

Janadesh News

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Kerala Farmers Protest in Delhi

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While banks understandably want to collect on unpaid loans, there are many people in Kerala who question the current trend to reclaim the lands of already struggling small farmers while ignoring the unpaid loans of large firms whose lands and assets far out value the meager assets of small farmers. On February 27th, farmers from the Wayanad district of Kerala arrived by train in Delhi where they headed to parliament to demand that the SARFEASI (Securitization and Reconstruction of Financial Assets and Enforcement of Security Assets) Act be amended. The Act, which gives lenders the right to collect on unpaid loans by taking possession of land and assets of the borrower, often ends up being a means of denying the small farmers their right to homestead lands. Banks are allowed to then sell the lands at low rates to what many call India's "real estate mafia," groups of people who accumulate large land holdings and then sell them at high prices. Not only is land being repossessed from the poor farmers, but the costs of buying land are becoming too high for the average citizen to afford.

The farmers, including 20 Janadesh yatrees, are part of a group known as Kidappadam (meaning "place to sleep") Samarakhana. They are taking action to deal with an issue they believe far too many people are unaware of; while the growing rate of farmer's suicides increases, they have come to parliament to act as a voice for the thousands of people in Kerala that have been left homeless as a result of loan collections. Kidappadam Samarakhana is a non-funded people's movement headed by John P Thomas. They are demanding that the SARFAESI Act not be applicable to those who have taken out loans up to 5 lakh rupees. Loans for this amount are generally taken out by small farmers, traders and laborers who cannot afford to lose their homestead lands if they are unable to repay their loans on time. Farmers often face coercion, intimidation and violence from those who demand repayment on loans. The Act came into effect to deal with the negative economic impact of large number of unpaid bank loans, but rather than collect on unpaid loans from the large corporations that can afford the loss, small farmers are losing their lands and livelihoods.

The group joined thousands of other farmers in Delhi who are also protesting pro-corporate agriculture policies of the government. A study from the Madras Institute of Development Studies regarding farmer suicides indicates that more than 150,000 farmers committed suicide in India between 1997 and 2005 and estimates suggest that today one farmer commits suicide every 32 minutes. The protesters, including those from the Kidappadam Samarakhana, have come to demand that the Union Budget for 2008-2009 include provisions to waive farmer's debts and stem the increasing number of farmer suicides that result from indebtedness.

Read the memorandum on developments in DOHA negotiations and the Union Budget 2008-09 submitted to Agriculture Minister Shri Sharad Pawar at http://www.viacampesina.org/main_en/index.php?option=com_content&task=view&id=489&Itemid=29

QUESTIONS OR COMMENTS?

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THE STRUGGLE FOR LAND IN MADHYA PRADESH

THIS MONTH, TWO OF OUR ACTIVISTS VISITED SEVERAL AREAS OF MADHYA PRADESH TO DOCUMENT THE LAND STRUGGLES OF INDIVIDUALS THROUGHOUT THE STATE. THEY SPOKE TO FARMERS AND VILLAGE LEADERS ABOUT SOME OF THE 25,000 LAND RELATED GRIEVANCES COLLECTED BY EKTA PARISHAD FROM THE JANADESH YATREES.

Piprahat, Satna: Mohan Singh

Mohan Singh's family has lived in Piprahat for generations. He and his wife Sym Bai have three daughters and two sons. He legally owns 1,145 hectares of land but because the government has not demarcated his property, he only roughly knows where one of the two pieces of land is located. He is ill and unable to work so his wife and daughters have to work in mines as day laborers for 50 Rs a day. Despite the fact that he is unable to farm the land he owns, he is forced to pay taxes each year for lands he has never seen. The National Rural Employment Guarantee Plan has essentially failed in this area and many people in his village are forced to work as laborers on other people's lands. The pay is low, but government employment schemes offer little in the way of alternatives.



Mohana, Gwalior: Lakhme



Since 1970, Lakhme has occupied land he does not legally own. His family has occupied 2.5 hectares of land for 4 generations, but is not legally entitled to the lands that they farm. When a non-advasi family encroached on the lands he farms, officials demanded 10 000 Rs for a land title. Because Mohana lacks proper irrigation, his family depends on the monsoon season to grow their crops. For the remainder of the year he must work in a mine for a mere 50 Rs a day, while his family tries to survive the constant threats of encroachers and eviction. On July 8th, 2003, Lakhme was served an eviction notice and had to pay 200 Rs to process his case and another 300 Rs for occupying land without a land title. In 2006 he had to pay another fine of 200 Rs for illegal land occupation. On September 27th, 2007, Lakhme filed his grievance and says that without a legal title to his land, his family will die.

