

PEOPLE'S POWER

# I P T a n d t h e J u d g e m e n t

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Organized by a collective of civil society groups, social movements, progressive academics, social activists and concerned citizens, the recently concluded Independent People's Tribunal (IPT) on Land Acquisition, Resource Grab and Operation Green Hunt in New Delhi offers a unique perspective into contemporary Indian reality. While the national and international media talk profusely about the unprecedented growth of the Indian economy, as measured by growth of the gross domestic product, it shies away from looking at the underlying costs of that growth : increasing inequality, forced displacement and dispossession of the already vulnerable, growing social tensions and a rapidly growing State terror. The IPT, by giving space to different activist voices from the grassroots, offers a much needed alternative perspective on the growth process, a view, in a sense, of the dark underbelly of current-day Indian "development".

Running for three days, from April 9 to April 11, the IPT heard accounts of diverse grassroots activists from the states of Chhattisgarh, Orissa, West Bengal and Jharkhand, the theater of an insidious war—nicknamed Operation Green Hunt (OGH)—that the Indian State has launched against its own people. Supplementing activist accounts and testimonies of witnesses with critical insights and advice of social scientists, journalists, legal experts, former government functionaries and human rights activists, the people's jury of the IPT made its opinion known through its interim observations and recommendations, the most urgent of which was to stop OGH and initiate a process of dialogue with the local population in the affected areas. Other recommendations included : immediately stopping all compulsory acquisition of agricultural or forest land and the forced displacement of the tribal people; making the details of all the memorandum of understanding (MoUs) signed for mining, mineral and power projects known to the public; stop victimizing and harassing dissenters of the government's policies; withdraw all paramilitary and police forces from schools and hospitals; constitute an Empowered Citizens' Commission to investigate and recommend action against persons responsible for human rights violations of the tribal communities.

Why has the Indian State launched OGH? Why was the IPT organized? Who participated in the deliberations of the IPT? To address such questions, and therefore to understand the true import of the IPT, one needs to step back a little and locate the on-going war in the context of the political economy of contemporary India against the backdrop of globalization.

## **THE CONTEXT**

The announcement of the IPT and the interim observations of the people's jury set out the context in clear-cut terms. The neoliberal turn in the economic policies pursued by the Government of India since the mid-1980's has, in line

with similar experiences in the rest of the world, spelt unmitigated disaster for the vast masses of the country. While a small section of the population has increased its income, wealth and social power at unimaginable speed and to preposterous levels, the majority of the population has continued to live in absolute poverty, marked by widespread hunger, malnutrition, and lack of access to even the most basic health and educational infrastructure necessary to guarantee a decent standard of living. A rather direct measure of the inequality is to compare the situation of those at the very top of the income pyramid with those at the bottom. In 2009, India had 52 billionaires, about double the corresponding number in 2007. The wealthiest Indian, Mukesh Ambani, has a net worth of \$ 32 billion; the combined net worth of the richest 100 Indians in 2009 was US\$ 276 billion. On the other side of the social pyramid, about 77 per cent of Indians spent less than \$2 (in PPP terms) on daily consumption expenditure in 2004-05 and roughly 80 per cent households did not have access to safe drinking water.

But this rough and ready comparison can be complemented with results from more systematic analysis. The issue of poverty and inequality has been studied threadbare in India over the last few decades, especially in the context of the economic reforms, an euphemism for the imposition of neoliberal economic policies. A large strand of this literature, published mainly in the *Economic and Political Weekly*, study measures of inequality using data on the distribution of consumption expenditure that is made available through the National Sample Survey Organization surveys. Many of these studies show that measures of inequality like the Gini coefficient of consumption expenditure has increased, though not substantially. Pranab Bardhan has recently argued, and rightly in this writer's opinion, that these figures are gross underestimates: inequality in terms of income, or land ownership, or ownership of other productive assets, or of educational opportunities is much greater. The trend of increasing inequality at the very top of the income pyramid has also been reported by the research of Abhijit Banerjee and Thomas Piketty.(i)

Not only has the neoliberal economic paradigm meant increasing disparities, it has also meant dispossession and pauperization for already-vulnerable sections of the population, noted the interim observation of the people's jury. This is because a key component of the neoliberal paradigm in India has been the attempt to foster unprecedented levels of State-assisted resource grab by big Indian and foreign capital. What a ministry of rural development report itself termed the biggest resource grab since the time of Columbus, has gradually encompassed arable (often extremely fertile and multi-cropped) land, forest land, mineral resources, and water and has resulted in forcibly cutting off access of the poor and marginalized sections to virtually all forms of common property resources. Coming on top of the five decade long "development disaster" of the Indian state, this forcible exclusion from access to common property resources has increased the economic vulnerability of the poor to unprecedented levels.

