

# Land : Conflicts and Reforms

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Land is a gift of nature to humankind. It is a primary means of production and an important asset which cannot be augmented or reproduced. It has been the most sought after and fought for asset throughout human history. Most of the wars have been fought for land. The Mahabharat war took place because Duryodhana refused to part away even an inch of land for Pandawas.

Ironically, all the progress of science and technology, industrialisation and modern development has failed to reduce the importance for land, and it is back to the centre of the conflicts, struggles and crises. Land is a necessary input for agriculture, animal husbandry, forestry, mining, industries, human habitation etc. and there are conflicting demands for it. It is one of the rare assets which the poor majority either own, use, depend on or have access to in varying degrees. Whether owned privately or used collectively, the lives and livelihood of majority of the people are linked to it. Traditionally, rural rich and poor competed with each other for its ownership. Lately, the corporate sector has also joined the fray. Ambanis, Tatas, Rahejas, Saharas and likes are emerging as the biggest and the richest landlords of modern India.

'Land to the tiller' was one of the slogans and ideals of Indian freedom movement. Zamindari was abolished and progressive Land Ceiling Acts were adopted in all the states. Pattas (land ownership deeds) were distributed at times to the Scheduled Tribes, Scheduled Castes and other poor peasants to provide them rights over agricultural land and residential plots. In fifties, many state governments adopted rules and legislations to stop alienation of tribal land. They made transfer of tribal land to non-tribals illegal. Certain governments like left front government of West Bengal passed legislation to protect the interests of sharecroppers. There were also a few non-official movements over land, such as *Bhudan* or *Telangana* or *Tebhaga* to make land distribution more just and more favourable to the poor.

All these developments did make a difference in the rural scene. The old Zamindars disappeared and mostly shifted to towns and cities. But many loopholes in the legislation have left a substantial quantity of land still in their hands. Many of them are now absentee landlords. But, at many places, land ownership has shifted and concentrated into the hands of middle castes including the so-called OBCs. It is they who commit atrocities over Dalits at many places now. A significant proportion of surplus ceiling land is yet undistributed and still in the possession of influential and powerful families. Same is the case with *Bhudan* land. Record of land reforms is better where the poor are organised and assert their rights. Land is still the biggest cause of confrontation and conflicts at family level, caste level and class level in Indian countryside. It is at the root of several atrocities over Dalits and tribals. Land is also behind several people's movements.

Question of land reforms is, therefore, as important today as it was yesterday. But it has acquired certain new dimensions. Certain misconceptions and misunderstandings about it however have to be cleared. Equal distribution of all the available land among all rural families cannot be the goal of land reforms,

however radical it may appear. It will mean very small atomic landholdings which will not be economically viable and will fail to generate sufficient livelihood for the rural families. It will serve no purpose. It will not solve the problem of rural poverty. The exploitation of agricultural workers by landowners does take place, but it is not the main exploitation in the present system. The root cause of rural poverty is the exploitation of agriculture and allied activities and deprivation of villages in the capitalist, imperialist and neo-colonial system. But a better distribution of land and 'land to tiller' is necessary and desirable for ending the injustice and inequality within the rural society. (A limited disparity in land ownership can be tolerated, but no one should be allowed to own land more than the ceiling and absentee landownership should not be allowed. Moreover, every family has a right to a residential plot and housing). In fact, the rural society has to fight unitedly against the capitalist and neo-imperialist onslaught for its emancipation.

Loopholes in the land ceiling laws and other legislations should be plugged to end long-pending court cases. There should be no exemptions in land ceiling such as plantations. Large quantity of land is not necessary for these plantations, as can be seen from small tracts of rubber plantations in Kerala and lately developing cultivation of tea by small landowners in North Bengal. Even if large tracts are necessary for certain plantations, they should be owned by the cooperative of plantation workers, and not by any individual business house. Ceiling and other surplus land should be distributed among the agricultural workers and marginal and small farmers. It should be ensured that they get the actual possession. They should also be helped in non-land assets such as bullocks, irrigation and other inputs so that they can actually undertake the agricultural activities. But care should be taken to see that :

(i) Land is not taken away from one poor marginal or small farmer to give it to another poor family thus putting one set of poor people against another and leading to clashes among them, as was done during the last Congress rule in Madhya Pradesh under the Chiefministership of Digvijay Singh.

(ii) A minimum amount of land must be kept for community use such as grazing.

