

STRUGGLE INDIA

Reader

Home

Struggle's Profile

MANSI WAKAL DAM PROJECT

Submitted by admin on Wed, 08/04/2004 - 15:00

Koi nahin hatega
(None of us will move)

Background

The period between 1985 and 1987 droughts in Udaipur district. It was (WAPCOS), a government of India, advise it on a scheme that would city. The report was submitted by Mansi Wakal project, which was a and Bird in 1989.

2004

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The StruggleIndia Reader

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Preface

The path of "development" taken by the country, marked by the processes of liberalisation, privatisation and globalisation unleashed since the mid-eighties, has begun showing its results. Estimates from various sources indicate that the gap between the rich and the poor has widened further, besides a disastrous rise in unemployment and more widespread chronic starvation.

We have also witnessed an unprecedented wave of reactionary forces led by the Sangh brigade. These forces have tightened their grip on state power by taking advantage of the increasing poverty, hunger and unemployment. They use an extensive propaganda machinery and a labyrinthine socio-religious and political network to popularise the misguiding notion that Pakistan, Muslims living in India and outside, and anyone who questions blind nationalism and the big brotherly ambitions of the Indian state in South Asia (as the junior partner of imperialist interests), represent the root causes of all the woes befalling the people. Fomenting communal conflict comes as an easy way in Indian conditions to delude the people and keep them from organizing to fight against their real oppressors for a concrete improvement in their lives. Moreover, majoritarian Hindu communalism serves as a firm basis for the deepening of a growing fascist authoritarianism in all spheres of the state and society. The genocide in Gujarat was only a glimpse of what the reactionaries have got to offer us.

The changes wrought in the political sphere and in economic policy in the current era of imperialism have further distorted the process of social and economic development. But the people have not sat quiet. They have been organising themselves in different parts of India into militant struggles against the increasing injustice and repression.

Popular Education and Action Centre (PEACE), a Delhi-based organisation, has actively interacted with several people's organisations, alliances and campaigns on various issues throughout the seven years of its existence. This process has not only led to an expansion of our concerns but has also enriched our understanding of the linkages between the changes at the national and international levels and their local manifestations. Our interaction with a wide variety of pro-people organizations, groups and individuals has given us a feel of the immense strength of the struggling and toiling people, as a formidable force for social change and transformation.

We believe that the capitalist media allow little space for information and pro-people analyses on people's struggles. Professional journalists often feel they

have done their duty by merely touching the surface of a few well-known movements in occasional news stories. Most struggles against displacement and alienation of people from the means of their livelihood, indiscriminate exploitation of labour and natural resources for profit, communal fascism, militarisation, nuclear chauvinism, attacks on human rights, and oppression of women, dalits and adivasis, are conspicuous by their absence from the newspapers and the television screens.

This is one of the reasons why, despite being the glorious inheritors of a rich heritage of protest, dissent and militant resistance, the struggling people of our country find it difficult to make their perspectives on their ongoing struggles known to wider sections of "the public". The structures built by the ruling classes has also encouraged and deepened the increasing localisation of information, ensuring the continued isolation of progressive local struggles.

We have repeatedly come to the realisation that people's struggles need to be strengthened by widespread popular support. This is possible only if the issues, goals, methods and world outlooks associated with these struggles become part of popular knowledge.

Responding to the suggestions of our friends, we have launched this website www.struggleindia.com with the following objectives in mind:

- ☐ Building linkages among the struggling people, their concerns and their organisations;
- ☐ Compiling and disseminating information about grassroots struggles;
- ☐ Evolving this as a collective endeavour of the struggling groups, people's organisations and movements for humanity, global harmony, freedom, equality and justice, and their supporters and sympathisers;
- ☐ Moving toward consolidating a forum for popularising people's concerns and their struggles in the print and electronic media;
- ☐ Building this as a platform for bringing together ongoing struggles on similar issues in different parts of the country, enabling each struggle to gain from the experiences and reflections of other struggles.

Friends, your struggles are the inspiration for this endeavour. Your support is necessary for its success.

We have divided the backgrounders on various people's struggles into five

broad themes for the purpose of the website, all related to the basic right to life and livelihood: land, forests, water, labour and displacement by 'development projects'.

The website will carry news, action alerts, useful resources, and information on upcoming events, besides links to and information about resources available elsewhere.

We request you to send us relevant information of your struggles as well as of other people's struggles in your region or sector of work. Please let us know if your organisation brings out any publication that covers people's struggles. We might be interested in subscribing to it and using the material for this website. The information you send will certainly help make this website live up to its name.

In the StruggleIndia reader, which is now in your hands, we have compiled the introductions to themes and backgrounders on struggles currently posted on the website. We hope to bring out another edition of the reader next year with backgrounders on more people's struggles prepared with your support and involvement.

In solidarity,

StruggleIndia team

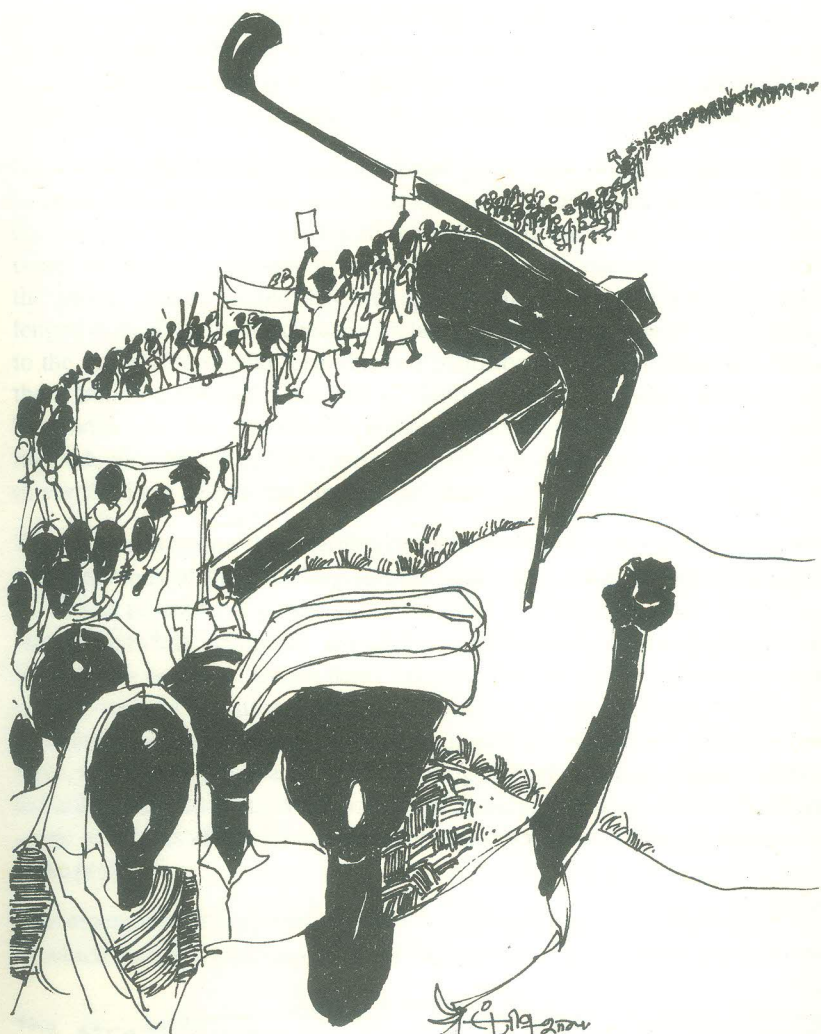
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LAND STRUGGLES

Introduction

Struggle Profile: Land struggles in Central Bihar



INTRODUCTION

India is primarily an agrarian country. Land is the basis of livelihood for more than 60% of its people. But most landowners possess less than 2 acres of land — an enduring feature of our agrarian structure that is highly oppressive towards most tillers and inevitably impedes agrarian production, causing stagnation and crisis. Very few among those who work on the fields have control over the land they till, the basis of their life and livelihood. The highly unequal distribution of land leads to, and is maintained by, various forms of oppression and violence in rural society. The caste system provides an ideological justification for this exploitative structure. Caste hierarchy bears close resemblance to landowning patterns; on the one end, the landlords are predominantly from the upper castes, whereas, on the other, the dalits are mostly landless. Access to and control over land is largely the basis of the socio-economic and political power of the few, accompanied by the utter powerlessness of the many.

No wonder, the land question has been at the core of numerous people's struggles that have shaped our history. Peasant mobilisation during the freedom struggle voiced concern for all sections, but did not crystallize around the issues of the most oppressed in rural society. After British rule came to an end, the policy makers sensed that the agrarian structure could not go unchallenged in its given form, because it blatantly denied any notion of social justice to the actual tillers, who form the vast majority of the rural populace. Since then, India underwent a number of 'land reforms', including abolition of Zamindari and all intermediaries, tenancy reforms, introduction of family ceiling, reduction of ceiling limit, and some half-hearted attempts at redistribution of surplus land among the landless peasants.

Though 'land reforms' have largely divested Zamindars and big landowners of some portions of their 'ceiling surplus land', they have not been dislodged from their positions of power in rural society. And the ones who have gained are the erstwhile occupancy tenants — predominantly the more prosperous and socially dominant among them, belonging to the middle and lower middle castes — and not the tillers of the land. Together with the 'green revolution' — an attempt to solve the agrarian crisis by imperialist-sponsored technological fixes, while avoiding a radical restructuring of land relations — 'land reforms' led to the emergence in several pockets of rural India of a new kind of landlord — one who hires all the labour he needs, uses modern techniques and aims to make profit.

This emergence of enclaves of capitalist agriculture has been the background in which certain transitions at the policy level are today taking place. In the

backdrop of the current hubris surrounding the slogans of 'globalisation, liberalization and privatization', the government is gunning towards not only considering land as economic good but also as a 'freely tradable good'.

'Corporate agriculture' has become the buzzword of our official agriculture policy experts, jet-setting cyber-politicians and tech-savvy bureaucrats. The government has announced its intention to promote 'lease market' in land, validate 'rent seeking' from agricultural land, and legitimize 'contract farming', heralding the arrival of the brave new world of corporate farming. Multinational giants are being invited to 'do agriculture' on Indian soil.

All available evidence suggests that this transition is a leap backwards for the unfinished agenda of 'land to the tiller'. The new issues generated in our time are layered on top of the age-old issues of oppression based on control over land.

The struggles of the most oppressed in rural society – the landless and poor peasants, mainly the dalits – have pitted them against the backward, unjust and violent agrarian structure. And sometimes they have fought with the goal of overthrowing it. The State's response to these struggles has been one of brutal repression, often systematically crossing the bounds of law. The increasing denial in public discourse of the very existence of the land question facilitates this ruthless repression.

Facing tremendous odds, these struggles testify to the refusal of the landless and the poor peasants to accept their powerlessness in Indian society...

LAND STRUGGLES IN CENTRAL BIHAR: A PROFILE

‘Land to the tiller, power to the people.’

‘Bhaiya ho bhaiya Majdur bhaiya

Bhaiya ho bhaiya Kisan bhaiya

Hathwa mein le lo Teer Kaman

Ki Chal Aapan Raj Banawe Ho.’

(Come, labourer and peasant; Arm yourself to wield power.)

LAND AND THE PEOPLE

The plains in Bihar between the Ganges on the north and the Chota Nagpur plateau on the south have long been arenas of vibrant rural struggles. This region is referred to either as the South Ganga plain or as Central Bihar. It is divided into 16 districts: Patna, Gaya, Jehanabad, Arwal, Bhojpur, Aurangabad, Rohtas, Buxar, Bhabua, Bhagalpur, Nalanda, Nawada, Munger, Lakhisarai, Seikhpura and Banka. The region is densely populated, with nearly 600 persons on an average living on each square kilometer area. Except Patna and Rohtas, all the Central Bihar districts figure in the government of India’s list of the 100 ‘most backward and poorest’ districts of the country. Dalits comprise nearly 20% of the population. The literacy rate among the dalits is higher than the average for Bihar state.

The region is characterised by an extremely low level of industrialization. **Agriculture forms the basis of livelihood of nearly 82% of the population – about 60 % in Patna and around 90 % in the other districts.**

Central Bihar has seen protracted conflicts between peasant organizations and the landed rural elite over the ownership and control of land. This is the key issue in the agrarian struggle in Bihar, land being the source of social, economic and political power of the rural gentry. Control over land determines the relative position of various economic actors in the social order, and the size of and the ability to maintain an apparatus to impose one’s will on others. According to the report of a former Commissioner for SCs and STs, 68% of the cases of atrocities on dalits by 1981 were related to land disputes.

LAND AS SOURCE OF CONFLICT

The distribution of agricultural land is highly unequal. A study conducted by the A N Sinha Institute of Social Sciences in 1981 found that only 4% of the rural households own more than 10 acres of land. Another 6% own between 5 to 10 acres. Ninety percent of the households are poor, including small and marginal peasants (47%) and the landless (43%). Landless and marginal peasants work as agricultural labourers. Nearly 50% of those who work on the fields are agricultural labourers, the rest being cultivators. In fact, throughout the Bihar state, except in Purnea district, the cultivators outnumber the agricultural labourers. And at least 80 landlords have control over more than 500 acres of land, while the per capita land ownership is only about 2 acres.

The income of the agricultural labourers depends on the extent of employment and the wage levels. The increasing rates of unemployment and underemployment push down wages. Wages in any area depend on the ability of the landlord to thwart any situation that makes a hike necessary, and yet prevent the workers from going away. The use of violence is central to the exercise of this ability. The daily wage for agricultural labour varies from place to place, but is often less than one-third of the legal minimum.

