommendations of the PSC. Whereas in our parliamentary system, the Executive can overrule the recommendations of the PSC or even present the same Bill without taking into account any of the points of the PSC.”

The last session, moderated by **Amulya Nayak of Adivasi Chetna Sangathan, Odisha**, saw a detailed discussion on the socio-economic-political impact of the proposed Land Bill. **Anil Chaudhury of PEACE, Delhi**, flagged the Maruti unrest and questioned that with losses being reported by industrial companies every quarter, and industry not being able to

look after its people, announcing layoffs on the one hand - we are trying to displace people engaged in sustainable, productive, life-sustaining processes (like agriculture) and drive them to these terminable jobs and glut of loss making, closed factories? He put forward several reasons for the inevitable increase in the gap between the rich and the poor if land acquisition continues at this rate. "The GDP that the PM is worried about has a direct correlation with the end of agriculture. A 1999 'State of the World' report stated that the rate at which agricultural land was being taken for non-agricultural purposes, will result in Asian countries not meeting their food needs by 2020. What is grown on the farm cannot be produced in a factory, because production occurs in a factory, not reproduction." He warned that an entire civilization and its culture connected to farming will be finished. "As a country of 1.2 billion where 65-70% of the population is directly or indirectly dependent on agriculture, where will you adjust farmers if agriculture is finished? What will happen to the other five farming-related families once the land owner is compensated, or given a job?... Our society, culture and festivals Diwali, Holi, etc. are all connected to farming... How much percentage of agricultural land should be reserved to maintain food security? If the government knows that 33% of the forest cover should be protected for people to survive, why can't they tell us the same about agricultural land for food security? If a certain amount of land is reserved for agricultural purposes, then we will never face food insecurity. Every district must mark out a certain amount of land for agricultural that cannot be violated." The Marshall Plan introduced by Truman in post-war Europe continues to work insidiously today in the way world food systems are working. "If India gives up its self-reliance, and food security and starts importing food from the US, Australia and even Africa, - India can never be a superpower."

Giving the example of those displaced by the Indira Sagar Dam in Maharashtra, **Vilas Bhongade of Ghosikhurd Prakaalprast Sangharsh Samiti**, shared his work area covers 200 villages that have been displaced, of which 95 are completely displaced. Livelihood patterns are completely disrupted. He also mentioned the more personal social impacts such as breakdown of relationships over division of finite monetary compensation amongst families leaving them with neither land nor enough money; difficulties faced by youth in getting married due to lack of employment and any land asset etc.. There is also differentiation in the kind of compensation people are entitled to. "Land, its uses and protection are the most important factors. They should be the basis of our politics to take our efforts forward". All over the country, every political party is involved in some way or the other in land acquisition. District Collectors are told to announce that land is required for a certain project. After which, the price of land in and around is seen to increase with every passing day. We try to raise development issues especially with members of ruling parties. But it is difficult as it is all linked, and money is the biggest player.

Devendra of Hum Kisan Sangathan, Rajasthan, stated "We haven't done anything for agriculture. What should have been done to improve and secure the future of agriculture has not been done. Instead we are weakening it. Where is the money coming from to buy this land? Who is buying this land? If you look at industrial production in the last few years, it has actually decreased. But this is clearly not reflected in the market scenario." He recounted the subprime crisis in America and warned that we are heading the same way; purchasing power is being assessed by the loans taken by an increasing middle class. "This is what gives one a feeling of market growth, but in reality it's a myth." Citing the examples of Gurgaon and Noida where acquisition is largely seen to be successful, he questioned whether the original local communities have truly benefited and for how long. He warned that we must be prepared for social unrest if we expect farmers to give up land at a pittance and eventually be forced to move to cities as labour.

Shankar Gopalakrishnan of Campaign for Survival and Dignity focused on the political aspects of the Bill and drew attention to the point that while the Bill can be considered progressive by some, it has caveats that need to be closely watched or it can be misleading. Also, while it promotes consultation, 'baithak' and consent, the decision is ultimately and unanimously the Collector's. He flagged that the most important aspect, which is the critical decision making, is still in the hands of the administration. "We feel that this is the biggest threat. The LAA 1894 was straightforward and clear in that it will not give people any say in the matter. It's easy to fight against such a law. But the kind of law they are bringing in now will look democratic from the outside, but the core will stay just the same."

The last session was then followed by an open discussion where all present participated. The following recommendations, suggestions and actionable points emerged from this discussion:

1. **Wider consultation:** Engage not only within civil society groups and people's organizations (sangathans) but take it wider to key political actors, policy makers, media and also some minds from the corporate/industry/finance world, to genuinely address the gaps and concern areas.

2. **State-wise forums with follow up meetings at the national level** should be created bringing together diverse groups such as political party representatives, trade unions, people's movements, PRI representatives, journalists, artists, academicians, university students/ youth, etc. Special effort must be made to reach out to include representatives from business houses, infrastructure and industry bodies.
3. **People's audit** on a national-level to assess status of five spheres - electricity, water, land, forests, and employment. This should be conducted in a sound, transparent manner with wide coverage so the facts can speak for themselves.
4. A comprehensive **Land Use Policy** to be drafted envisioning land as a vital source of livelihood and food security.
5. A **white paper** detailing the status of every piece of land acquired so far in the name of 'public purpose' to be put together.
6. A certain **percentage of agricultural land to be reserved** to avoid food insecurity. Every district must mark out a certain amount of land for agricultural purposes that cannot be violated.
7. As we are a prime agricultural country with a massive section dependent on agriculture and urgently need to establish food security as a priority, a **Land Protection Bill** must be demanded. It should be drafted in such a way that only in very stringent rare cases can the use of land be altered and that too after consulting the people. Common land especially must be defended to avoid further exclusion of the marginalized.
8. **Ground level advocacy** to create awareness and engage community participation in the legislation consultation process. **Concise literature** in local/colloquial language on important legislations and development projects and their impact should be disseminated widely. Towards this there is a need to create legally sound and duly simplified key points for effective communication on the ground. Attention should also be paid towards education of the government and administration officials regarding PESA Act and Vth Schedule.
9. **Talks and debates** on key issues and concerns to engage young people across the country.
10. **Creative strategies** such as a mock court strategy as shared by Ulka to create awareness, understand opposing views, clarify doubts amongst people at different levels.
11. **Formation of core committees from among SRUTI Fellow groups** to pursue the issue in their regions and effectively associate with other network groups