

BusinessLine

Land grab in the name of development

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For whom the bell tolls: It tolls for tribals KR Deepak

Land holders deserve a just, dignified deal. 2013 came close to that; now, we are turning the clock back

It isn't really surprising that the public debate over the land acquisition law has been reduced to a simplistic narrative of whether farmers have become the stumbling blocks to India's growth story by refusing to part with their land. In the past, debates over big dams and nuclear plants followed a similar pattern. Without making any effort to see them as stakeholders in the development process, tribals and now farmers are being branded as 'anti-development'. This is missing the point altogether.

We have already forgotten why the 2013 land acquisition law, which is being amended now, was brought in. The old law of 1894 was designed to serve the colonial masters and gave blanket powers to acquire land.

In 1984 it was amended in a way that distinguished the difference between acquisition for state purpose, which was the case earlier, and acquisition for private enterprise, which "opened the floodgates to acquisition of land by the state for companies" and "unleashed the tribal and rural backlash", as a parliamentary panel headed by current Speaker of the Lok Sabha, Sumitra Mahajan, described it.

The liberalisation fallout

The panel admitted there was no official record of how many people had been displaced thus and what befell them, but quoted sociologist Walter Fernandes' study to peg the figure at 60 million between 1947 and 2004, of which 40 per cent were tribals and only a third had been resettled.

The current narrative has left out the tribals, even though a 2009 report of the rural development ministry, *State Agrarian Relation and Unfinished Task of Land Reforms*, described land alienation of tribals as "the biggest grab of tribal lands after Columbus" in which the state was complicit. The report said landlessness had increased phenomenally from 40 per cent in 1991 to 52 per cent in 2004-5 in rural areas, to which the liberalisation processes "have certainly contributed".

The 2013 land law tried to address two major problems. One, millions of poor had lost their primary source of livelihood but got inadequate compensation and resettlement benefits in return, leading to their impoverishment and worse.

Two, there was a backlash holding up many big ticket industrial and infrastructural projects, reviving Maoist insurgency in the tribal heartland of central India which quickly spread to more than 200 districts.

The new land law sought to make the affected people "partners in development" and introduced three elements. It sought to restore and re-establish their legal rights to property by introducing a "consent" clause which gave them a say in the acquisition process. It provided for compensation for livelihood loss through social impact assessment (SIA), and also added rehabilitation and resettlement provisions. The NDA government is out to destroy that framework.

Not against development

Land acquisition isn't a problem because farmers and tribals are against development. They are reluctant to part with their land because that is their only source of livelihood and social security. The alternative on offer proposes to take that away with little in return.

The previous government recognised that "historic injustices" had been done and sought to undo that. It had plans to make the tribals partners in development in other ways. One was by drafting a comprehensive Mines and Minerals (Development and Regulation) Bill in 2010 (to replace the 1957 one) which proposed 26 per cent shareholding to the tribals in mining companies.

The new dispensation has quietly dumped it and has proposed to set aside one-third of the royalty for their benefits instead. An amendment to the effect has been passed in the Lok Sabha and is pending with the Rajya Sabha.

Next on the NDA government's agenda is to dilute the Forest Rights Act (FRA) of 2006 which gives scheduled tribes and other forest dwellers rights over forest land, minor forest produce that include bamboo and tendu, and gives primacy to their claims over land acquisition. FRA has the potential to dramatically alter their living conditions.

A Planning Commission estimate of 2011 said the rights over minor forest produce alone would provide a direct income of ₹50,000 crore every year. This was no empty boast as the first village to get rights over bamboo, Mendha-Lekha in Gadchiroli district of Maharashtra, earned ₹1 crore by selling bamboo in the next year. A year later when tendu rights were given, 18 gram panchayats spread over Gadchiroli and Amravati districts earned ₹1.3 crore.

Ask the right questions

All these measures were parts of the “inclusive growth” architecture zealously followed by the architect of India's 1991 liberalisation who had come to realise that the growth had left out and impoverished many. Notice how such programmes have been undermined. Notice also how no questions are being asked about why, for example, the state needs to acquire land for private enterprise, a thorny issue in the land debate.

The Sumitra Mahajan panel expressed deep anguish and asked “...why should the state at all be involved in acquiring land...for private enterprises, PPP enterprises or even public enterprises” when no developed countries followed such “anomalous practice”. Nor is there accountability over land already acquired but not used. The 2013 law wanted such lands to be returned to the owners if unused for five years, which too is sought to be withdrawn.

The land issue is not really about land for development. It is about denial of rights and systemic bias against the vulnerable that creates asymmetry in the transaction. It is about a one-size-fits-all approach to development that ignores India's rich diversity and gives no stake to those who stand to lose in the bargain.

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