The rural poor are in constant need of loans for food and agricultural inputs. The virtual absence of institutional credit and prevalence of traditional relations of dependence, based on the rural elite's monopoly over violence, allows the local moneylenders to usually charge more than 10% monthly interest, often leading to perpetual bondage of the debtor. For the agricultural labourers, the danger of slipping into the ranks of attached labourers is ever present.

Attached labourers, mainly ploughmen, are given daily wages and a small plot of land for personal cultivation by the landlord. They are brought from elsewhere, settled on the landlord's land, and bound to him for generations. Casual labourers are also forced to be attached to the landlords because of lack of employment opportunities and indebtedness.

Zamindari system:

Before its abolition, all rights to land were vested in the zamindar, who leased out the land at a fixed rate to recorded tenants (*raiya*s), collected rent from the *raiya*s, and paid a fixed revenue to the government. The *raiya*s could further lease out the land to *sub-raiya*s, who often got the land tilled by sharecropping (*bataidari*) and attached labour. The zamindars and the *raiya*s kept a part of the land for 'self-cultivation', called *bakashi* lands. The 'self-cultivation' was

usually done through unrecorded tenants, including *bataidars*, and attached or bonded labour. This system incorporated various forms of forced labour and forced exactions. At the time of zamindari abolition, at least 57% of the private lands belonged to the zamindars.

The zamindars and the upper levels of the intermediaries were largely from the upper castes (mostly *rajputs* and *bhumihars*). The *raiya*s and *sub-raiya*s belonged both to the upper and the upper middle castes (mainly *yadav*, *koeri* and *kurmi*). The lower middle castes and the dalits were the actual tillers, possessing neither ownership nor control over land. The tillers included the *bataidars* who mostly belonged to the lower middle castes (like *julaha*, *kahar* and *rajbhar*). The attached labourers were dalits (such as *chamar*, *dusadh* and *musahar*).

***Bataidari* (sharecropping):**

A significant percentage of the cultivators work as *bataidars*, i.e. unrecorded crop-sharing tenants. The *bataidar* invests all the inputs like seeds, water, fertilizers, pesticides and manure, works with his own implements and cattle, using his own or family labour. He has to share the harvest equally with the landowner. Since the tenancy is unrecorded, the threat of eviction constantly hangs like the sword of Damocles over the *bataidar*'s head. In fact, the Bihar government had issued explicit instructions in 1964 not to record sharecroppers during the settlement operations.

Bihar has the highest incidence of *bataidari* among the Indian states. It is nearly impossible to estimate the full extent of *bataidari* because the *bataidars* refuse to give any information, frightened by the insecure nature of the tenancy relation. While conducting a survey between 1988 and 1990, a group of IAS probationers found 2000 *bataidar* households in a single village, but could convince only five to talk about it.

***Gair Mazarua* lands:**

The village commons were used as grazing land, village market areas, for collecting firewood, cremating or burying the dead, for roads, irrigation sources, and for other community purposes. The landlords had been gradually seizing large tracts of such land by the threat and use of force. Over time they let out these pieces of land to tenants. Such land, which belonged to the State only on paper, came to be recorded as *gair mazarua khas* in the revenue records. The land that actually remained in the control of the State, and was used for community purposes by the villagers, was called *gair mazarua aam*.

The skewed pattern of land distribution and the prevalence of tenancy farming act as structural constraints to agricultural development and to economic well-being in general. The poor peasants, who own barely subsistence-level plots, cannot bear the cost of making improvements on the land. And, for the large landowners, *bataidari* is an eminently profitable option, ensuring that they get cheap labour, who would remain to a significant degree under their control, with a low cost of supervision. The overriding necessity to maintain power over the *bataidar* makes the landlord lease out his land in small subsistence-level plots, rendering impossible the use of modern inputs. The threat of eviction deprives the *bataidar* of any incentive for long-term improvements on land. Stagnation in agricultural output results in stagnation in rural employment. Coupled with the absence of any employment-generating industrial development, the consequent pressure on land leads to further fragmentation of the tiny landholdings of poor and marginal peasants, swelling the ranks of the agricultural labourers without a corresponding increase in the number of the landless.

CASTE AND AGRARIAN CLASSES

Percentage distribution of landholding-based categories
among caste divisions in Central Bihar

Land holding (acres)	Upper castes	Upper middle castes	Other middle castes	S.C.	Muslims	All castes
Landless	2.9	13.1	23	43.9	17.1	43.1
Less than 5	29.3	30.6	13	17.6	9.5	47
5 to 10	69	20.7	0	0.5	9.7	5.8
More than 10	77.4	11.6	6	0	4.9	4.1

Percentage distribution of caste divisions into landholding-based categories in Central Bihar					
Caste divisions	Landholdings (in acres)				
	Landless	Less than 5	5 to 10	More than 10	All land holdings
Upper castes	5.7	62.1	17.9	14.3	22.2
Upper middle castes	24.9	66.4	5.5	2.2	21.7
Other middle castes	60.9	37.6	0	1.5	16.3
Scheduled Castes	69.5	30.4	0.1	0	27.2
Muslims	58.6	35.4	4.4	1.6	12.6
[Source: Joint study by ILO and A N Sinha Institute of Social Sciences (1981)]					

LAND REFORMS AND OTHER STATE INTERVENTIONS

Zamindari Abolition:

Bihar was the first state to take steps towards the abolition of zamindari. The **Bihar Land Reforms Act** came into effect in 1952, abolishing all intermediaries and giving the recorded tenants (*raiya*s) ownership rights over the land they had taken on lease. However, the vaguely defined *bakasht* lands (land retained for 'self-cultivation') were recorded in the name of the zamindars and the intermediaries. The zamindars were also given the right to settle the *gair mazarua khas* lands (commons encroached by the landlords) with the *raiya*s. The huge estates of the *maths* and other religious institutions were left untouched.

Zamindari abolition ended the feudal oppression faced by the *raiya*s, who were themselves transformed into a new landowning class. Erstwhile zamindars

retained control over land, with legal ownership over *bakashi* lands, which they continued to get cultivated by unrecorded tenants and attached or bonded labourers. Together it led to the expansion of the caste and social basis of the class of landlords. In 1981, the upper middle castes (Yadav, Kurmi, Koeri) comprised more than 20% of the landowners with 5 to 10 acres and more than 10% of those with more than 10 acres. In several places, they were among the big landowners.

The actual tillers, however, continued to be denied the right to land, and their relations with the landowners changed little. They continued to be engaged in backbreaking work as attached or bonded labourers and *bataidars*, not only for the erstwhile zamindars but also for the erstwhile *raiya*s, who were the new *maliks*.

Land ceiling:

Legislation — The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, a far diluted version of the original bill, was legislated amid stiff opposition in 1961 after a six-year delay. It stipulated a ceiling of 20 to 60 acres on individual ownership for various categories of land, allowing 10 more acres as 'homestead land' and 15 acres as orchard. It also permitted the transfer of land to the landowners' relatives within one year of its promulgation. In effect, a family of five landowners could legally own 125 to 375 acres. The Act also empowered the landowners to evict the sharecroppers.

The Act provides for the redistribution of ceiling surplus, government and common lands, first to the landless SC, ST and Backward Caste (BC) households. Land in any village could be given to persons from another village, or non-Dalits, only after no Dalit, or other eligible persons, of the village remain landless. Any person owning less than 5 acres could be given government land so that his total landholding reaches 5 acres.

The Act has been amended several times over the years. It was amended in 1972 and 1973 to consider a family comprising a couple and up to three minor children as constituting one unit for ceiling purposes. Every additional minor child was entitled to additional land up to one-tenth of the ceiling, allowing a maximum of 50% over the ceiling for any family. The ceiling was reduced to a range of 15 to 45 acres, including the homestead and orchard lands.

Implementation — The government served notices to 125 big landowners following the struggles to seize land in the late 1960s. The 1961 Act was supposed to lead to the acquisition of one-lakh acres. However, till June 1975,

only 11,000 acres could be acquired. 1973-74 was declared as the Land Reform Year, with the government announcing the proposed acquisition of 18 lakh acres. However, only 13% of the target (2.36 lakh acres) could be achieved by July 1979, nearly half of which was *bhoodan* land surrendered voluntarily. Till 1989, only another 1.63 lakh acres was acquired. Moreover, attempts at making new assessments of land ceiling, to check further encroachments, forcible takeover or purchase, have been repeatedly scrapped. More than 2,500 land cases were pending in 1993 at various levels, right up to the Supreme Court. Most of these cases were filed between 1971 and 1975, and pertain to the lands of the big landlords, some of whom have more than 10,000 acres.

In fact, besides the obstructive role of the political and administrative machinery, compounded by the near absence of reliable land records, the legislation itself had effectively protected the land rights of the erstwhile zamindars. The liberal definition of *khas* possession enabled the landlords to retain 15 lakh acres (14% of Bihar's total cultivable area) under this category. Such possession, according to the Patna High Court, allowed cultivation by hired servants. Even after the Supreme Court in 1964 restricted such possession to personal cultivation, rampant absentee landlordism continued, such as on the *math* lands.

The six-years delay in getting the land ceiling legislation passed had given big landowners sufficient time to transfer their surplus lands in the names of their relatives in order to evade the ceiling. In fact, the landlords had time till June 1963 to legally transfer lands to blood relatives. The landlord could also use his sway over the administration to get land legally transferred to a peasant who had no knowledge of the transfer, or to falsely increase the size of his family by getting fictitious names recorded. Big landlords continued to control huge tracts of land, holding legal title deeds under fictitious names (*benami* holdings) or after making fake (*farzi*) transfers. For example, the *mahant* of the Shankaracharya *math* controlled 12,000 acres of land in Gaya district through land transferred to unknown persons. The KB Saxena Committee, appointed by the post-Emergency Janata Party government, found that 17 of the 18 trusts in whose name most of the *math*'s lands were recorded simply did not exist.

According to government statistics, by November 1990, 68% of the surplus land acquired through the Land Ceiling Act had been distributed, 18% was disputed in the law courts, and 12% was found unfit for distribution. The government also took physical possession of nine lakh acres of *gair mazarua khas* lands and distributed it to the landless by October 1983. 58% of the *bhoodan* lands were found unfit for distribution.

Tenancy reform:

Legislation — The Bihar Tenancy Act, 1986, tried to address the *bataidari* issue by explicitly defining 'self-cultivation' as cultivation under the personal supervision of the landowner or his family by one's own or family's labour, or by hired labour, or by servants on wage payment in cash or in kind, but not in crop share. The Act also fixed the landowner's share in *bataidari* arrangements at 25 percent of the gross produce. Anyone working as a non-occupancy tenant for 12 years was entitled to the status of occupancy tenant. However, the Land Reforms Deputy Commissioner was made the final authority on these matters by denying the tenant the right to appeal against his decisions.

Implementation – 73.4% of all tenancy cases registered before 1989 by the district authorities, the sole authority in such matters, were decided in favour of the landowners. Moreover, because the *bataidars* are among the weakest in the rural order and mostly work on the lands of the larger, more powerful and absentee landowners, with no documents to prove tenancy, their cases never even reach the court. The Conciliation Boards, supposed to protect the sharecroppers' rights, have everywhere been completely defunct.

Minimum Wages:

The Minimum Wages Act came into force in 1948. Even today agricultural labourers have to be prepared to face inhuman atrocities when they demand the wages fixed by the government.

In 1982, the government fixed Rs. 10 or 5 kilos of rice (or one-tenth of the bundles harvested) as the minimum wage. According to a survey conducted by the Jehanabad district administration in 1988-89, minimum wages were paid in only 15% of the villages in the district. On 1st January 1996, the minimum wage for agricultural labour fixed by the Bihar government stood at Rs. 27.30, but, except in places where the peasants' organizations had led sustained, militant struggles, nowhere did wages exceed about 800 grams of rice or kesari, a pulse prohibited for human consumption. In 1999, the Bihar Labour Minister announced that the government was planning to increase the minimum wage to Rs. 44, but the police authorities, according to newspaper reports, were only aware of the rate being fixed at Rs. 28.

Various land legislations and the practice of their implementation has either created or exacerbated contradictions that defy any legal solutions.

The Zamindari Abolition Act, by empowering the zamindar to settle *gair mazarua khas* land with the *raiya*s, rendered it impossible for the State to

legally assert control over such lands and distribute it among the landless peasants. The beneficiaries among the *raiya*s became large and powerful landowners. The administration upholds the settlements done by the erstwhile zamindars, overlooking later policies of the government providing for the distribution of *gair mazarua* lands among the landless. As a result, the struggles of the landless and marginal peasants to take over these lands have to necessarily cross the limits set by law.

In most villages, landlords had been getting the ceiling surplus and the *gair mazarua khas* lands tilled through long standing *bataidari* arrangements. The tenancy laws require these *bataidars* to gain occupancy over such land. Government acquisition of these lands ensures the eviction of the *bataidars*, and their redistribution among the landless pits the *bataidars* against them.

The administration often distributes *parchas* giving legal rights to landless peasants over disputed land under illegal control of big landowners. In order to evade the ceiling laws, landlords often illegally sell small plots of land at below market prices to small and middle peasants, while the administration chooses to look the other way. The attempts of the landless to resist such sales or to take possession of land for which they have been given *parchas* bring them into conflict with the new owners.

The administration usually turns a blind eye to the forcible eviction of peasants, who have been 'beneficiaries' of land redistribution, by the erstwhile landlords. According to a report of the Commissioner of SCs and STs, allocation of surplus land to landless labourers has often led to protracted disputes and atrocities on dalits.