What is the evidence on dispossession and pauperization? On the question of dispossession and pauperization, there is of course no direct data. But one can make some indirect inferences based on well-known facts. For instance, the National Commission for Enterprise in the Unorganized Sector (NCEUS) reports (<http://nceus.gov.in/>) have consistently shown that almost all the growth in employment after the early 1990s has been in the so-called "informal sector". Informal sector employment is extremely precarious in nature, where extremely low wages go hand in hand with lack of job security and social security. According to a 2007 NCEUS report, about 93% of the Indian working population would fall into this category of informal sector workers, which includes the population working in agriculture. This is the indirect evidence on growing dispossession and pauperization, where with the decrease in the share of agricultural employment there doesn't have a growth of stable, well-paying industrial or service sector jobs, but growth of precarious employment. In Marx's terminology, India is witnessing the growth of the reserve army of labour through the primitive accumulation of capital. And primitive accumulation of capital is about the unbridled loot of productive resources by capital, to be assisted with the power of the State if the need arises. The current phase of this unprecedented resource grab has been concentrated primarily in the forested regions of Central India, stretching from Chhattisgarh all the way to Jharkhand and West Bengal, which house enormous amounts of mineral resources like iron ore and bauxite. Big corporate houses with interests in mining, minerals and power industries like Tata, Essar, Vedanta, POSCO and others have lined up to appropriate these resources for quick economic gains, paying least attention to the enormous environmental and human costs inherent in their ventures. The state governments have welcomed these corporate houses with open arms by signing unknown numbers of memorandum of understanding (MoUs) whose details have not been made public, despite repeated requests by activists and the local population.

But the forested regions of Central India house not only mineral resources corporate capital is desperately after, the region is also home to a large section of the roughly 100 million strong indigenous population, referred to as adivasis, of the country. To get at the resources, the tribal population needs to be moved, the area needs to be vacated; in Chattisgarh, according to some reports, 300,000 adivasis have already been forcibly displaced, some of whom have moved into the bordering state of Andhra Pradesh and some who have fled into the forests. That is the source of the current conflict : the Indian State, acting clearly in the interests of corporate capital, have decided to forcibly drive out the local indigenous population from this region.

The adivasi population, quite naturally, have resisted this move of the State, using all possible means at their disposal. Drawing on the Fifth Schedule of the Indian Constitution, which is especially devoted to delineating adivasi rights and laying out special provisions for their protection and endogenous development, adivasi activists have attempted to challenge the government's move. They have even taken recourse to the Panchayat Extension to Scheduled Areas (PESA) Act,

1996 and Forest Rights Acts, 2006, legislations –earned through years of arduous struggle—that have attempted to give more substance to the original impulse of the Fifth Schedule.

Instead of addressing the genuine grievances of indigenous population facing forcible displacement and dispossession, the State has, in flagrant violation of the letter and intent of the Indian Constitution, cracked down on their legitimate protests. Peaceful resistance movements across this region have been met with police brutality and the military might of the State, forcing, in turn, arming of the resistance movement. State-assisted vigilante groups like the *Salwa Judum* in Chhattisgarh and *Harmad Bahini* in West Bengal was the first response of the state to the armed resistance of the adivasis. When that failed, operation green hunt, a further escalation and militarization of the State's response took shape. That, in brief, is the context in which the IPT was organized.

### **PARTICIPANTS AND THE DISCUSSION**

Mindful of this ominous context and after hearing the testimonies of participants from various corners of the country, the distinguished people's jury –comprising former justices H Suresh and P B Sawant, scientist and former member of the National Security Council P M Bhargava, former UGC chairman Professor Yash Pal, former chairperson of the National Commission for Women Mohini V Giri, and retired IPS officer Dr K S Subrama-nian—recommended stopping OGH and the compulsory acquisition of agricultural or forested land, making details of all MOUs public and rehabilitating all displaced adivasis (ii).

While the inaugural address was presented by noted environmental activist Vandana Shiva, the people's jury was introduced by well-known advocate Prashant Bhushan. The inaugural session also saw presentations by Mr S P Shukla and Dr B D Sharma, a retired civil servant and ex-chairman of the SC/ST Commission. The latter, in particular, drew attention, based on years of ground-level activism in tribal areas across the country, to the utter and long-term failure of the Indian State to uphold the rights of indigenous people as a result of violations of provisions guaranteed by the Fifth Schedule, the PESA Act, 1996 and the Forest Rights Act, 2006.

The second part of the first day focused on the current situation in Chhattisgarh marked by atrocities of the police and Sulwa Judum SPOs (members of a brutal State-supported vigilante group), regular torture, killing, rape, interrogation and illegal detention for being alleged Maoist supporters. Speakers included lawyer and human rights activist Sudha Bharadwaj of the Chhattisgarh Mukti Morcha, human rights activist Goldy M George, Gandhian activist Himanshu Kumar (whose Ashram was demolished by the administration in Chhattisgarh), world-renowned doctor and activist Binayak Sen (who had been jailed for two years in Chhattisgarh without any charges) and democratic activist Harish Dhawan of the People's Union for Democratic Rights, and Lingaram, who had himself been tortured and forced to join the *Salwa Judum*.