Land Acquisition and Resettlement and Rehabilitation Forum in Delhi

On 11 February 2008, the Parliamentary Standing Committee on the Ministry of Rural Development invited comments on the Land Acquisition (Amendment) Act, 2007 and Resettlement and Rehabilitation Bill, 2007. Ekta Parishad organized a forum to discuss both Acts on 14th February 2008 in Delhi. Representatives of 25 civil society organizations participated.

LAND ACQUISITION ACT

The only legal framework guiding the acquisition of land in India for the use of what is vaguely referred to as “development projects” since 1849 is the Land Acquisition Act. Without taking into consideration the social and economical ramifications of displacing communities for the aforesaid development projects, the Act provides 3 methods of appraising the value of the land to be acquired. These methods are; government approved rates, capitalized value of average annual income from the land and the prevalent market rate based on the average price paid in recent land transactions in the area. The Act treats land as a commodity to be bought and sold for the benefit of the few while completely disregarding the value of land beyond the merely monetary. For those people who are displaced, land is more than the place they call home. It is more than the place whose lands provide them with food for their families. It is also the place where they have built a community. The place where they have watched their children grow. A place whose worth cannot be measured by market rates and average incomes. Nowhere does the Land Acquisition Act take the true value of land to the project affected people into consideration. This is the face of India’s “development.”

Several areas of the Act were discussed, including the following;

Clarifying the expression “cost of acquisition” to ensure that the organizations and movements working for people’s land rights will have a legal grounding to better argue for rights and benefits of the project affected people.

The current Act measures the value of land in purely monetary terms, providing compensation to land affected peoples accordingly. Amendments should be made for social impact assessment to be carried out in each of the project affected areas so that a clearer social impact appraisal can be performed.

Amend the Act to include the establishment of a state authority which would allow for more time-efficient legal dealings with land-related disputes.

Amend the Act so that acquisition of land for companies is omitted. This is imperative as the current Act allows for private land to be acquired for companies through private transactions. Land is often acquired privately by coercion, leading to the exploitation and intimidation of vulnerable communities for the benefit of the company.

THE RESETTLEMENT AND REHABILITATION BILL

The National Policy on Resettlement and Rehabilitation, 2003 was established to provide a level of assistance to project-affected people that goes beyond the compensation provided by the Land Acquisition Act. The shortcomings of the policy come from its exclusive focus on compensation for involuntary resettlement and its lack of consideration for the creation of sustainable restoration of incomes for

project-affected people. The framework being used for the policy looks only at compensation for the loss of assets, rather than making an attempt to approach resettlement as an opportunity to develop or improve the income generating capacities of the resettled communities. This is generally the focus of funding agencies and development institutes. Compensation should be supplemented with the creation or strengthening of government development programs that aim to improve the income and standard of living of the affected communities.

In October 2007, the National Rehabilitation and Resettlement Policy was enacted to replace the National Policy on Resettlement and Rehabilitation 2003. The Bill, 2007 was developed to add provisions to the 2007 Policy so that the needs of the affected communities could be addressed more effectively. These suggestions were offered in part to address the gaps between the governmental focus on compensation for lost assets and the funding agency focus on income generation as part of the resettlement process.

Land acquisition for public development often means the loss of lands, means of livelihood, shelter, access to resources and the loss of the social and cultural environment for displaced communities. These must all be addressed when designing compensation and rehabilitation schemes. The rights of the project-affected communities, with particular emphasis on the rights of vulnerable and marginalized groups (Scheduled Tribes, Scheduled Castes, women, small farmers, landless, etc.) must be protected. The needs of those who are affected not through direct land acquisition, but through the loss of assets as a result of a project, must also be considered.

February 14th discussions focused on the introduction of a Social Impact Assessment of Projects. The assessments should take into consideration the impact of the project on

public and community properties, assets and infrastructure such as roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities (post offices, fair price shops, food storage units, electricity supply, health/education/ training facilities, places of worship, land for traditional and tribal institutions and burial and cremation grounds.) The assessment should be done by an independent multi-disciplinary expert group that will then submit the assessment to the appropriate Government.

To address the fact that displacement impacts the affected peoples on many different levels, including economic and social, the Bill should include measures to resettle communities en masse in order to avoid, as much as possible, the loss of community ties. When families are moved, efforts should be made to resettle them in groups to ensure a smoother transition. Where Scheduled Caste affected families are resettled, they should be, when possible, settled in areas as close as possible to the acquired village lands. These measures will allow the affected communities and families to retain as much of their social ties and familiar surroundings as possible and allow for a reduction in the level of trauma that follows resettlement.

Rehabilitation and resettlement compensation should be given to the affected before they are displaced, and schemes should be implemented in advance, to avoid delays in payment and ensure the smoothest possible transition. Steps to ensure that communities are resettled in an area that forms part of a panchayat or municipality must be taken so that local governing institutions are in place. All required amenities and infrastructure should be provided in the resettlement area and where large groups of Scheduled Tribes are displaced, a Tribal Development Plan must be clearly and thoroughly planned and properly implemented.