Faulty assessment of ceiling is rampant. The administration often comes to acknowledge the existence of surplus land only after the labouring poor begin organized struggles to take over those lands.

Absentee landlordism is on the increase as landowning families take up urban professions, while their lands come under *bataidari*. There is no law banning this practice.

The end of zamindari led to the transformation of traditional sources of irrigation that had been maintained by compulsory *begar* labour by disuse and siltation into new cultivable lands. Over the years, while the administration did not distribute them among the landless, they have been easily taken over by large and powerful landowners.

To top it all, long and fruitless land litigation inevitably acts against the interest of the poor, while the administration leaves no stone unturned to protect the

land rights of the erstwhile landowners. The labouring poor, thus left to fend for themselves in the vicious conflict with the big landowners, have been organizing themselves to fight against their oppressors.

PEOPLE'S STRUGGLES: MOBILISATION OF THE OPPRESSED

Peasant mobilization in the first half of the 20th century, led by both the Congress and the CPI, was around the following issues:

- Right to land (a major demand during the survey and settlement operations being to get the rights of raiyats cultivating the bakhasht lands of the zamindars recorded);
- Security of tenure; and
- Lowering of rents and forced payments.

Raiyats (recorded occupancy tenants) and sub-raiyats, relatively privileged in the rural order, were the most vocal sections in the movement. The overriding political objective for the Congress was to unite the zamindars with the raiyats for building pressure upon the British rulers and getting concessions from them. The CPI-led Bihar Pradesh Kisan Sabha in the 1930s and 1940s led a movement demanding the abolition of the Zamindari system. Both the CPI and the Congress led movements voiced concern for all sections oppressed by Zamindars, but their major demands related to the oppression faced by the raiyats. The raiyats also tried to organize themselves along caste lines. The yadav, kurmi and koeri associations came together as the Triveni Sangh in the 1930s, resisting forced labour and customs that humiliated them before the zamindars. These movements were instrumental in consolidating the position of raiyats in the rural power structures.

The turning point:

The movements that arose in the late 1960s brought to the fore, for the very first time, issues and demands of the most oppressed in rural society: the landless labourers, bataidars and small peasants. These were led by radical communist groups that had revolted against the leadership of the CPI (M). The Naxalbari uprising in 1967 was the decisive turning point in the history of people's struggles in India, leading to the formation of the All India Coordination Committee of Communist Revolutionaries (AICCCR) and, later in 1969, of a "communist party of the new type" - the Communist Party of India (Marxist-Leninist). Militant struggles erupted in several parts of India, including

Mushahari block in Muzzafarpur district of Bihar. Peasants and labourers (mostly dalits) were mobilized against the tyrannical bhumihar landlords, for land to the tiller and against social oppression, leading to the formation of

Feudal Power Today

Landlords and the dominant caste rural gentry control and impose their will upon the villagers, mainly the landless and poor peasants, in several ways:

- By their affinity with the bureaucracy and the police, partly based on common caste background;
- By their control over land, the sole source of livelihood for most villagers;
- By using their henchmen (*latheits*) to beat, bind, whip, slash, blind, mutilate and cut down people, rape women, abduct labourers and confine them in dungeons;
- By using their political power crystallized in the Panchayati Raj institutions and the office of the *mukhiya*, MLA and MP.

Kisan Sangram Samitis in the villages. The high point of the struggle was the forcible harvesting of crops in Gangapur village, after resisting the attacks of the landlord Bijli Singh and his henchmen and driving them away. This unprecedented action enthused the oppressed peasants in the surrounding villages, as much as it struck terror in the hearts of the landlords. The peasants prepared to fight back the landlords' attacks with their traditional weapons, raising the slogan: "seize the crops, seize the land." Soon the police intervened on behalf of the landlords, attacking the peasants, attaching their properties and killing the leaders. More and more peasants were mobilized to fight the police. In Harkesh village, thousands of peasants forced the police to release some of their arrested comrades after an intense battle. This was the first time in the region that agrarian struggle based itself on the landless labourers and poor peasants, and directly confronted the State forces.

The Bhojpur struggles:

The violence accompanying the Assembly elections held in February 1967 sparked off the struggle in the Sahar constituency area. Jagdish Master, Butan Mushahar, Rameshwar Ahir, Ram Naresh Ram, Dr. Nirmal and Subroto Dutta 'Jauhar' were among the first leaders of the movement that mobilized mainly dalits like Ahirs, Dusadhs and Mushahars against oppression by the

predominantly Rajput landlords. On 14 April 1970, a huge torchlight ceremony was carried out in Arrah town, with the slogan: "*Harizanisthan Larke Lenge.*" (We will fight for Harizanisthan and win) The people were organized into Kisan Mazdur Sangram Samitis. On 23 February 1971, Sheopujan Singh, a leading henchman of the landlords, was killed. In 1972, labourers of Chauri struck work four years after they had begun demanding higher wages. The landlords responded by removing the attached labourers from 8 out of the 12 *kattas* (1 bigha) of land they had been given for personal cultivation. Ram Nath Rai, a landlord from Ekwari village, who also owned land in Chauri, was killed. Red flags were also planted on four bighas of land owned by Muni Nath Rai, a notorious landlord and moneylender. And the peasants seized a truckload of rice bought by traders. The visiting police team shot dead four peasants – an action that the Chauri Police Inquiry Commission later approved of.

Throughout the district, peasant activists killed oppressive landlords, landlords' henchmen, dacoits, and upper caste peasants who had raped dalit women. The landlords retaliated by carrying out brutal massacres, and burning down entire dalit hamlets, with the help of the police. The repression was intensified during the Emergency, with the deployment of central paramilitary forces and even the army. Despite heroic battles fought by the villagers against the 'encircle and suppress' campaigns of the heavily armed state forces, all the main leaders of the movement were killed by 1977. The movement had mobilized for the first time the collective strength of the labourers and poor peasants of the region to fight and create terror within the landed gentry, as well as to lead organized struggles and exercise political power through 'revolutionary peasant committees', while resisting brutal State repression.

The Bodh Gaya Bhumi Andolan:

Jayaprakash Narayan's call to the youth to participate in 'rural reconstruction' led to the formation of the Chatra Yuva Sangharsh Vahini, which began around 1975 to mobilize the peasants and labourers for agrarian struggle in Bodh Gaya. It focused on the lands of the mahant of the Shankaracharya Math who controlled about 18,500 acres of land and the lives of the people who depended on it through numerous kutcheries (traditional courts of zamindars and princes). In 1979, the labourers boycotted work on the math lands, resisted the mahant's attempts to get the land ploughed by labourers from other areas, and also distributed the harvest among themselves. The movement spread to about 30 villages, inviting attacks by the mahant's henchmen (including the firing that killed 2 labourers in Mastipur village), and many instances of arrests, beatings and torture by the police. The struggle continued despite attempts of the

Congress and the CPI to create caste-based divisions among the tenants (Yadavs) and the labourers (Musahar and Bhuiyan), and to bring the Vahini into a compromise with the math. In 1981, the government distributed land to 152 families in consultation with the Mazdur Kisan Samitis. At several places people demolished the symbols of the landlord's authority, the kutcheries. The movement had also brought forth the issue of women's rights over land, forcing the administration to issue joint titles, and, rarely, even allotting land in the woman's name. Some of the Vahini youth later joined the Mazdoor Kisan Sangram Samiti (MKSS) that organized the militant agrarian class struggles in Jehanabad.

The Movement since the late 1970s:

The main peasant organizations today leading the struggles in Central Bihar are:

- **Mazdur Kisan Sangrami Parishad (MKSP)** (formerly, the Mazdur Kisan Sangram Samiti - MKSS) in Jehanabad, Patna, Aurangabad, Gaya and Rohtas;
- **Krantikari Kisan Committee (KKC)** in Gaya, Jehanabad and Aurangabad; and
- **Bihar Pradesh Kisan Sabha (BPKS)** in Bhojpur, Patna, Jehanabad, Aurangabad, Gaya, Rohtas and Buxar.

Following are the main issues around which struggles were taken up:

- Against criminal and dacoit gangs, theft of cattle and pumpsets, and looting of crops;
- For control over common property resources, especially the fishing ponds, pasture land, orchards and water sources;
- For increasing the *bataidar's* share in the produce. *Bataidars* also demanded that landowners bear part of the input costs, and resisted the landowners' attempts to shift the burden of the land tax on them;
- For the distribution of *gair mazarua* land among the landless and the poor peasants;
- For payment of fair wages to agricultural labourers, and to workers employed by contractors for various governmental and non-governmental projects;
- For asserting the right of the labouring people to live and work with dignity, and rejecting various oppressive social practices based on their traditional subservience to dominant caste *maliks*.

According to a 1983 report of the Union Home Ministry, 'Naxalite activities' had spread to more than 197 villages in Central Bihar within three years from a mere 8-10 villages in 1980. Peasants in more and more villages were organizing themselves and employing both legal and illegal forms of struggle. They were going in for strikes, protests, social boycott, economic blockades, *rasta roko*, *bandhs* and court cases as well as seizure of crops, land, land records and debt papers, and holding of people's courts. These struggles sometimes took violent forms, occasionally leading to killings.

MKSS and MKSP:

The MKSS was formed in 1978 to mobilize struggles (according to its charter of objectives) for enforcing land reforms; for seizing all ceiling-surplus land and village commons, distributing them among the landless and poor peasants; for eliminating usury, forced and bonded labour; for demanding housing, safe drinking water and other necessities for the rural poor; for enforcing minimum wages and regular employment; and, for opposing all forms of oppression and discrimination against women and dalits. The organization began work in Sikaria, a Kurmi dominated village in Jehanabad.

On 17 April 1981, nearly 600 people took out a torchlight procession in and around Sikaria, armed with traditional weapons. In retaliation, Ram Parvesh, a notorious Kurmi rich peasant of the area, and the main target of the struggle, got the police to foist false cases on 39 peasants. The poor and landless peasants boycotted the fields and the brick kiln of Ram Parvesh from 24th May. They resisted the landowners' attempts to break the strike by using armed henchmen and bringing in labourers from outside. On 29th May, the peasants killed a notorious dacoit, one of Ram Parvesh's leading henchmen. Braving brutal repression, thousands rallied in Jehanabad. Finally, Ram Parvesh himself was killed on 24th November 1981.

On 10th August 1982, the landlords of Bhagwanpur village in Gaya district kidnapped and killed three young MKSS activists. The peasants killed Janeshwar Singh, a notorious landlord who was a Congress leader. People's courts started resolving disputes and awarding punishments. Meanwhile, Jang Bahadur Singh, a former pramukh of Sikaria, joined the MKSS. The struggles raged on, braving the onslaught of the landlords and the police.

The resistance of the MKSS took the following form: the peasants killed selected sena leaders and imposed economic blockade (boycott of work on their fields, non-cooperation by sharecroppers, selective destruction of crops) against the sena landlords. This isolated the landlords from their caste fellows, and the

sena leaders were forced to withdraw false cases against peasant activists, get some police camps removed and pay fines to the peasant organization. Thus the curtains were brought down on the sena's reign of terror.

Thousands of police and paramilitary poured into Madua subdivision in Gaya district in 1983 to prevent a conference of the MKSS. In 1985, the first state level police operation – Operation Taskforce – was launched, solely to 'flush out Naxalites' from Central Bihar. In Jehanabad alone, 27 villages were raided and over 50 persons arrested. Mass mobilization, sometimes leading to militant mass resistance, was the main form of resistance adopted by the MKSS. Public meetings were held in several villages before more than 40,000 peasants and labourers participated in a protest meeting in Jehanabad on 4th October 1985, organized jointly by the MKSS and the Indian People's Front (IPF).

Arwal massacre

On 19 April 1986, the police shot dead 23 peasants, after surrounding a public gathering at Arwal, for having seized 0.27 acres of gair mazarua land and demanding their distribution among the landless. Nine landless dalit families had built huts on this land and been using it for a long time when, in 1984, the administration gave the landowner Baidyanath Razak legal rights to this land, following the provisions of the Zamindari Abolition Act. His claim was based on a 1932 decree of the erstwhile zamindar of the Salona estate. In 1986, the police demolished the huts and evicted the dalits. The MKSS had organized the meeting of 19 April after appeals to the DM to restore the land to the evicted dalits fell on deaf years. The massacre led to the formation of the Arwal Narsanhar Sangharsh Morcha, which mobilized protests among a wide section of people from all over the state and outside, culminating in a gherao of the Vidhan Sabha in Patna. The Bihar government banned the MKSS in 1987 and made Jehanabad into a separate district.

Mrinal Sen, noted filmmaker and the President of the Indian People's Human Rights Tribunal that investigated the Arwal massacre, noted in 1987, referring to the agencies of the State: "... those who are suffering from the law and order syndrome should better remember that if socio-economic factors are not taken into consideration while solving law and order problems, the 'law and order' becomes a myth and 'law' versus 'order' becomes a reality – a reality which cannot be destroyed by bayonets and bullets."

The Arwal massacre could not stamp out the flames of the peasant struggle. On 28th July 1988, landless and poor peasants in Khajri village in Jehanabad took over 115 bighas of gair mazarua and ceiling surplus land controlled by the mukhiya Girija Singh. They continue to cultivate this land, foiling many attempts of the landlord, police and the administration to seize it back. The Mazdur Kisan Sangrami Parishad (MKSP) was formed in 1994 to continue the work of the MKSS.

