

PRAYOG SAMAJ SEVI SANSTHA



Regional Conference on Land Reforms Policy for Chhattisgarh- A Report

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The Regional Conference on Land Reforms Policy for Chattisgarh was organised by EktaParishad (hereafter, EP) on 20 June, 2014 at Prayog Ashram, Tilda, Raipur, to discuss the nature and essential components of land reforms policy for the state. It was attended by the members of the Chattisgarh unit of EP, alongwith members of a number of social organisations of the state working on the issues of land rights. The meeting was presided over by Mr. Ramesh Sharma, Member of the National Committee of EktaParishad and Mr. Nicholas Barla, Member, Indigenous Peoples' Forum.

Introduction

Around 70% of Chattisgarh comprises of forestlands and it has one of the largest adivasi and traditional forest dwellers population in India. These people are directly dependent on their lands and forest produce in order to earn a living. The sustained struggles for land and livelihood rights made by a number of grassroots organization and especially by EP led to the formulation of ***The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act***(hereafter, FRA)in 2008. The enactment of this law was a milestone achievement and it has begun to show its results as far as providing land and forest rights to people are concerned. As stated above, Chattisgarh being a state with such a large population dependent on land and forest resources, therefore needs to have a strong Land Reforms Policy which would safeguard the needs of the dependents. However, since the inception of the state in 2000, no Land Reforms Policy has been enacted by the subsequent State Governments. In this regard, EP has prepared a draft of the Land Reforms Policy (keeping in mind the interests of the dependents on land and forest resources) in order to provide a guideline to the State Government in enacting the same. This regional conference was conducted to engage the grassroots level activists of EP in the process and to understand the major barriers that are being faced by people in acquiring land rights.

Proceedings of the Meeting

One of the major problems that have plagued the land and forest holders in Chhattisgarh is the corporatization of land and forest resources of the state. The forests are located over the hills which are rich in mineral resources such as coal, iron ore, bauxite and their ilk. These resources are being extracted by mining companies for creating development projects. However, the mining and these projects are generated at huge environmental costs. It has led to large scale depletion of forest, water and land resources and also to the large scale displacement of the adivasi and the traditional forest dwellers from their land and livelihood sources.

The meeting thus began with the acknowledgement of this extremely serious problem and the need to priorities the environmental concerns and the concern of the local population while creating development projects.

Mr. Ramesh Sharma, Member of the National Committee of Ekta Parishad laid out the three basic requisites of the Land Reforms Policy- The Government should clearly ascertain in its policy:-

1. The total amount of land that is there in Chhattisgarh and the different ways in which it is being utilized.
2. The total number of people who are dependent on land for their livelihood and the number of people who have been dispossessed of their lands.
3. The amount of land and forest which can be given to the dependents for their utilisation, which means land and forest resources which have not yet been depleted and can be used by the people in order to sustain themselves.

With the laying out of the contours of the Land Reforms Policy, the meeting then proceeded to deliberate on some of the major hurdles in acquiring land and livelihood rights and how they could be overcome.

1. Govt. Schemes- PDS and NREGA

It is a popular idea about Chhattisgarh that it has a very effective Public Distribution System (hereafter, PDS) in place which has taken care of the food security issues of the people of this state. It is also believed that Chhattisgarh is one of the states which have effectively implemented the National Rural Employment Guarantee Act (hereafter, NREGA).

While it is true that the state does have a proper PDS mechanism (better than quite a number of states), however the kind of praises that have been lavished on it are exaggerated. The EP members who were present at the meeting narrated the various problems associated with the mechanism of PDS. One of the major problems is widespread corruption especially in the making of ration cards which entitle people who are placed below the Poverty Line to the facilities of the PDS. According to the members, around 50% of the ration cards were held by people who were not entitled to its facilities, another glaring problem was the prevalence of bogus cards; cards that were made for people who were non-existent. Even the remaining 50% of the ration cards which were with people who were legally entitled to have them, a number of them were made after paying a bribe to the local authorities.

Similar complaints were made about the NREGA schemes as well. One of the major hindrances in the effective implementation of NREGA is that there has been a lack of regular payments. The EP members complained of delay in payments ranging from 3 months to even 2 years.

The reason why the issues of PDS and NREGA were discussed in regards to the Land Reforms Policy was because in recent years the State Govt. has made the excuse of PDS and NREGA to convince the dependents to give up their lands. The Govt. officials have tried to convince people by saying that their food and

livelihood needs were being taken care of by these schemes and therefore they would no longer need the lands and thus they should give up their control over it. However, the opinions made by the members of EP present at the meeting underscored the need for land rights.