French Filmmaker Set to Release Three Films on Ekta Parishad

French filmmaker Sebastien Sanges is in the final stages of editing three films that document the work of Ekta Parishad from the violence of the Chambal Valley in the early 1970s, to the release of bonded laborers in the South, to the mass movement Janadesh, where Sanges walked with thousands of India's landless people to better understand their struggle. He has linked with Loins de L'Oeil, a French organization that produces and promotes documentary films relating to international development to share his work.



Please visit <http://theyouwin.yooook.org/> for more information and to watch the documentary trailers. Also check out an interview with PV Rajagopal and Via Campesina's Jose Bove.

...Land Grievances Explained...

Ekta Parishad has collected 25,000 land grievances from villagers all over the country. With each area, the issues surrounding land and landlessness differ. The grievances can be divided into the following categories;

- 1. LAND TITLE BUT NO POSSESSION:** This refers to those who have the legal land title but are not in possession of the land to which they are entitled. This often happens when the land is illegally occupied by influential individuals who are able to circumvent the legal rights of the title holder.
- 2. POSSESSION BUT NO LAND TITLE:** This refers to those who occupy lands, perhaps for generations, but are not in possession of a patta to give them any legal right over the land. While the policies are often in place for them to gain the legal right to the land they occupy, they are unable to pay the bribes demanded by the officials in charge of distributing the property papers.
- 3. LAND TITLE BUT NO DEMARCATION:** This refers to those who have been allotted lands but have not been given the proper information regarding the parameters of the land they are entitled to.
- 4. LANDLESS:** This refers to people who do not occupy any land and have no legal rights to land. They generally rely on daily labor to meet their daily requirements.
- 5. ADIVASIS AND DALIT LAND ENCROACHED BY PEOPLE WHO HAVE NO TITLE:** This refers to individuals who are legally entitled to lands that have been encroached. While they have the legal right to evict occupiers from their lands, they are often powerless to remove those whose money and influence allow them to consort with officials to remain on the lands that they illegally occupy.
- 6. TRANSFER OF STONY LAND / WASTE LAND:** This refers to those who have been allotted lands by the government that are not cultivatable. They are unable to farm and meet their daily needs despite being the legal owner of a piece of land.

Australia Apologizes to the “Stolen Generation”

This February Australian Prime Minister Kevin Rudd officially apologized to aboriginal Australians for what he called the “stolen generation.” Until 1969, almost one third of Australia’s aboriginal children were forcibly taken from their families and declared wards of the state where they were subject to cruelty and violence in the name of assimilation. The culture and language of the children became something that they were told was shameful and, as was the case in many countries including New Zealand, Canada and the United States, the result was entire generations of children who were torn out of their parent’s arms and taken to institutions, missions and the homes of white Australians to learn the “white” way of life. Prime Minister Rudd’s apology was met with tears and joy as many welcomed the move as an historic step in improving race relations in the country. The Australian Prime Minister spoke of embracing a new partnership between indigenous and non-indigenous Australians where the gaps in life expectancy, education and employment can begin to be bridged.

The Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly on September 13, 2007 and was adopted by a vote of 144 to 4, opposed only by Australia, New Zealand, Canada and the United States. These countries made a joint statement saying that “No government can accept the notion of creating different classes of citizens.” This joint statement fails to take into account that when people were cleared off their lands and treated as second class citizens (if treated as citizens at all,) a separate class of citizens was already created. Laws created in these countries were made by those that did not recognize the rights of the aboriginal people, and were made for the sole benefit of the new dominant society. Keeping this in mind, Prime Minister Rudd’s apology is a significant step in rectifying historical human rights violations. He has suggested his government plans to support the United Nations Declaration, which may help push Canada, the United States and New Zealand to make similar steps.

Interestingly, only hours after Prime Minister Rudd’s apology, the Australian Greens Leader Bob Brown moved to add a commitment to offer “just compensation to all those who suffered loss.” The Government, the opposition, the Democrats and Family First all voted against it. Senator Brown responded by saying “This was a timely move to ensure that proper compensation flows from this great symbolic Sorry Day in Australian history. The government’s policy to refuse compensation is wrong. As time passes, it means that many more of the Stolen Generations will die without due recompense for the harm done.”

Canadian Assembly of First Nations National Chief Phil Fontaine expressed congratulated Prime Minister Kevin Rudd for issuing the apology, saying “First Nations in Canada applaud the Australian government for its demonstrated leadership on issuing this long awaited and profound apology. The forced removal of children from their parents was the most egregious of human rights violations imaginable, causing enormous harms.” Regional Chief Shawn Atleo participated in Janadesh and shared stories of similar racist assimilation policies that affected thousands of Canada’s aboriginal people.