Krantikari Kisan Committee (KKC):

The Maoist Communist Centre (MCC) started mobilizing peasants and labourers in Gaya in 1973 and later spread to Aurangabad. It advocated mass actions in which huge numbers of peasants would participate in killing landlords and their henchmen. On 9th January 1973, the peasants killed Randhir Singh, the cruel and oppressive mukhiya of Kasma panchayat. By 1982, the Krantikari Kisan Committee (KKC) had been formed, organizing peasants to struggle for seizing and redistributing crops and ceiling surplus land and land illegally appropriated by landlords, moneylenders and their henchmen. It raised the slogans: 'Land to the tiller' and 'Political power to the peasant committees'. Peasant committees and 'defence squads' were formed in several villages, to smash the authority of the landed gentry. The peasants seized the landlords' properties and their weapons, destroyed their kutcheries (traditional courts), burned debt documents, and organized people's courts. Landlords were forced to increase wages by striking work at peak agricultural seasons. Corrupt practices of government officials were exposed before the people. Contractors were forced to pay the legal minimum wages. The granaries of hoarders were raided during famines and the grain distributed among the poor. Struggles were also waged to stop payment of taxes to the government and interests on loans. Attacks by the police were resisted by huge mobilizations of the landless and poor peasants.

Bihar Pradesh Kisan Sabha (BPKS):

The Vinod Mishra faction of the CPI (ML) announced the formation of the BPKS on 23rd February 1981 with a rally in Patna against the anti-peasant policies of the government and oppression by rich peasants. The declared objectives were: to coordinate and consolidate the spontaneous agrarian struggles spread out across Bihar, to fight for proper implementation of land reforms, to forge unity among the toiling classes, and to fight against social and sexual oppression. The organisational structure linked the agrarian

struggles at the village, block, district and state levels. In the early 1980s the BPKS spread out from Bikram block in Patna and organized people's defence committees to counter the dacoit gangs. By the early 1990s the organization could count more than 60,000 persons as its members. In October 1993, activists of the organization gheraoed the Bihar Assembly. They were demanding that a special session be called to discuss the land reform legislation. This organisation has been instrumental in mobilising dalits and poor peasants to assert their right to vote for electing members to the Bihar Assembly and the Lok Sabha during the periodic elections. Despite being badly hit by the landlord armies, especially the Ranveer Sena, it has managed to occasionally canvass enough votes to promote a few CPI (ML) leaders into the ranks of legislators.

MILITIA OF THE LANDED ELITE

Feudal lords in Bihar had always organized their followers into armed gangs to impose their will on the villagers, to ensure that the peasants abide by the decisions of the landlords' courts (*kutcheries*), to enforce various taxes, rents and illegal exactions, and to crush any form of dissent. Groups of musclemen (*latheits*) are traditionally employed by landlords to subjugate the peasants. Bandits, dacoits and criminal gangs have always been around in Central Bihar. In this background, the growing assertion of the labouring poor in their struggle against the oppressive agrarian structure brought forth a violent backlash

CASTE-BASED PRIVATE SENAS				
Militia	Caste affiliation	Year of formation	Districts of operation	Remarks
Kuer Sena	Rajput	1979	Bhojpur	The main leader was killed in 1985, followed by its disintegration.
Kisan Suraksha Samiti	Kurmi	1979	Patna, Jehanabad, Gaya	The lower class Kurmis did not support it.
Bhumi Sena	Kurmi	1983	Patna, Nawada, Nalanda, Jehanabad	The main leaders were killed; selective imposition of economic boycott isolated the big landowners from their caste fellows.

Land Struggles

Militia	Caste affiliation	Year of formation	Districts of operation	Remarks
Lorik Sena	Yadav	1983	Patna, Jehanabad, Nalanda	Ramanand Yadav, the main leader was killed in 1986.
Brahmarshi Sena	Bhumihar	1984	Bhojpur, Aurangabad, Jehanabad	The main leaders were killed.
Kisan Sangh	Rajput, Brahmin	1984	Aurangabad	The main leaders were killed.
Kisan Sevak Samaj	Rajput	1985	Aurangabad	Yogeshwar Tyagi, the main leader, was killed.
Sunlight Sena	Pathan, Rajput	1989	Aurangabad, Gaya	Many of the leaders were killed; but sena still active.
Sawarna Liberation Front	Bhumihar	1990	Gaya, Jehanabad	The leaders were killed.
Kisan Sangh	Bhumihar	1990	Patna, Bhojpur	Ram Lakhan Singh Yadav, a top leader of the Yadavs, supported this sena.
Kisan Morcha	Rajput	1989-90	Bhojpur	It disintegrated after the killing of Jwala Singh, the main leader.
Ranvir Sena	Bhumihar	1994	Bhojpur, Patna, Jehanabad, Rohtas, Gaya	It has committed over two-dozen massacres; it is today the most dreaded sena, the most well organized and heavily armed. The sena men are given an honorarium of Rs. 1200 per month and those who participate in massacres are insured for Rs. 1,00,000. It enjoys political patronage, especially from the BJP.

[Source: Prakash Louis, *People Power* (2002)]

from the landed elite, who started mobilizing private militias, known as *senas*, along caste lines. Brutal massacres were unleashed on the landless and poor peasants, mainly dalits. Violence by the individual landlord through his *latheits* gave way to organized private militias that acted in the interest of all landlords. These *senas* were based on caste affinities and the dominance of the landed interests over their caste fellows, and operated in the space created by the powerful nexus among landlords, politicians, bureaucrats, contractors and criminals. Both the upper caste and backward caste landowners have raised private *senas*.

PEOPLE'S STRUGGLES: SOME ACHIEVEMENTS

Movements bridge the gap between law and the reality...

□ Struggles against crime:

The peasants' organizations took up the fight against the harassment of poor peasants and the loot of their meagre belongings (grain, goats, poultry, vegetables and fruits) by the landlords' henchmen (*latheits*). This loot was aimed at keeping the peasant subservient and dependent on the landlord. Lumpen elements from the locally dominant castes also made forced exactions (*rangdari* tax) on forest produce and for any construction work. Petty criminal gangs stole clothes and utensils from migrant labourers working at brick kilns. The struggle against dacoity united the agricultural labourers and poor peasants with the middle peasants, the main victims of such crimes, and sometimes with small traders and businessmen. As a result of these struggles, thefts and atrocities of semi-organized criminal gangs have stopped where the peasant organizations have a strong base.

□ Struggles for land:

Since land is the source not only of economic but also socio-political power, struggles of the landless to seize land empower them, while disempowering the landed elite. The people's struggles have focused on four categories of land:

- (i) *gair mazarua*;
- (ii) ceiling-surplus;
- (iii) land under *bataidari*;
- (iv) estates of the *maths*; and
- (v) lands of absentee landlords.

Some of the land illegally occupied by the landlords has been seized and distributed among the landless, and rights of the village community over ponds and other commons has been re-established. Cooperative farming is also encouraged by the peasant organizations. In some places, large groups of landless and poor peasants have settled down on seized land, and sometimes have set up new hamlets and villages, named after martyrs. At many places, the same tract of land is cultivated by landlords when the struggle is at a low ebb, and by the labourers when the peasants' organisation is strong enough to seize and retain control over it.

□ **Struggles for wages:**

Wages have risen in the areas of influence of the peasants' organisations following sustained struggles against the landlords. In Chauri village of Bhojpur district, it took ten years to force the landlords to increase wages. In Kansara village of Jehanabad district, wages had stagnated at 800 grams of rice or kesari pulses for ages, but went up to 2.5-3 kilos of grain after 1986 due to the militant struggles waged by the peasants' organizations. For harvesting, whereas earlier the labourers would be getting one bundle for every 16-21 bundles, the struggles have led to their getting one bundle for every 10-12 bundles. Women labourers in Khairi of Aurangabad district were being paid Rs. 18 for transplantation, while the men were paid Rs. 22 for the same work. The struggles have resulted in an equal wage of 3 kilos of grain, besides breakfast and lunch.

Wage rates remain low where the feudal gentry continue to hold sway. For instance, the landlords in Barki Kharav village of Bhojpur district could bring down wages for attached labourers from five kilos of rice (fixed by the district administration in 1990) to one kilo after the emergence of the Ranvir Sena. In Belaur village of the same district, the wages are Rs. 25 plus only breakfast, whereas in Mathurapur, mobilization by a militant organization has pushed up the wages to Rs. 30 plus breakfast and a full meal.

The struggles have at several places like Dorra village of Jehanabad succeeded in putting an end to the attached labour system. At most places where struggles have resulted in higher wages, the landless and poor peasants have also fought more consciously against other forms of oppression.

□ **Struggles for dignity:**

The emergence of militant peasant organizations enabled the landless and poor peasants to defy the sexual assault of the landlords and the dominant

castes. The struggles in the 1970s had set the scene, restraining those who were used to carrying out atrocities on dalits by the practice of 'instant delivery of justice.' Over the years, punishments meted out through the people's courts in areas where the peasant organizations are strong have virtually put an end to various forms of sexual oppression of dalit women by the rural gentry. In most villages in Central Bihar, the rural gentry today would not dare use abusive language with the landless and poor peasants.

□ **Development activities:**

The militant peasant organisations have mobilized people and local resources, braving sustained state repression, to set up health camps and primary schools. Many of the leaders and cadres learned to read and write only in the course of the movement. Basic health care is provided more often than not by roving barefoot doctors. Voluntary labour has been mobilized to revive or create and maintain minor irrigation facilities. The popular strength of the movement also forces the State to initiate various developmental activities in the areas of intense agrarian struggle. Though most of these governmental measures primarily benefit the rural elite, mobilization by peasant organisations have sometimes ensured that a wider section is benefited.

THE STATE'S RESPONSE: REPRESSION

The State views the agrarian struggle essentially as a 'law and order' problem. So its primary response is to launch an all-out war against the poor and landless peasants by employing means such as raids, arson, collective thrashing, destroying and confiscating property, molestation, rapes, arrests, implicating in false cases, brutal torture, and, above all, encounters and massacres. The cadres and leaders are hunted, tortured and killed. In the early 1980s in Patna district, BPKS activists were arrested, kept in illegal custody and charged with murder for fighting out dacoit gangs. In the absence of any credible State effort to curb organized crime, the treatment of the activities of militant peasant organizations as criminal exposes the blatantly anti-people character of the State.

Armed police is deployed to augment the coercive force at the disposal of the big landowners to prevent the seizure of land by peasant organizations. A large number of police camps have been set up across the region. At least 39 companies of para-military forces are deployed today in Central Bihar. Large swathes of land seized by the peasant organizations remain fallow because the police would not let the peasants cultivate them. In Jalpura of Patna district,

the administration allotted 400 acres of land to the landless and poor peasants after they had seized it from the Bhumihaar landlords, but did nothing to ensure their possession. The Bhumihaar landlords used the Ranvir Sena to regain control over this land.

After the Arwal massacre on 19 April 1986, the Bihar Chief Minister refused to visit the site because it would 'demoralise the brave police force' and called the labourers who were the victims 'thugs, anti-social elements and extremists.' Though the court ruled in favour of the labourers, the administration did not distribute the land among the victims. Instead, it prevents them every year from commemorating 19th April as Martyrs' Day. In 1987, Operation Rakshak (*repression*) and Operation Siddharth (*reform and dole*) were launched. The MKSS was banned. Construction of roads to facilitate, among other things, the transportation of police and paramilitary forces for stepping up repression on the peasants' organizations was taken up in a big way. The roads took precedence over functioning schools, health centers and other public utilities in most places. The reforms and dole schemes mostly enabled the businessman-contractor-politician-administration nexus to further enrich themselves. Under Operation Rakshak, about 4,500 paramilitary forces occupied most of the schools, colleges and primary health centers in Jehanabad alone, curbing any public meetings or processions. Despite this, nearly one-lakh peasants assembled in Patna on 10 March 1989 to protest against state repression.

Operations like Task Force, Rakshak, Flash and Clean give the state forces enormous powers to carry out raids, searches, confiscation of property and 'encounter' killings, virtually banning any open political work. In effect, this places the basic rights of the people in arbitrary suspension, driving all dissent underground.

The blatant collusion of the landlord senas with state forces is often obvious, partly stemming from their common caste basis with the state representatives. The Bihar DGP's statement in Extremist and Sena activities in Bihar, a 1986 policy document, acknowledged the "tendency among the police functionaries to encourage defence groups (the senas) to organize themselves in order to fight out naxalites." A DIG in his report 'Extremists in Bihar and the Bhumi Sena' acknowledged that whenever the police had to take action in the context of massacres, they took the side of the Bhumi Sena. Massacres by the sena often follow police raids on the dalit tolas, checking out the presence of weapons and peasant activists, to gauge the capacity for resistance of those who would be attacked. Raids on the dalit tolas are repeated after the massacres, in order to "flush out naxalites", i.e. to prevent retaliatory killings of upper caste landowners. After the Ranvir Sena massacred 34 peasants in Shankarbhiga

and Narayanpur, the police arrested 14 Sena men and 40 persons belonging to the militant peasant organizations. A large number of peasant activists have been killed in 'encounters', whereas far from killing any Ranvir Sena member or any other perpetrators of massacres on the rural poor, the police have actively protected them on numerous occasions. The police even avoid arresting sena leaders, and the administration often actively helps to keep them out of prison.