One of the major concern that was highlighted in the meeting was that schemes such as PDS and NREGA are not long term projects and they can be terminated any time without prior notice. In such a situation, the control over land will be the only means of sustenance for the people who are dependent on it.

The other concern that was raised was that schemes such as PDS and NREGA have significantly altered the occupational trends in the villages. It has reduced the self- sustaining nature of the village and has made it dependent on Govt. handouts and charity which comes in the form of subsidised rice and other food grains that were being provided under the PDS mechanism. Moreover, it has also led to moral degradation especially among youth in the villages. A number of instances were reported where the 35 Kg rice that was received at a subsidised price of Rs. 1/ Kg, were being sold by the young boys of the family and the money received was being used in alcohol consumption.

It was also pointed out by certain members of EP that land is related to the self-esteem and dignity of the villagers, and thus it has an insignia of honour associated with people who are dependent on it. Thus, land sufficed not only the physical but also the psychological needs of its dependents.

Mr. Nicholas Barla (Member, Indigenous Peoples' Forum) spoke about a similar strategy being adopted by the Odisha Govt. wherein Govt. schemes like PDS and NREGA were being used by the Govt. officials to ask people to give up control over their lands and resources.

A common link can be established here between the states of Chattisgarh and Odisha. Both these states are rich in mineral resources and are being eyed by the mining corporations since a long time. Most importantly, the projects of these corporations in both these states have either been thwarted or delayed owing either to Maoist insurgency or to local people refusing to give up their lands. It might therefore be deduced that schemes such as PDS and NREGA are being used as an excuse in order to displace people from their lands.

It was unanimously agreed by members present in the meeting that availability of Govt. schemes can be no reason for people to give up their control over land and forest resources since food security can only be guaranteed when people have land and can cultivate crops on them. However, it would also be inane to reject these schemes altogether, as they can and are playing an important role in poverty alleviation and can enhance the economic conditions of the poor especially the adivasi people. Certain measures were suggested by members present in the meeting regarding better implementation of these schemes, such as decentralization of the market. There should be the availability of storage

facilities in every village, where rice produced by farmers of that particular village is stored and sold to the people of the concerned village. This would prevent the unnecessary expenditure involved in carrying the food grains produced from one village in order to be sold in some other place.

2. Mining Policies

The mining of natural resources is essential for the development of the country and in order to ensure steady economic growth. However, the kind of development model that is being ushered in the recent years comes at huge ecological costs. The mining operations and the various development initiatives that are being taken have led to and is leading to the eviction of the local people from their lands, coupled with the snatching away of their traditional modes of livelihood and sustenance. It has also led to the depletion of forest resources and disturbance of the ecological system.

The new mining policy with a view to provide some sort of rehabilitation to the affected people, states that 26% of the annual profit incurred from the mining operations will be given to the people who are affected by it. Deliberations and discussions were held in the meeting with regard to the nature of this compensation as promised by the mining law.

Most of the members pointed out that there is a lack of faith among the local people with regard to the implementation of this aspect of the law. They are doubtful whether 26% of the profit would actually be provided to the local people according to the letter and spirit of the law.

Moreover, concerns were also raised about what would actually constitute the 26% of the profit. It is very likely that the mining corporations might alter the records of their annual profit, in such a case a substantially less amount than 26% would actually reach to the affected people.

It was also decided in the meeting that certain safeguard mechanisms should be put into place so as to regulate the usage of resources by the mining corporations and to ensure that the stocks of the natural resources are not exploited leading to their exhaustion. The need for regulation becomes very important since a steady decline in natural resources is being seen throughout the country. In this regard, Mr. Nicholas Barla stated that the rate at which coal is being extracted in Odisha, the reserves would be exhausted in just 20 years.

Following the need to regulate the various development projects, discussions were made on the nature of compensation that is to be provided to the affected people. It was unanimously agreed by members present at the meeting that the present mechanism of providing 26% profit to the affected people is simply inadequate and it is in reality a meagre act of charity being provided to people who are dispossessed of their land and livelihood rights.

Mr. Ramesh Sharma spoke of a concept called ***Interjectional Equity*** according to which it is legally binding upon every mining company to state the amount of mineral it has to extract so as to suffice the needs of one generation and thus to ensure that the stocks are not depleted making it impossible for the future generations to use them. However, rarely any mining company provides such information which therefore makes around 75% of India's mining operations illegal.

