

EXERCISE IN ESCAPISM?

Beyond the New Land Acquisition Bill

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FACED WITH MOUNTING PRO-protests against forcible land acquisition by the state under the guise of 'development', the Government recently unveiled the National Land Acquisition and Rehabilitation and Resettlement Bill 2011. The Union Ministry of Rural Development has given the public time till the end of this month to send in their comments.

Activist groups have greeted the Bill with skepticism, pointing out that it fails to address their core concerns. A detailed note circulated by *Sangharsh*, an umbrella group of a number of widely-respected social activists and grassroots organizations from across the country and linked to the larger National Alliance of People's Movements, points out numerous loopholes in the Bill. It notes that the draft Bill envisages the government acquiring land for itself or with the ultimate intent of transferring it to private companies. It argues that 'under no circumstances' should lands be acquired for private companies, even under the garb of a 'public purpose', and recommends that the draft Bill, which allows for this, be modified accordingly. The *Sangharsh* note argues that in allowing for the acquisition of land for private companies, even if for a purported public purpose, the Bill is deeply flawed, and that this clause 'is a dangerous development that is unacceptable'. Further, it stresses, if land is to be acquired by and for the government in a certain place, at least 80% of those whose lands will be lost must offer their consent for the deal to come through. The draft Bill has this 80% consent clause only with regard to land being acquired for private companies, and here, too, the question of how this consent is to be ascertained has not been adequately addressed.

Sangharsh's opposition to the Bill's permission for land acquisition by private companies reflects the concern that this would inevitably lead to widespread displacement and impoverishment as well as ecological damage on a massive scale. This fear is fully justified. The *Sangharsh* note quotes from the Supreme Court's recent decision in the Salwa Judum case, where the Court had noted:

The justification often advanced, by advocates of the neo-liberal development paradigm, as historically followed, or newly emerging, in a more rapacious form, in India, is that unless development occurs, via rapid and vast exploitation of natural resources, the country would not be able to either compete on the global scale, nor accumulate the wealth necessary to tackle endemic and seemingly intractable problems of poverty, illiteracy, hunger and squalor. Whether such exploitation is occurring in a manner that is sustainable, by the environment and the existing social structures, is an oft debated topic, and yet hurriedly buried. Neither the policy makers nor the elite in India, who turn a blind eye to the gross and inhuman suffering of the displaced and the dispossessed, provide any credible answers. Worse still, they ignore historical evidence which indicates that a development paradigm depending largely on the plunder and loot of the natural resources more often than not leads to failure of the State; and that on its way to such a fate, countless millions would have been condemned to lives of great misery and hopelessness.

Another basic flaw of the Bill, *Sangharsh* points out, is that it allows for land to be bought by private companies ostensibly for a 'public purpose'. The Sangharsh note points out that when private companies are motivated essentially by the lure of profits and 'public purpose' is supposed to be for the public welfare, it is unlikely that the two can be reconciled with each other. The very definition of 'public purpose' in the draft Bill, Sangharsh argues, is unacceptable. 'Public purpose' cannot be arbitrarily decided-by the state, corporate houses or well-entrenched elites with their own skewed views about what is best for society. Rather, Sangharsh argues, it has to be decided through a democratic process, reflecting the needs particularly of the poor.

The Sangharsh note argues that the rehabilitation policy envisaged under the Bill is unsatisfactory. The draft Bill provides for a National Monitoring Committee for Relief and Rehabilitation, but Sangharsh argues for similar committees at the taluq, district and state levels as well. It insists that provision must be made for providing compensation not just for acquisition of people's assets, particularly land, but also for the loss of livelihoods and shelters to all categories of persons affected by land acquisition. In the draft Bill, it points out, affected rural families are entitled to a minimum of 1 acre land only in irrigation projects while Adivasis are entitled to land in all projects. In other projects, the affected families would be mandatorily entitled to one job per affected family or only a paltry sum of Rs 2 lakhs in lieu of such a job. This, Sangharsh insists, 'is a complete dilution' of the principles of relief and rehabilitation, and fails to ensure that the affected family should at least regain, if not better, its standard of living on resettlement.

The draft Bill thus completely overlooks the bitter reality that victims of displacement have typically received grossly inadequate compensation, and that many of them have quickly frittered away the small cash compensation that they received, leading to the pauperization and destitution of their families. *Sangharsh* argues that to prevent this from happening, in rural areas displaced families must have the non-negotiable right to land-based rehabilitation, with a minimum of 5 acres of irrigated land of the displaced person's choice. This land, it adds, must be allotted on an unconditional basis and with permanent title, and be within 2-3 kilometres of the resettlement area. Fishing rights, in cases of irrigation or hydro-power projects, must be allowed to the affected families, and this change has to be incorporated in the draft Bill.

The Bill envisages provision of housing units to house-owning affected families, but restricts this to those who have been residing in the affected area for not less than 3 years at the time of notification. *Sangharsh* argues that this period should be reduced to 1 year, and suggests that the entitlement be extended to people in tenants and the homeless as well. According to the draft Bill, when more than 100 families are displaced, the Collector of the district is to provide them a range of infrastructural facilities and amenities, but *Sangharsh* insists that this minimum of 100 families be reduced, given that in hilly regions, villages typically have small populations.

Another issue that the draft Bill fails to adequately address, *Sangharsh* argues, is that of multiple displacement, with people being evicted due to two or more projects over time or with their lands being acquired for two or more components of the same project. The Bill, it insists, must clearly prohibit multiple displacement of families. In case of excess acquisition of land or failure to utilize the land for the acquired purpose, the same, Sangharsh insists, should be returned to the affected families and communities.

The draft Bill requires a 'social impact assessment study' report, in consultation with the gram sabha (or equivalent body in urban areas) as well as a public hearing to ascertain the views of the would-be affected families in cases where the government intends to acquire more than 100 acres of land. *Sangharsh* argues that such a study must be made mandatory for every case of land acquisition by the government, irrespective of the quantum of land. Further, it suggests, the report of the study must be approved of by the gram sabha or equivalent urban body. The 'expert group' for appraising the report and the committee to examine land acquisition proposals should also include members of the affected families, their representatives as well as organizations, if any. The deliberations of these groups, *Sangharsh* advises, must be intimated to the affected families and their organizations and should be public. Moreover, all aspects of the project, including the necessary records, must be made easily and freely available to the affected families in their local language.

Will a suitably-amended Bill, on the lines suggested by *Sangharsh*, satisfy the victims of the rapacious 'development model' that brutally rules people's lives? It would, of course, be a march over the version of the Bill suggested by the Government. But, such cosmetic changes can hardly suffice in the long-term, for which what is needed is nothing less than a radical re-visioning of the very meaning of 'development' and, more than just that, of the purpose of life itself. □□□