The government and its police have clearly set out, with the support of the landlords and the cooperation of all major political parties, to suppress the struggles of the landless and poor peasants. In effect, the State machinery has consistently behaved as the agent of the feudal gentry, committed to protecting the oppressive agrarian structure that the militant peasant organizations seek to overthrow. No wonder, therefore, that the landless and poor peasants are forced to resist the state forces by building up their own armed organizations. On its part, the central government has stepped up the offensive against the agrarian movement in the name of the 'war against terror', labelling some of the organizations leading it as 'terrorist groups' and banning them under POTA.

Death penalty to peasant activists

The Sawarna Liberation Front massacred 7 labourers in Sawanbigha and 6 labourers in Mein-Barasimha in less than six months of its formation in August 1991. The administration and police ensured that one of the main leaders of the sena, Ramadhar Singh 'Diamond', was let out on bail and can still move about freely. The other founder of the sena, Ram Jatan Sinha, a Congress leader and MLA from Makhdumpur in Jehanabad, remained untouched by the State. Both the massacres, like every other massacre perpetrated by the private senas, were treated as ordinary crimes. In fact, the prosecution showed scant interest in the case. All the accused are today roaming free. In stark contrast, in the case of the Bara killings, which took place in February 1992 in retaliation to the Mein-Barasimha massacre, TADA was foisted on 11 peasants, who were known to have participated in various land and wage struggles. The Bhumihars of Bara had often participated in massacres organized by the Sawarna Liberation Front and were close to 'Diamond'. On 8 June 2001, the TADA court ordered four peasants to be hanged to death, sentenced four more to life imprisonment, and one to 10-years rigorous imprisonment. The Supreme Court has recently approved of the death penalty, despite inconsistent and fraudulent evidence.

Killings by the police in Central Bihar			
Year	Place and District	Casualties	Organisational affiliation
1981	Mathila, Bhojpur	3	BPKS
1983	Panania, Gaya	5	KKC
1985	Kunai, Bhojpur	2	BPKS
1986	Arwal, Jehanabad	23	MKSS
1992	Chainpur, Rohtas	4	MKSP
1992	Ashabigha, Gaya	6	KKC
1993	Dadar, Rohtas	3	BPKS
1994	Aghoura, Rohtas	4	MKSP
1994	Nadhi, Bhojpur	9	BPKS
1994	Matgharha, Gaya	11	KKC
1995	Gulzarbigha, Aurangabad	4	MKSP
1996	Keshpa Bhuiyan, Gaya	6	KKC
1997	Indo, Patna	6	MKSP
1997	Kodihara, Patna	2	MKSP
1998	Sigori, Gaya	6	KKC
1998	Mahadevbigha, Gaya	4	KKC
1999	Sujathpur, Buxar	16	BPKS
2001	Kariambura, Jehanabad	5	MKSP
[Source: Prakash Louis, <i>People Power</i> (2002)]			

CHRONOLOGY OF MASSACRES IN CENTRAL BIHAR (SINCE 1977)

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
1976	Akodi	Bhojpur	Upper backward/ landlords	SC/agri. labourers	3
1977	Belchi	Patna	Upper backward/landlords	Scheduled caste/agri. labourers	1
	Kargha	Jehanabad	Upper caste/landlords	SC/agri. labourers	3
	Brahampur	Bhojpur	Upper caste/landlords	SC/middle peasants	4
1978	Kaila	Jehanabad	Upper backward/landlords	SC/agri. labourers	3
1979	Samhauta	Rohtas	Upper caste/landlords	SC/agri. labourers	4
	Bajitpur	Bhojpur	Upper caste/landlords	SC/agri. labourers	3
1980	Parasbigha	Jehanabad	Upper caste/landlords (Brahmarshi Sena)	Backward caste/agri. Labourers (BPKS)	11
	Pipra	Patna	Upper backward/landlords (Bhumi Sena)	SC/agri. labourers (BPKS)	14
1981	Mathila	Bhojpur	Police	BPKS	3
1982	Maini Bigha	Aurangabad	Upper caste/landlords (Brahmarshi Sena)	SC/agri. labourers (BPKS)	6
	Bhagwanpur	Jehanabad	Upper caste/landlords (Kunwar Sena)	SC/agri. labourers (MKSP)	3

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
	Tarari	Gaya	Upper caste/landlords (Kunwar Sena)	SC/agri. labourers (KKC)	5
1983	Panania	Gaya	Police	KKC	5
1984	Gagan Bigha	Rohas	Upper caste/landlords	SC/agri. labourers	5
	Ambari	Aurangabad	Upper caste/landlords	SC/agri. labourers	3
	Danwar- Bihta	Bhojpur	Upper caste/landlords	SC/agri. labourers	22
	Kharagpura	Aurangabad	middle caste/landlords (Lorik Sena)	SC/agri. labourers (BPKS)	6
1985	Kaithi Bigha	Aurangabad	Upper caste/landlords	SC/agri. labourers	10
	Kunai	Bhojpur	Police	BPKS	2
1986	Neelampur	Gaya	Haare Ram group/Lorik Sena	SC/agri. labourers (BPKS)	5
	Gaini	Aurangabad	Upper caste/landlords (Brahmarshi Sena)	SC/agri. labourers (BPKS)	12
	Aminabad	Jehanabad	Upper caste/landlords (Brahmarshi Sena)	Muslims/Beedi workers (MKSP)	3
	Jeenpura	Patna	Ramanand Yadav group/ Lorik Sena	SC/agri. labourers (MKSP)	6
	Arwal	Jehanabad	Police	MKSS	23
	Khairadih	Jehanabad	middle caste/landlords (Lorik Sena)	SC/agri. labourers (MKSP)	3
	Kansara	Jehanabad	Upper caste/landlords (Brahmarshi Sena)	Backward caste/agri. labourers (MKSP)	8

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
	Parasdihi	Aurangabad	Upper caste/landlords (Satyendra Sena)	SC/agri. labourers (KKC)	5
	Darman	Aurangabad	Upper backward/middle peasants (Satyendra Sena)	Upper caste/landlord	11
	1987	Chotki-Chhechan	Aurangabad	Upper caste/landlords	
			(Satyendra Sena)	Upper backward caste/Middle peasants (KKC)	7
	Koeria Chatar	Jehanabad	middle caste/landlords (Lorik Sena)	SC/agri. labourers (MKSP & BPKS)	6
	Dalelchak- Bhagaura	Aurangabad	Upper backward/middle peasants	Upper caste/landlord	52
1988	Narhan	Jehanabad	Upper backward/dacoits	Upper backward/poor peasants	4
	Koeria	Jehanabad	Middle caste/ landlords (Lorik Sena)	SC/agri. Labourers (BPKS)	7
1989	Nonhi- Nagwan	Jehanabad	Ramashish-Rajdev group/ Nagwan	Upper backward SC/ agri. Labourers	18
	Daumha	Jehanabad	Ramashish-Rajdev group/ Nagwan	Upper backward SC/ agri. Labourers	9
	Sindhu Garh	Gaya	Middle caste/ landlords (Lorik Sena)	SC/agri. Labourers (MKSP)	5
	Sakat	Gaya	Upper caste / landlords (Kunwar Sena)	SC/agri. Labourers (KKC)	5
	Nonahi Nagma	Jehanabad	Middle caste/ landlords (Lorik Sena)	SC/agri. Labourers (BPKS)	19

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
	Murhari	Jehanabad	Upper caste / landlords (Brahmarshi Sena)	SC/agri. Labourers (MKSP)	4
	Sohe	Jehanabad	Middle caste/ landlords (Lorik Sena)		
	Damuhan		Middle caste/ landlord's (Lorik Sena)	SC/agri. Labourers (MKSP)	3
	Khagri Mali Bigha	Jehanabad Jehanabad	Middle caste/ landlords (Lorik Sena)	SC/agri. Labourers (MKSP & KKC)	11
	Danbar		Middle caste/ landlords (Lorik Sena)	SC/agri. Labourers (MKSP)	5
1990	Bihta Dariyapur	Bhojpur Patna	Upper caste / landlords (Kisan Morcha) Upper backward/landlords (Kisan Sangh)	SC/agri. Labourers (BPKS)	22
	Chirora		Upper backward/landlords (Kisan Sangh)	SC/agri. Labourers (BPKS)	5
1991	Bajidpur Tiskhora	Patna Patna	(Kisan Sangh) Upper backward/landlords (Kisan Sangh)	SC/agri. Labourers (BPKS)	5
	Dev-		Upper caste / landlords (Kisan Morcha)	SC/agri. Labourers (BPKS)	15
	Sahiyara Bihta	Bhojpur Bhojpur	Upper caste / landlords (Kisan Morcha)	SC/agri. Labourers (BPKS)	15
			(Kisan Morcha)	SC/agri. Labourers (BPKS)	3
	Karkat Bigha	Patna	Upper backward/landlords (Kisan Sangh)	SC/agri. Labourers (BPKS)	4

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
	Sawanbigha	Jehanabad	Upper caste / landlords (Swarna Liberation Front)	SC/agri. Labourers (MKSP)	7
	Rampurchai	Jehanabad	Upper caste / landlords (Swarna Liberation Front)	SC/agri. Labourers (MKSP)	2
	Teen Diha	Gaya	Upper caste / landlords (Sunlight Sena)	SC/agri. Labourers (KKC)	7
	Mein-Barsima	Gaya	Upper caste / landlords (Swarna Liberation Front)	SC/agri. Labourers (MKSP & KKC)	10
1992	Bara	Gaya	Upper backward/middle peasants	Upper caste/landowners	34
	Chainpur	Rohtas	Police	MKSP	4
	Ashabigha	Gaya	Police	KKC	6
1993	Dadar	Rohtas	Police	BPKS	3
	Ekwari	Bhojpur	Upper caste/landlords	SC/agri. labourers	4
1994	Aghoura	Rohtas	Police	MKSP	4
	Nadhi	Bhojpur	Police	BPKS	9
	Matgharna	Gaya	Police	KKC	11
1995	Khopira	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	3
	Nurpur	Bhojpur	Upper caste/landlords (Ganga Sena)	SC/agri. labourers (BPKS)	6
	Sarathua	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	6

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class organisation	Casualty
	Gulzarbigha	Aurangabad	Police	MKSP	4
1996	Chandi	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	4
	Pathalpura	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri- labourers (BPKS)	3
	Mathanbigha	Aurangabad	Police	KKC	7
	Nanaur	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri- labourers (BPKS)	5
	Nadhi	Bhojpur	Liberation cadres (Ranveer Sena)	Upper caste/landlords 8	
	Nadhi	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	9
	Morath	Bhojpur	Upper caste/ landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	3
	Bathanitola	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC and Muslims/agri. labourers (BPKS)	22
	Purhara	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	4
	Khanet	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	5
	Ekwari	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	6

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class organisation	Casualty
1997	Khanet	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	3
	Machil	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	3
	Hailbaspur	Patna	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	10
	Akhopur	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (BPKS)	4
	Jalpura	Patna	PU cadres	Upper caste/landlords (Ranveer Sena)	11
	Indo	Patna	Police	MKSP	6
	Ekwari	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri- labourers (BPKS)	10
	Khadasin	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (MKSP)	8
	Kodihara	Patna	Police	MKSP	2
	Katesar Nala	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (MKSP)	6
	Lakshmanpur Bathe	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. labourers (MKSP & BPKS)	58
	Chauram	Jehanabad	Liberation cadres	Upper caste/landlords (Ranveer Sena)	9

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class organisation	Casualty
1998	Nagri	Bhojpur	Upper caste/landlords	SC/agri. labourers	10
	Aiyara	Jehanabad	Upper caste/landlords	SC/agri. labourers	3
	Sigori	Gaya	Police	KKC	6
	Rampur	Jehanabad	Upper caste/landlords		
			(Ranveer Sena)	SC/agri. labourers (MKSP)	3
	Rampur-Aiyara	Jehanabad	PU cadres	Upper caste/landlords	7
	Bakangaon	Aurangabad	Upper caste / Landlords		
			(Sunlight Sena)	SC/agri. labourers (KKC)	
	Mahadev- bigha	Gaya	Police	KKC	4
1999	Kakaria	Jehanabad	Upper caste/landlords		
			(Ranveer Sena)	SC/agri. labourers (MKSP)	3
	Shankar- bigha	Jehanabad	Upper caste/landlords	SC/agri. labourers	
			(Ranveer Sena)	(MKSP & BPKS)	23
	Narayanpur	Jehanabad	Upper caste/landlords		
			(Ranveer Sena)	SC/agri. labourers (MKSP)	12
	Usri Bazar	Jehanabad	Liberation cadres	Upper caste/landlords	
				(Ranveer Sena)	7
	Bheempura	Jehanabad	PW cadres	Upper caste/landlords	
				(Ranveer Sena)	4
	Senari	Jehanabad	MCC cadres	Upper caste/landlords	
				(Ranveer Sena)	35
	Sujathpur	Buxar	Police	MKSP	16

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
	Sendani	Gaya	Upper caste/landlords (Ranveer Sena)	Backward caste & . SC (BPKS & KKC)	12
2000	Lakhisarai Sonbarsa-	Lakhisarai	Backward caste/Contractors	SC/ Sand workers	11
	Harpur	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	3
	Panchpokhari	Rohtas	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	5
	Rajebigha	Nawada	Upper caste/landlords	Backward caste/Middle farmers	5
	Afsar	Nawada	Backward caste/Middle farmers	Upper caste landlords	12
	Mianpur	Aurangabad	Upper caste/landlords (Ranveer Sena)	Backward caste and SC (KKC)	35
	Dumariyan	Bhojpur	Upper caste/landlords (Ranveer Sena)	Backward caste and SC (BPKS)	3
	Dharandas- Dihadi	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	3
	Turi	Gaya	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	2
	Thulabigha	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	5
	Barheta	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	3