The second day of the IPT saw presentations from Jharkhand and West Bengal. Speakers on the Jharkhand session included : Dr Alex Ekka, Prem Varma, James Topo, tribal rights activist Gladson Dungdung, Dr Bani from the Azadi Bachao Andolan, Radha Krishna Munda from the Jharkhand Jungle Bacha Andolan. Speakers at the West Bengal session included human rights activist Sujato Bhadra of the Association for the Protection of Democratic Rights, activist and academic Partho Sarathi Ray of Sanhati, and grassroots activists Montu Lal and Gajen Singh. Running through all the days of the proceedings, there was also discussion about the attempts to silence every form of dissent, as part of the OGH, in urban areas, by clamping down especially on dissenting voices of urban activists who are opposing the neoliberal policies of the government. Activist Abhijnan from West Bengal, Sujato Bhadra of the Association for the Protection of Democratic Rights and Kavita Srivastava of the People's Union for Civil Liberties spoke specifically about incidents of arrests, detentions and human rights violations including denial of the right to medical treatment while in custody (often under draconian laws) of activists. The third and final day saw presentations on Orissa—with the main speakers being activist Praful Samantra, Abhay Sahu of the anti-POSCO movement, and Lingaraj Azad—and critical interventions by several eminent personalities including writer and activist Arundhati Roy, journalist Shoma Chaudhury, Bianca Jagger, Arun Aggarwal, civil rights activist Kavita Srivastava and Advocate Shanti Bhushan. The IPT ended with the presentation of the interim observations and recommendations of the people's jury.

### **WHAT IS THE MESSAGE?**

All the presentations, though differing in terms of details, drew attention to two closely related facts. First, that the current process of growth and "development" in India rests crucially on the forced displacement and dispossession of a sizable section of the indigenous population and peasantry; this process has key resemblance to what Marx had termed the primitive accumulation of capital. Second, any and every resistance to this State-assisted displacement and dispossession is met with military force, again harking back to the brutalities of primitive accumulation in England. Forced displacement, dislocation and dispossession of the already vulnerable, systematic violations of their rights guaranteed by the Constitution and an attack on any form of dissent which challenges the State's policies are, thus, the festering wounds on the stinking underbelly of the current phase of Indian "development". This is probably what the proceedings of the Independent People's Tribunal (IPT) on Land Acquisition, Resource Grab and Operation Green Hunt wanted to draw the attention of a world to that is so enamored with Indian economic growth. But will the government heed the advice of the IPT? If past experience is anything to go by, the depressing answer is a resounding NO. People's tribunals are regularly organized the world over to highlight important social, economic and political issues that affect the lives of ordinary people. India has also witnessed People's Tribunals in the past, the results of which have not only been totally ignored by the State but have even been used to harass organizers of these tribunals.

Running for four days in Jawaharlal Nehru University, Delhi in September 2007, the Independent People's Tribunal on the World Bank Group in Asia heard testimonies about the damage done by the policies of the World Bank across 26 sectors of social and economic development in India. A thirteen member panel consisting of international jurists, renowned economists, prominent scientists, retired government officials, and social and religious leaders found the World Bank guilty of harming the environment and lowering the standard of living for most Indians. The findings of the people's jury was released as a report on September 11, 2008, a year after the tribunal's proceedings. Did the government change course because of the recommendations of the jury? It's anybody's guess. An even more outrageous case is the recent harassment and intimidation of human rights activists for highlighting the issue of custodial torture by the police. Kurity Roy, Secretary of the Banglar Manabadhikar Suraksha Mancha (MASUM)—a human rights organization in West Bengal—was arrested by the Kolkata police on 7 April 2010, and later released on bail, for organizing a People's Tribunal on Torture on the June 9-10, 2008 in Kolkata. Instead of applauding the work of organizations like MASUM, who are doing a public service by highlighting human rights violations of ordinary citizens, the move to arrest its activists and harass them in all possible ways tells a lot about the real intentions of the government. While both Human Rights Watch and Amnesty International have demanded that the Indian government drop all charges against Kurity Roy and others involved in organizing the People's Tribunal on Torture, it is doubtful that the government will heed this sage advice unless pressurized by citizen's campaigns.

Given the absolutely negative attitude of the government in dealing with dissent of any kind, it is doubtful that it will heed the advice of the jury at the Independent People's Tribunal (IPT) on Land Acquisition, Resource Grab and Operation Green Hunt and call off its war on the tribal people. If this be so then it must also take note of the warning that the IPT ended its interim observations with: "Even peaceful activists opposing these violent actions of the State against the tribals are being targeted by the State and victimized. This has led to a total alienation of the people from the State as well as their loss of faith in the government and the security forces. The Government—both at the Centre and in the States—must realize that it's above-mentioned actions, combined with total apathy, could very well be sowing the seeds of a violent revolution demanding justice and rule of law that would engulf the entire country. We should not forget the French, Russian and American history, leave aside our own."

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#### **Notes**

- (i) Banerjee, A. and T. Piketty. 2005. "Top Indian Incomes, 1922-2000," *The World Bank Economic Review*, 19(1), pp. 1-20.
- (ii) Announcements, daily press releases and the text of the jury's interim observations and recommendations can be found on alternative media forums like Sanhati (<http://sanhati.com/articles/2257/>) and Radical Notes

(<http://radicainotes.com/journal/2Q10/04/II/interim-observations-and-recommendations-of-the-ipt-jury-11th-april-2010/>).  
*[source : sanhati.com]*