Thus, apart from emphasising on the need to regulate the mining operations and other development projects, the members also spoke about the compensations that must be provided to the affected people.

It was strongly recommended by the members that the companies that were setting up various projects should contribute to the development of the region. The most important in this regard is the building of social capital of the people of the region- such as building schools, anganwadi centres, hospitals and their ilk which would suffice to the needs of the local people. The traditional modes of livelihood of the local people should also be protected. The members present at the meeting rejected the pittance of a compensation; 26% of the annual profit and stated that the above recommendations must be considered by the State Govt. in order to create an ecologically sustainable mode of development.

3. Implementation of FRA

As stated in the beginning of the report, one of the major achievements in the struggle for land and livelihood rights is the enactment of ***The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act*** (FRA). However, the mere enactment of a law does not mean that its benefits will reach out to the people they are meant for. In order to ensure its effective implementation there is a necessity of well-coordinated efforts both on the part of civil rights organisations and Govt. agencies. The district of Gadchiroli in Maharashtra has become a model for the whole nation in this regard. The village Mendha- Lekha which is in this district is arguably India's first village to have received Community Forest Rights (hereafter, CFRs) under FRA.

However, the state of Chattisgarh with such a large number of people dependent on forest resources is yet to see an effective implementation of FRA. According to the members of EP who are working in different villages on the implementation of this act, the titles that have been granted in different villages till now include mostly individual land rights under FRA, and as far as CFRs are concerned they are mostly relating to Section 3 (2) of the act which provides for construction of civic amenities such as schools, anganwadi centres, markets and their ilk.

Some members also pointed out that there have been instances in some villages (although they are lesser in number) where not even the forest rights committee has been formed.

EP has begun the process of ensuring effective implementation of the FRA provisions in this state especially those that relate to providing CFRs. It has provided with the format of the claim forms of CFRs in a number of villages and its respective local units are closely monitoring the filing of those forms and will ensure that the process is closely followed once the claims have been filed.

The members present at the meeting also spoke about certain helpful orders issued by the Chattisgarh Govt. with regard to the effective implementation of the FRA.

For example, it issued an order in February, 2014 stating that the non- adivasi and other Traditional Forest Dwellers will only have to file their claims for CFRs and it will be the responsibility of the Gram Sabha (hereafter, GS) to provide the proof of their staying for 3 generations or more on forestlands. This order is extremely important in ensuring CFRs for the non- adivasi populace, because the amendments made in FRA in 2012 (which brings the non- adivasi population under the purview of this Act) have been largely ignored in Chattisgarh and thus they have been deprived of the benefits of this act.

The other important order in this regard is that, according to the directives of the State Govt. the Secretary of the Gram Sabha, will be the Secretary of the Forest Rights Committee in every village. This is an important directive in the sense that it will prevent unnecessary interference of the Forest Department in the decisions of the Forest Rights Committee.

Thus, it was agreed by the members that the effective implementation of FRA especially the CFRs will be extremely important for ensuring land and livelihood rights of the people and therefore it must be an important concern of the Land Reforms Policy of the state.

Conclusions and Recommendations

The concluding remarks were provided by members of other civil rights organisations who were present at the meeting. It was concerned on how the above mentioned agenda could be included in the Land Reforms Policy and how the Govt. could be pressurised to enact a policy that would keep in mind the needs and interests of the adivasi, and poorer section of the population that are dependent on lands for their livelihood. The following major recommendations were made:-

1. There is a need for better coordinated efforts among all mass organisations which are struggling for land and livelihood rights and they have to decide the nature of the land rights movement.

2. The Govt. has to be pressurised to deal issues such as land acquisition with more sensitivity, prioritising the needs of the local people. Lands should not be acquired without ensuring proper rehabilitation of the affected people. Proper rehabilitation would mean providing an alternative site to the people which has all the essential facilities, such as land for farming, availability of NREGA worksites, schools, anganwadicentres, health care facilities, drinking water facilities and PDS centre at a short distance and their ilk.
3. As far as implementation of FRA is concerned, there must be greater emphasis on realisingCFRs, as this would ensure greater control of the people over land and forest rights. It must also be ensured that once CFRs are granted, the forests are not cleared for farming and they are conserved.
4. There is a need for more media engagement in order to highlight the issues relating to land, forest and livelihood rights in the public domain in a more sustained and organized manner.

The meeting ended with the proposal of the vote of thanks by Mr. Prashant Kumar, State Convener, Ekta Parishad.