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
2001	Sikerhatta Fall	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	2
	Kariambura	Jehanabad	Police	SC/agri. Labourers (MKSP)	5
	Bagar	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	4
2002	Mataurha	Patna	Jayanandan gang	MKSP	6
	Datmai	Patna	Jayanandan gang	MKSP	6
	Lakhnour	Patna	Jayanandan gang	MKSP	3
	Barsimha	Gaya	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (KKC)	5
	Diliyan Lakh	Bhojpur	Upper caste/landlords (Ranveer Sena)	Rajasthani migrant workers	6
	Kansara	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	3
2003	Kurnuri	Bhojpur	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	4
	Ichipur	Patna	Sunil gang	MKSP	3
	Bairi Chak	Patna	Sunil gang	MKSP	3
	Bhadora	Patna	Sunil gang	MKSP	5
	Lakhnour	Patna	Sunil gang	MKSP	6
	Bairi Chak	Patna	Sunil gang	MKSP	7
	Lodipur	Gaya	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	3

Year	Place	District	Attackers' Caste/Class/ organisation	Victims' Caste/Class/ organisation	Casualty
	Khojipura	Gaya	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	3
	Khadasin	Arwal	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	5
	Puran	Arwal	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	3
	Pitwans	Arwal	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	2
	Kasma- Balabigha	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (BPKS)	3
2004	Pariyaribigha	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	6
	Bisunbigha	Jehanabad	Upper caste/landlords (Ranveer Sena)	SC/agri. Labourers (MKSP)	3

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WORKERS' STRUGGLES

Struggle Profile:
Workers' struggles in
Hindustan Lever

Resource:
'Globalisation and Workers'
Rights', a PUDR paper



WORKER'S STRUGGLES IN HINDUSTAN LEVER

THE COMPANY

The Hindustan Lever Limited (HLL), one of India's largest companies, is the Indian subsidiary of Unilever, a giant multinational with global operations. It runs more than 60 plants all over the country. Unilever's operations in India, beginning over 100 years ago, are today its largest in the Asia-Pacific region. Its huge success in the consumer products market has made "Hindustan Lever" a household name. Its products range from tea and coffee beverages, ice creams, processed foods, soaps, detergent and shampoo to thermometers and industrial products. Unilever has recently acquired more Indian subsidiaries – Kwality Food and Modern Foods (an erstwhile public sector company disinvested by the government).

HLL's profits have grown from Rs. 98.5 crores in 1992 to Rs. 1,754 crores in 2002. Between 2001 and 2002, although total sales declined by 6.7%, the net profit grew by 7%. The net profit in 2000 was 22.08% higher than in the previous year.

THE WORKERS

More than nine thousand men are employed in the HLL factories, laboratories and offices all over India. The Unilever's Code of Business Principles mentions respect for workers' rights and the law of the land, but this principle is observed more in the breach. The workers' unions of the various HLL units constitute the All India Council of Unilever Unions (AICCU), which is affiliated to the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).

RECENT PROCESSES, NEW CHALLENGES

HLL achieved a substantial profit growth rate without a corresponding growth in sales by its aggressive strategy of reducing labour costs and the liability of taxes. From the mid-80s, the company has been aggressively acquiring assets previously owned by competitors and setting up new factories in areas where labour is relatively cheap and the workers less likely to be organised. Often these 'greenfield' sites have had no history of worker's organisation, while the promise of 'development' makes these sites virtually tax-free for the companies. The company has been shifting production sites from older, larger factories within metropolises to these new sites, availing of tax breaks and government subsidies. For example, a new HLL plant was set up in Haldia, West Bengal,

where workers are not even getting the statutory minimum wages. Moreover, parts of the production process, or the manufacture of entire products, are increasingly being subcontracted to smaller factories that mainly employ contract labour. In 2002, HLL was producing 22.4% of its soap, 46.5% of its detergents and 64% of its personal care products by subcontracting. The figure for subcontracted production of soap almost doubled between 2001 and 2002.

WORKPLACE STRUGGLES AND WORKERS' ORGANISATIONS

Workers' struggle at the Bombay plant

HLL's biggest manufacturing establishment is in Sewree, Bombay, which makes soaps, detergents, toothpastes and cosmetics. The Sewree plant employs more than 4000 workers, including 3000 hourly-rated skilled and unskilled permanent workers, 200 loaders, 200 transport workers, 200 clerical employees and 400 contract workers. The permanent employees here are organised as the Hindustan Lever Employees' Union (HLEU) and have won among the highest wages among all HLL's factories.

The contract workers are hired either on a fixed daily wage or on assignment contracts to be paid a lumpsum on the completion of the assignment. Their work involves fitting, welding, cleaning and replacing permanent workers on leave. The threat of dismissal is used to force contract workers to accept their lot without protest. In 1981, 270 contract workers were summarily suspended for three months for resorting to 'go-slow' tactics. A year later, 130 contract workers were suspended. By 1985, most of them had worked at the same plant for anything between six months to 15 years, doing work that is permanently needed. It was only after 1985 that the union managed to extract for the contract workers the legal minimum wage according to the Contract Labour Act, i.e. Rs. 25 per day then – about 30 percent of the average wage of the permanent worker.

The HLL management has done its best to curb the workers' efforts to organise themselves. It transferred more than 500 workers between 1980 and 1987 to other units. And in 1988, it imposed a lockout on the union activists that continued till June 1989. Then the company transferred the activists to an isolated warehouse where they could not have day-to-day contact with their union members. The union appealed to the ILO. After several attempts, the ILO persuaded the Indian Government to put pressure on Hindustan Lever to allow the union activists back into the factory.

On 31 December 1999, 251 workers were served with a 'millennium gift' notice asking them not to report for duty till 1 January 2001 as there was no work for them. 12-months wages was also given in advance. The same workers had been shifted on 28 September 1999 to the general shift and made to sit idle in a room under the constant supervision of an officer. On 1 April 2000, 84 more workers were given the same 'gift'. The workers realised that this was an attempt to create insecurity about their jobs, forcing them to accept the next Voluntary Retirement Scheme (VRS) that would be floated. They had resisted a series of various VRS schemes for more than a decade. The management had resorted to giving them a lumpsum advance so that they run out of money before the end of the year and opt for VRS. To prevent this, the cheques were deposited in savings banks accounts that had to be jointly operated by each individual worker with one union committee member. The cash was deposited with the Hindustan Lever Limited Co-operative Credit Society and arrangement made to pay the workers on a monthly basis. This effort at collective budgeting ensured that no worker was thrown on the streets. Some of the workers acted in a street play that exposed the manner in which permanent workers of old HLL factories were being kept without work and driven to accept VRS, while manufacturing was done through contractors and sub-contractors. This play was performed more than 50 times all over Bombay and generated a lot of interest among workers of other units in the city. In February 2002, all workers were asked to return to work.

Where demanding the legal minimum wage is a crime...

One of 'India's premier industrial research centres', the Hindustan Lever Research Centre at Andheri, Bombay, employs 125 contract workers, among its total workforce of 355. The contract workers are electricians, agricultural research helpers, sweepers, gardeners, canteen staff and security staff. Brought in by labour contractors, they were denied the rights of permanent employees despite long years of service. They were being paid Rs. 6 to 13 for a day's work – a rate most of them earned after years of work, starting at Rs. 2 a day, with annual increments of 25 paise on the daily wage. The security staff had to work 12-hour shifts on weekdays, with no holidays, and, without a break, from Saturday noon to Monday morning. These conditions of work were not peculiar to the Research Centre, and were shared by contract workers in all HLL concerns. However, there have been instances of workers improving their conditions by organised struggle. For instance, more than 300 contract workers at a HLL soap factory in Bombay won the legal minimum wage and permanent status after a long agitation.

In December 1985, the contract workers of the Research Centre formed 'a union of their own' – the Contract and Small Scale Industries Workers Union (CSSIWU). Two months later the union filed an application with the Contract Labour Board asking for permanent status to all the 125 workers and the legal minimum wages. In July 1986, the court awarded the minimum wage, but did not pronounce on the question of their permanent status. The management responded with further harassment and placed many workers arbitrarily under suspension. Often, a suspension would follow a worker's refusal to perform a task that was not in the contract. The labour court turned down the union's petition asking for a 'stay order' to stop all suspensions while their application remained pending with the Contract Labour Board.

Less than a week later, 19 security personnel were dismissed. One Sunday morning the management came with a new security contractor, accompanied by police vans. Taking advantage of the absence of all other workers who could have put up any collective resistance, they forcibly removed the contract workers from the Centre. Some of the dismissed workers have been working in the Centre ever since it opened in 1968, without being made permanent. They have little chance today of finding alternative employment so late in life. When the union rushed again to the court, it stayed any further dismissals, but refused to get the 19 already dismissed reinstated.

In November 1986, 600 workers from several HLL factories demonstrated at the Research Centre against the company's abuse of contract labour. This activated the administration that had all along failed to prevent the company from blatantly violating the law of the land regulating the use of contract labour (Contract Labour Regulation and Abolition Act); it rushed in the police to deal with the workers. Twenty policemen and three officers have since been deployed at the factory gate, supposedly to prevent the protesting workers from taking the law into their own hands. The workers wonder if the management can ever run the company the way they do without the help of the police.

The workers demonstrate everyday outside the gates of the Research Centre, demanding their jobs back. One of their banners reads: **"We are the security workmen of Hindustan Lever who have been thrown out on the streets... Our only crime is to have asked the company to implement the Minimum Wages Act."**

Organising under threat of death

Between October 1999 and February 2000 nearly 160 workers of the Daman detergents factory of the HLL joined the Hindustan Lever Employees' Union

(HLEU). The management threatened the workers with dire consequences, with the overzealous support of the Police commissioner and the local MP. CID officers visited the factory in March 2000 in an attempt to intimidate the workers. The MP came visiting in April 2000 to persuade the workers to withdraw their membership of the union. The management also tried to mislead the workers into thinking that unionising was against their own interest, insinuating that the year-long lockout at the Bombay factory was due to the HLEU. On 7 April 2000, five persons surrounded the Vice-President of HLEU who was in Daman to attend the conciliation proceedings regarding the case of a worker of the detergent factory. They threatened the activist to leave Daman immediately, if he didn't want to be killed. Two leading activists were forced to resign and two others transferred to Jalpaiguri in West Bengal. The union filed a writ petition in the High Court challenging the transfer order. The Court struck down the order in the case of one activist and directed the company to let him do his regular work at the Daman factory. In order to minimise the activist's interaction with the workers, he has been put on the general shift and prevented from having tea with the other workers.

The management is today trying to set up an INTUC unit in the Daman factory after failing in its attempts to persuade the workers to join an internal union under the supervision of the Personnel Manager. When the workers refused to leave the HLEU, membership fees for the management-sponsored internal union was directly deducted from their wages.

Workers fight for secret ballot in union elections

The workers of the Garden Reach factory, Kolkata, waged a decade-long heroic battle to elect a workers' union through secret ballot. Despite the left front government passing a bill in this regard, the workers had to defy the CPI (M)-affiliated CITU in the course of their agitation to win this legal right.

THE LATEST CONFRONTATION

The Garden Reach factory in Kolkata, one of Unilever's oldest concerns in India, produces 'personal care' products for the local market. On 22 March 2003, the HLL management declared a lockout of the factory. This was the management's response to the determined struggle of the permanent and contract workers for their just demands over the previous three years. About 1,500 workers (about 1,200 permanent and 300 contract workers) went without wages for over six months while they were on the streets opposing the lockout.

The permanent workers are organised as the Hindustan Lever Shramik Karamchari Congress (HLSKC). The contract workers are organised in two unions –an CITU-affiliated union and another, the Hindustan Lever Contract Labour Union (HLCLU), affiliated to the Committee for Struggling Workers and Trade Unions (CSWTU). Most of the contract workers are part of the CITU union.

The HLL management had been resisting the settlement of the union's charter of demands submitted in January 2001. It tried to impose its own charter on the workers, seeking a Voluntary Retirement Scheme (VRS) for 500 permanent workers, retrenchment of 150 contract workers, and closure of some operations of the Garden Reach factory. In December 2002, the Personnel Manager told union representatives that their charter would not be settled unless the union cooperated in implementing the VRS. Meanwhile, HLL has chosen not to produce various detergent, toothpaste and soap products at the factory and sourced these materials from other low-cost sites. In fact, production at the Garden Reach factory has halved between 1998 and 2002, even as HLL's India-wide profits have soared to Rs. 1,754 crores in 2002. Moreover, the few managers guzzle 49% of the total wage bill, whereas the 1,500 workers have to share the rest.

In October 2002, contract workers agitating for bonus went on strike after they were refused entry into the factory. The management tried to get their work done by permanent employees, who refused. 400 permanent workers were then stopped from entering the factory, while notices were put up stating that they would be allowed inside only if they agreed to do the work of the striking contract workers. The union protested and the workers made their way into the factory, leading to the intervention of the state government that directed against any wage deductions. But this did not deter the management from deducting the workers' wages. The contract workers again went on strike in February 2003 after five of them were refused entry into the factory.

On 10 March 2003, workers went on a 'sit-in' strike in two departments where the management had arbitrarily reduced the number of workers. The management cut off the electricity and water connections to both departments and refused to negotiate with the union. All the workers of the Garden Reach factory went on a 3-day strike from 19 to 21 March 2003. On 20 March 2003, the workers decided to return to duty on 23 March, except those from the two departments who were on the 'sit-in' strike. When the workers reached the factory gate, the management had already declared the first lockout in the 70-year history of the Garden Reach factory.