A more urgent and prudent step is to abolish absentee landownership. Legislation should be passed in all states to bar all those who are settled in towns and cities from owning agricultural land in the villages. Poor villagers migrating temporarily to towns for seasonal employment will be exempted from this. An easy and convenient criterion is the voters list. By law, a person cannot have his/her name enrolled in voter lists at more than one places. If that person wants to keep land in his/her possession, he or she should reside in the village. Otherwise he/she has to sacrifice the land. He/she will be free to sell the land or transfer it to other members of the family residing in the village. If implemented properly, this will have several impacts. Farm houses owned by urban rich (such as Amitabh Bachchan, Dharmendra) are to be abolished. They will also not be able to hide their black money by showing it as an income from agriculture (which is free of income tax). Members of the rural families who have got employment in towns and cities and settled there, will be forced to surrender agricultural land in favour of the other members residing in the village. More

land will be available in villages, and land prices (which are skyrocketing these days) will come down. Landownership will shift to those who actually reside in the village and are interested in agriculture. This will also help in more productive investment in agriculture and its development.

Some state governments such as Maharashtra have a rule that only farmers can purchase agricultural land. But this has not been effective in stopping transfer of land to the urban rich. Voters list is a better criterion. The measure suggested above is more radical, more necessary and useful. It is strange that even communists and socialists in India have stopped pressing for it. Abolition of absentee landlordism has also been one of the major planks of Maoists in Nepal.

Tribals, the oldest and the original inhabitants, should get the full legal rights over the land. In all cases of transfer to non-tribals within last 50 years, land should be restored to the tribals. They should also get the rights over the land which is cultivated by them but categorised in official records as forest land'. There are still some doubts whether recently passed 'Forest Rights Act' will give them full, actual, rights. These doubts should be removed by removing the discrepancies and practical problems. Equally important are the *Nistar* and other rights over forest (grazing, minor forest produce, wood for their own use etc). Sanctuaries, national parks and tiger reserves should not become a pretext to deprive tribals and other forest dwellers from these rights, which are essential for their existence. There is no real unavoidable conflict between the wildlife and tribal life and both have been co-existing for centuries. Non-tribal forest dwellers should also get these rights. The Forest Rights Act, in its present shape, makes it practically impossible for non-tribals to get any rights in forest areas by demanding a proof of living there for 75 years. This condition should be removed by an amendment.

Displacement by development, industrial and other projects is one of the major source of land alienation and dispossession of tribals as well as non-tribal farmers. With the latest phase of globalisation and industrialisation, suddenly there is a flood of displacement. While the Land Acquisition Act of the colonial period has to be suitably amended to protect the ruralfolk, there should be a serious discussion and debate over the present model of development and its repercussions. Modern industrialisation and modern development has a huge appetite for land, forest, water, minerals and other natural resources. It will lead to displacement, dispossession, deprivation and destruction on a large scale. Diversion of these resources is creating new crises of food, livelihood and environment. Displacement and diversion of land for non-agricultural purposes should be stopped or minimised. The schemes like SEZ are anti-people, anti-national and anti-development. They should be immediately cancelled.

There is a move by the forces of liberalisation and globalisation to dilute the existing land reform legislations and to create a vibrant and more liberalised land market which can facilitate further concentration of land ownership, creation of big farms and corporate farming. The underlying assumption is that small farms are inefficient and a barrier to agricultural progress. This assumption is not only unjust, but also factually wrong. In India, smaller landholdings have been associated with higher per acre production. Moreover, there is a big question. Where will crores of small farmers go, if forced to lose land and leave agriculture?

No amount of modern industrialisation can accommodate them and provide employment to them. In fact, the modern industrialisation destroys employment rather than creating it. Six decades of industrialisation and development has been able to provide not more than 8 percent of jobs in organised sector to Indian population.

Land ceiling laws have been diluted in Karnataka and other states for floriculture and some other kind of modern farming to permit larger landholdings. Stamp duties and registration fees are being curtailed to promote swift exchange of land and a speculative market for land. Multinationals and foreign-owned companies were earlier not allowed to own agricultural land. They have been permitted now. Urban land ceiling is also being abolished under the instructions of the World Bank and the ADB. In states like Madhya Pradesh, thousands and lakhs of hectares of 'non-forest' waste land are being allotted to companies for *Jatropha* (bio-fuel) plantation. This so-called wasteland is not actually a waste. It is either under encroachment of poor people and being cultivated by them, or it is a part of common property resources which is used by poor villagers in a number of ways (grazing, collection of firewood, etc.). All these people will be displaced and deprived.

All such moves should be resisted with full strength, if land as a resource has to be saved and retained with hard-working common people.

Finally, land question cannot be resolved by focusing on land only. A major drive of rural industrialisation is necessary, which in turn requires a restructuring of the whole economy, and change of the priorities and policies of the government. A continuous process of destruction of rural industries and crafts is going on since colonial days, which has led to total dependence of village population on agriculture. In the absence of non-agricultural employment, land has become the only source of security and livelihood in Indian villages. This has led to increasing conflicts over land. Most of the landless workers or marginal farmers are actually former craftsmen and artisans. This situation has to be changed. A significant part (at least 50 percent) of the rural population should be engaged in non-farm rural employment.

These are the challenges and tasks before the government or a progressive movement on the question of land. □□□