The workers have demanded a settlement of the charter of demands, job security, a peaceful and working atmosphere inside the factory, and withdrawal of any forced VRS. Opposition to the management's plans have resulted in workers facing arbitrary pay-cuts, chargesheets, warning letters, arbitrary transfers, and forced idleness in the factory, while production was increasingly being given out to sub-contracted units. The management imposed the lockout when workers went on strike opposing these policies. Clearly, the management aims to undermine the capacity of HLL's workers to collectively bargain and struggle. On 12 June 2003, workers in at least 50 HLL sites participated in a national day of action in solidarity with the Garden Reach workers. This action was coordinated by the All India Council of Unilever Unions (AICUU).

Meanwhile, the CITU-affiliated union of the contract workers negotiated with the management accepting VRS for 100 workers. The management then started exerting pressure to retrench about 150 contract workers who belonged to the HLCLU.

The determined resistance of the workers forced the management to restart operations in the factory on 30 September 2003. According to the agreement of the management with the three workers' unions, all the permanent workers have been put back on the rolls, but the 150 contract workers have not been reinstated. The workers will not be paid any wages for the period of the lockout. The HLCLU continues to agitate outside the factory gate, supported by many of the permanent workers from inside.

THE STATE'S RESPONSE

The management of the Garden Reach unit did not serve any prior notice, as required by the law, citing the cause of lockout to the government. According to the law of the land, the act of the management is illegal. Still the left-front government of West Bengal refused to move against the HLL management. In fact, the government tried to pressurise the union to accept the VRS for permanent workers and the dismissals of the contract workers.

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GLOBALISATION AND WORKERS' RIGHTS*

Suspensions and illegal dismissals, hazardous work conditions and accidents, non-functioning of Labour Departments and non-implementation of labour laws, police firings, lathi-charges, arrests, and the killing of union leaders have been the different contexts in which PUDR intervened in issues of industrial conflict.

These fact-findings underlined the vehement refusal of employers to implement legal provisions. Where protests by workers ensued, we were witness to employers resorting to criminal action. Labour departments were found to either side with employers, or else legal provisions to protect workers are designed to be ineffectual. Police intervention in labour disputes has become a norm and an alarming tendency of police taking on the role of an arbiter is evident.

The attack on workers' rights has intensified but we find ourselves increasingly ineffective. For one, newspapers do not report these violations, in small units because they are not considered newsworthy, and in large units because the newspapers depend on their advertisements. In any case the media establishment is also an employer. Attempts to publicise the violations on our own has little impact in industrial areas where such violations are commonplace. Similar campaigns outside face the dominant atmosphere of hostility towards workers' protests and rights in general. Suggesting recourse to courts is not helpful since workers do not have the resources to cope with the lengthy legal process. And sometimes, even pressurising the small employer is ineffective since the work at the factory is outsourced from elsewhere and the significant decisions are taken at a place far away.

Increasingly, over the last few years, the workers we encountered have been either on contract, non-unionized, or in the process of forming a union for the first time. Some of these workers are directly part of the global production chain. Others are affected by industrial practices that are becoming commonplace. Still others may be workers not directly affected, but hit by policy changes or the accompanying ideological onslaught.

The current meeting is an attempt to examine this lived reality and to understand how globalisation affects workers' lives and workers' rights.

*Paper presented by Peoples Union for Democratic Rights (PUDR) at the Dr. Ramanadham Memorial Meeting in 2003 on the subject of globalisation's impact on workers' rights.

A sample of PUDR's interventions

1. B.C. Exports

When you bite into a burger at McDonalds, you probably don't realize where some of it comes from: an obscure factory in Sahibabad, UP, named B.C. Exports. The factory, set up in November 1995, is a tiny food-processing unit, where about 30 workers are engaged in processing and packaging sesame seeds (*til*). This small unit is linked to a global production chain; the processed sesame seeds are used in the food processing units in the First World, besides McDonalds' fast-food outlets in India.

The workers put in 12-hour shifts but don't get any overtime allowance, and earn about Rs. 1800 to Rs. 2400 a month. They receive no pay slips, identity cards or appointment letters. The company proudly claims in its website that it uses state-of-the-art technology; but the factory has no provision for drinking water, canteen, or first-aid. And in total violation of the Factories Act, the workers were made to work seven days a week, with no leave of any kind! Working conditions are grim; for instance, the extreme heat of the room where the seeds are dried in hot air results in some workers having urinary and kidney problems. And of course there is no notion of contributing to the treatment.

A part of the production was recently automated, making some of the workforce redundant. The workload on some of those who remained increased as fewer workers were doing the same volume of work done earlier. The workers also felt that, following automation, their experience and skill was devalued.

In October 2002, most workers formed a union, which was then registered. They demanded an eight-hour workday, overtime payment, proof of employment, pay slips, higher wages, provident fund and ESI facilities for all workers, annual bonus, a system of paid leaves, drinking water facilities, and allotment of specific work departments to each worker. The factory owner refused to recognize the union and enter into negotiations over its charter of demands. Instead, he stopped old workers from entering the factory. In separate incidents, about ten workers were assaulted and thrown out. And on 14 February 2003, the president of the union was stopped at the gate and asked to sign a statement accepting fabricated charges of threatening the management. He refused and was then denied entry into the factory. These workers have since been illegally locked out of the factory and new workers hired through a contractor. The factory owner told us that because automation of the factory was going on and would intensify, he did not need these workers, and that their demands were hence unreasonable and superfluous. But what was crucial

is how this process was being used to replace old workers, who had organised themselves, with new contract labour – more vulnerable, and easier to exploit.

The management finally claimed that except 11 'permanent' workers (of whom it had already placed five under suspension), the rest were 'trainees'. So it would only allow six workers into the factory. The purpose was clearly to break the unity of the workers, which they resisted. The DLC's office proved itself an ineffectual door to knock, pushing workers to expensive and time-consuming litigation.

2. Honda Power Products, Rudrapur, Uttaranchal

In February 2002, workers of Honda SIEL Power Products Ltd., a portable genset company, foiled management attempts to remove core machinery from the factory to their plant in Greater Noida, UP. To facilitate the shifting, about 30 permanent workers who operate this machinery were summarily transferred to other shops. They refused to accept these transfers. The management then produced a November 2001 order from the governor that banned any strike or lockout in the Honda plant, and also brought in about 70-80 extra guards to threaten the workers. On 7 March, all the permanent workers of the aluminium shop were dismissed, without notice or permission, in violation of the Industrial Disputes Act. (The 71 casual workers of this shop had already been thrown out in early February.) The next day, workers were stopped at the factory gate for refusing to sign a blatantly illegal declaration that they would not oppose the shifting and the dismissals. In this fashion an illegal lock-out was imposed. The management then procured a court order against workers assembling within 200 metres of the factory gate.

The company was set up in 1985 as collaboration between Honda and the Shriram Group. Honda acquired control of this company in 1998. The conflict over the shifting of the aluminium shop was tied up with three processes that had been underway over the last few years. One, the company set up new production sites elsewhere: an assembly plant in Pondicherry, to avail the 7-year tax breaks offered by the government for new ventures there, and later a plant for producing spare parts in Greater Noida. As a result, when we visited the Rudrapur plant, only the machining work was being done there, besides some of the assembly work and the manufacture of a few components. Two, use of contract labour intensified, allowing a freeze on the hiring of permanent workers even as production continued to rise. Three, parts of the production processes had been contracted out. When mufflers and starters were contracted out to a company in Faridabad, about 30 workers in Rudrapur lost their jobs. The shift was always to a cheaper, less organised workforce. Aluminium Point

was one such company where a supervisor with ten-years' experience would earn less than a quarter of what he would have earned at Honda. In 2001 alone, contracting-out of important components and processes resulted in the throwing out of 200 daily wage workers. The company's strategy, the workers felt, was to shift out the work piecemeal, slowly reducing the workforce, till they couldn't resist. Then the factory would be closed down and its operations shifted elsewhere. Not just the Honda management, but factory owners in the region as a body were backing the shift; perhaps because the union in this factory had played a central role in forming a collective of workers' unions.

The response of state officials was partisan. When we contacted the District Magistrate, he was amazed that the workers were demanding security of tenure. Security, he said, does not exist even in government jobs nowadays; "They can go where they want to. If workers were interested in working, they should work." The Labour Commissioner said the union was being adamant, that if one were to push the factory owners too hard, they would go. The Labour Secretary had already told the union that it was logical for the company to go where the production costs were the least.

3. Calcom Electronics

Calcom Electronics was a company manufacturing black-and-white TVs. Philips, a large multinational that manufactures TV sets among their other products, purchased 80 per cent of Calcom's production. It employed 700 workers in six units in and around Delhi, mostly young women. In April 1994, two of the workers in the Okhla unit filed complaints that they were not receiving the statutory minimum wage. The difference between the wages they received and the legal minimum, itself inadequate for making ends meet in a city like Delhi, was Rs 426 a month. This means that the company was siphoning off about three lakh rupees a month, or Rs 3.6 million a year, from the workers. The management also threw out a hundred workers, increasing the workload on those who remained, in violation of the Industrial Disputes Act.

4. Kashika Enterprises and Virgo Washing Company

Kashika was a bed linen production and export company in Delhi employing about 200 workers. An intermediate job – washing - that involved the use of inflammable and hazardous chemicals, was outsourced to small units, one of which, Virgo, was owned by the same owners and wholly operated on the work outsourced by Kashika. The job itself was outsourced to a contractor, who employed 35 workers, though the work at Virgo was essential to the production

at Kashika, and required regular employment. Most workers were being paid below minimum wages and often made to work 16 hours a day. As is so typical to the contract system, the principal employer saves wage costs, and the contractor parasitically makes his money by paying workers even less.

In September 1999 a fire at Virgo claimed the life of six workers. It then became known that Virgo had a sub-legal existence, with no factory inspections, an illegal electricity connection, and was not registered in official records. The conditions of work completely violated existing safety norms. The owners claimed that the contractor was responsible for these violations, whereas the law clearly states that the principal employer holds primary responsibility for safety, minimum wages, and other work conditions. Virgo presents a classic case of the dangers of outsourced production. It is the very nature of the working lives of all that leads to the deaths of some.

5. Uniparts India Limited

Uniparts India Ltd. at Noida, manufactured tractor parts for companies in Italy and Germany. It was part of another company called Gripwell Fasteners, which has four units in UP and two in Ludhiana. Gripwell earlier had another factory in Noida, but when Uniparts was set up in mid-2000, all the 300-odd workers from that factory were made to resign, and start anew at Uniparts without earlier years of service being taken into account.

The workers formed a union in mid-2001, and raised demands of non-payment of minimum wages, double payment for overtime and getting letters of confirmation with the Deputy Labour Commissioner. The management responded by hiring goons to attack union activists, and suspending the office bearers. When some of these suspended workers reported at the factory gate, they were arrested by the police, threatened by them to desist from union activities, and falsely charged under sections 107, 151 and 116, CrPC. The management refused to even meet the PUDR team.

6. Maruti Udyog

In September 2000, the workers of the Maruti Udyog Ltd. factory at Gurgaon went on a tool down strike as they were forced to accept a new incentive scheme based on workers' attendance records and sales of Maruti cars and spare parts. The management had cited increased competition, and the need to increase productivity and prune costs as the reason for implementing the new scheme. The management stated that the strike was illegal, falsely claiming that a 14-day notice was not given.

The President and General Secretary of the Union were picked up by the police while on a hunger strike and charged under Sections 309 I.P.C, 151 and 107 Cr.P.C. Ten workers were suspended on charges of slogan shouting among other things. This was followed by daily dismissals or suspensions. Subsequently, the workers were prevented from entering the factory gates and told that they could come in only if they signed a 'good conduct undertaking'. 'Good conduct' meant signing away legitimate rights - such as 'go slow', 'tool down' or striking work. The workers refused to accept this undertaking and the management prevented them from entering the factory, ensuring a de-facto lockout.

The role of the local civil court and the High Court in the course of the agitation was extremely dubious. Though the civil court dismissed the case on grounds that as an industrial dispute this was beyond its jurisdiction. Yet, in the same order, 'for the sake of argument' it stated that the workers' strike was illegal because adequate notice was not given. It also stated that there was nothing wrong in demanding the 'good conduct undertaking'. These unnecessary comments were used by the management to justify its misdeeds and by the labour department for its inaction. The High Court later more or less upheld the civil court's order in an interim judgment.

Finally, in January 2001, the workers gave in and signed an agreement with the management after the intervention of an all-party parliamentary committee, accepting the proposed incentive scheme. The 'good conduct' undertaking was withdrawn but the union had to sign an undertaking that the workers would abide by the Standing Orders of the company. Out of the 82 dismissed workers, 41 were taken back and 5 more had their dismissals changed to suspensions. Following their return to work, the workers continued to face relentless harassment. They were not paid salaries for the period from October 2000 to February 2001 as punishment for the tool-down strike. An atmosphere of threat and intimidation was created. Workers were denied basic facilities - for instance, the use of toilets except during rest time. Over 150 workers were issued charge sheets for the agitation. Their wages were deducted on one pretext or another; for instance, half a day's salary was deducted on reaching the factory late by one minute.

The blatant collusion of both the legislature and the judiciary with the management was extremely stark in this case.

Aspects of Globalisation's attack on Workers' Rights

What becomes clear from this sample of PUDR's interventions is that we have been intervening in issues facing workers who are at the bottom of the global production chain, or who face labour practices that are becoming increasingly commonplace everywhere. Looking at 'globalisation' from below, so to speak.

Certain trends that are visible through our interventions are discussed below. These trends are neither unique nor wholly new. These have always been detrimental to workers' rights, but are now increasing and gaining legitimacy.

a) Outsourcing

Outsourcing is almost as old as industrial production; manufacturers have always procured externally what was outside their expertise, or areas of strength. Yet, outsourcing has intensified today, with enormous implications for labour.

There has been a worldwide tendency, particularly among large companies, to minimize involvement in manufacturing, and to source that out to smaller factories. The major motive is to reduce production costs, as a proportion of total costs, as much as possible. The 'branding' of a product is given more importance than its manufacture. The US company Nike is the prototype of this. It closed its factories in the US and outsourced production to 700 obscure factories in East Asia and Mexico. Phoenix Shoes at NOIDA was one such unit. Enormous energy is spent instead on advertising, marketing, and building the 'image' of Nike, pushing the worker far outside the consumer's imagination and concerns. Production carries on, in 'invisible' places, under abominable conditions. This has become a model that is being copied by other large companies.

The entire product is not always outsourced. In the case of B.C. Exports, as is the case with innumerable unsafe, dingy workplaces in Wazirpur, Okhla and other industrial areas of this city, what gets manufactured is only a very small part of the final product. In either case rather than being employed by the parent company, the workers are hired by smaller companies, which pay less than or near minimum wages, and have little history of workers' organization. The breaking down of manufacture into each tiny part has spawned innumerable tiny workplaces of the kind we usually encounter in our work. A number of

them are within living areas, such as jhuggis and slums: slums such as Dharavi in Mumbai and other urban centres have become hives of economic activity, with dingy, unsafe sites of production within what are essentially residential areas, with obvious implications for workers' safety, organization, and rights.

Outsourcing is also sometimes done to fracture or whittle down a unionized workforce with a history of struggle. Usually preceding the outsourcing a freeze in employment takes place in the parent company, and a voluntary retirement scheme (VRS) is introduced. Alternatively, outsourcing can precede VRS as happened extensively in Mumbai in the 1980s. This outsourcing of production led in the 1990s to workers deemed to be surplus, and shedding of the workforce through VRS schemes. Outsourcing is one of the ways in which production of a single product is distributed across the globe. Setting up of subsidiaries and joint ventures by multinational corporations leads to a similar situation.

Workers at the end of this production chain are affected in a variety of ways. One, it reduces the effectiveness of workers' organization and demands, for now the significant decisions that have a bearing on their work are being taken at a place once-removed, over which they, and often even their employers, have little control. Two, these networks entail a global division of labour wherein each produces an insignificant part of any manufacture, so that the principal manufacturer as a whole is relatively unaffected by closure and shifting in one part of the globe. And lastly, it involves the shifting of processes that are hazardous or polluting to countries with lesser environmental controls. Union Carbide is a case in point.

b) Contractualization of Labour

Using contractors for particular work or for supplying labour is one method of preventing regularisation of workers and denying them benefits like health and safety, minimum wages, compensation, insurance, maternity benefits and provident fund. And, above all, this also undermines the right to form unions and associations and bargain with employers.

The extent of the use of contract labour was brought forth most strikingly in our investigation in Bhilai in 1991. In Jaiswal Steel Enterprises, the company directly employed only 40 out of the total of 500-700 workers. In Simplex Industry, only 10 were regular while around 2,000 were on contract. In all, in the Bhilai industrial belt 80 to 90 per cent of the workers were on contract, amounting to at least 70,000 workers. Non-payment of minimum wages and wages for overtime work alone amounted to an extraction of 108 days per year of unpaid labour.

Now take the case of the Airport Authority of India (AAI). A few years ago, the AAI had 12,000 workers on contract, earning a quarter of the wage levels earned by permanent workers doing similar work. This saved AAI Rs. 72 crores a year in wages.

The Contract Labour (Regulation and Abolition) Act, 1970 is meant to "regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances." It applies to all establishments and contractors who employ(ed) 20 or more workers as contract labour on any single day of the preceding year. Advisory Boards are set up to oversee the administration of the Act and every principal employer using contract labour is required to register with the Board in order to obtain a licence under the Act. Thus all contract labour should get certain rights, including payment of prescribed wages in the presence of the principal employer, canteens for cheap food, rest rooms, night halts, water and toilets, first aid facilities, etc.

Our report in 1983 on contract and casual labour criticised the law since it did not stipulate the conditions under which such a system is to be abolished. Violation of the law leads to no severe penalties, but only a fine of Rs. 1,000. And, in case contract labour is abolished in any workplace, the Act does not stipulate that the workers would be absorbed as regular employees.

Production for a global market has increased the use of contract labour. The garment industry in Delhi for one employs only contract labour. The employers argue that their work is dependent on contracts from abroad and cannot be classified as permanent work. One such example was Fashion Team, which we investigated in 1997. All the workers in the tailoring unit who were agitating for regularisation had been terminated.

The principal employer argued that all the workers had been hired on a purely temporary basis through a sub-contractor. In fact, the entire tailoring unit had been sub-contracted.

MNCs have been putting pressure on governments to "reform" labour laws in order to make contract work the norm for employment. While these changes have not yet been legislated, the impact of the implicit government approval to the practice is noticeable in extensive use of contract and casual labour that our investigations have repeatedly shown. From large-scale manufacture in HINDALCO and direct MNC operations in Honda SIEL to small firms like B.C. Exports and Virgo Washing Company, casual and contract workers are employed everywhere. While large firms obtain registration for such employment, smaller ones do not keep records of any employment whatsoever.

c) Lean Production

Current systems of work organisation in corporate manufacturing are often referred to as "lean production". It emerged from the work organisation designed in Toyota of Japan. The current day lean production is modelled on the practice of New United Motors Manufacturing, a joint venture of Toyota and General Motors.

Lean production is exactly what that the word 'lean' connotes: getting rid of anything perceived as excess, as flab, be they raw material stocks, inputs such as power, or workers. Raw material and inventory stocks are organised such that they arrive at the assembly site only when they are required (referred to as 'Just-in-Time' production) so as not to waste time, energy and space on storage.

"Flexibility" is another key word of lean production. The management can reassign a worker from anywhere to anywhere without notice, depending upon demand conditions. This is called "multi-skilling" but is actually a process of deskilling and of overcoming barriers of job classification. As a result experience and training matters little. And since older workers get higher wages, managements try to weed them out.

Sudden increases in demand are met by outsourcing production. More regular changes in demand are met by periodic retrenchment and hiring-in. "Hire and fire" labour policies thus become integral to lean production.

Lean production also demands a high degree of supervisory control and harsh penalties. Since all extra workers have been removed, absenteeism for whatever reason is not tolerated. Workers' physical movements are monitored to an extreme degree in order to "account for" every minute of labour time purchased by the firm. At the American courier company UPS, drivers who deliver parcels are monitored closely and given precise instructions to cut time wastage: the pen should be in the left shirt pocket (for right-handed people); turn off the ignition with one hand and put on emergency brake with the other; release the seat belt with one hand and lift the clipboard with the other; walk towards the house at least 3 feet per second...

Lean production results in a significantly intensified workload and a speeded-up work process. For instance, in the engine department of Maruti Udyog Ltd. in Gurgaon, work has been speeded up to ensure that a worker does 18 tasks in 2 minutes!

Trimming safety precautions in order to cut costs, combined with a speeded-up work process and greater workload takes its toll on workers' life and health.

at Rudrapur occurred when the company decided to move its core production to Noida and massive retrenchment at Rudrapur seemed imminent.

Attracting multinational capital also entailed the reorganisation of some cities to house the corporate offices. In Delhi, this has firstly led to the moving of manufacturing out of the city and closure of many factories. A second move is the demolition of slums that house the workers and petty self-employed people. Taken together these deny the poor both occupation and living space thus force them out of the city.

Private capitalists were well compensated for the closures and relocations that were to follow. Capitalists were allowed to retain the prime land on which the factories stood, land that had once been provided to them at book-keeping rates. New lands for factory sites were allotted as compensation. For workers the emerging situation was unbearable. Permanent workers were to be given a small retrenchment compensation in case the factory does not relocate. But most such workers were dismissed before the government orders were signed. Those who opposed faced suspensions, dismissals, and hired goons. Casual and contract workers, by far the majority of the total workforce, got nothing.

Migration of capital can also occur as a strategy to break a unionised workforce. It was the view of many workers' unions in Rudrapur district that Honda Gensets was shifting solely to destroy the union that had become a cause for concern for capitalists in the entire Rudrapur industrial belt and an inspiration for unions in other factories. Migration was also used as a threat to leather workers working at piece rate in Delhi. Formation of the Delhi Leather Karigar Sangathan and demand for a higher rate was unacceptable to the exporters. Threat of migration was issued when all attempts to break the union through arrests and police restrictions failed to yield results.

For workers, mobility of capital is disastrous. Each migration entails a layoff. Even where reemployment is offered at the new site it involves a low wage that disregards the years of experience and skill.

e) Mechanization and Jobless Growth

Mechanization is scarcely a new phenomenon. Twenty years ago, PUDR's perspective note on 'Mines and Mechanization' mentioned how, in 1961, for every million tons of iron ore, 4,500 persons had been employed, while less than a quarter of that – 1,100 – were employed in 1981. Women, being a good part of the unskilled workers, become the first victims of any retrenchment. At the PUDR convention on 'Mines, Mechanization, and People', Shankar Guha

Niyogi mentioned how in 1978 at a single deposit in Bailadila, 10,000 workers were rendered jobless at one stroke due to mechanization. Workers' resistance was severely crushed, women raped and their houses burnt down. It seemed a precursor to Bailadila's privatisation some years later at an undervalued rate.

Niyogi went on to the remarkable story of semi-mechanization at Dalli Rajhara, where the workers have managed to raise ore way above that of mechanized production. He also underlined the economic and other fallacies of a foolhardy mechanization, and drew attention to the dumping of machinery in the Third World by both the capitalist and the so-called socialist countries. In conclusion, he said, "If mechanization causes retrenchment and hunger among the people, then this step is wrong... Only by keeping the people's true interests in mind, and by carrying the people along can any change in the processes of production be effected."

Twenty years later, it seems like another age. The entry of private, often foreign capital, following the government's policy decision to allow private capital in many new sectors, has accentuated an already grave situation. For instance, Sterlite, owned by the Jindals, has been carrying out mining in Bastar district. A 300-crore plant has been set up and production started last year. Massive tracts of land were awarded, cheap. For acquiring the land, the Jindals and CM Ajit Jogi had generated support for the plant by promising that at least four thousand jobs would be created. Instead, machinery has been imported, and merely 98 workers employed - 98 workers in a 300-crore enterprise! Activists of the CMM are being physically threatened and prevented from entering the mine, thus preventing the mobilization of workers.

In agriculture, for instance in the sugar-growing districts of western Maharashtra, such as Satara, Sangli, Kolhapur, and Ahmednagar, rich and powerful sugar cooperatives began importing cane-harvesting machines from Germany and Australia, each for Rs. 1.2 crores. These are areas that employ a million workers, mostly migrants from central Maharashtra and from other states. Ever since these machines began to be used in 2001, both the number of workers employed and the working days of those employed have fallen sharply. Each machine can cut 300 to 400 tons of cane a day. Each machine deprives 400 workers of employment. These are workers already deep in debt. Due to declining government investment in agriculture and in irrigation, and withdrawal of bank credit, both a part of neo-liberal economic policy, agriculture and these workers are already in crisis. Mechanization has made their situation even worse.

Mechanization has been accompanied by a tendency that is being referred to

as 'jobless growth' in many countries. In the US, there's been a loss of 2.6 million jobs since George Bush became President, even as the American economy is picking up. India witnessed a healthy growth of over 5 per cent per year through the 1990s, but employment has increased by the pathetic figure of less than 1 per cent per year over this period. Mainstream economists and the media focus their attention on the growth rates, but are unconcerned with the fact that little employment generation accompanies it. Jobless growth implies that the gains of growth are cornered by the few, and wealth gets further concentrated in their hands, leading to greater inequality and poverty.

f) A Lean State?

What has been happening for the last 20 years is the systematic undermining of any notion of welfare within the conception of the state, and its replacement with the notion of a 'lean' state. This is a crucial aspect of the neo-liberal ideology accompanying globalisation. It implies that the state limits its activity to administration and the maintenance of law & order. In other words, the state moves out of all activity that could be profitable for private capital. The prescriptions therefore include withdrawal from all productive investment, and privatisation of existing public assets and services. Additionally a reduction is effected in the workforce till such privatisation is carried out, in order to provide the new owners sufficient room to reorganise production and to weaken labour and their organisations. In this fashion, not only are public assets handed out to private hands at discount, often merely to generate rental incomes, labour too is handed over to use or discard as best suits the needs of private capital.

There has been a freeze in public sector employment in India that goes back at least 15 years. There is a general decline in employment in banking; one of the few successful VRS' happened in public sector banks a couple of years ago. The Indian Railways too is going to introduce a VRS. In urban areas, services at the municipal level are increasingly being contracted out. There is also a decline in investment in infrastructure, particularly in agriculture, with disastrous consequences for marginal farmers. The public sector, which once contributed hugely to employment, is being pruned and ripened for privatisation in many cases. The Special Group on Targeting Employment for the Tenth Plan of the Planning Commission, having "interviewed public sector executives, came to the assessment that nearly four million excess labour is likely to be shed during the Tenth Plan" (Planning Commission, May 2002, p. 9).

This movement of the state out of economic activity has a massive detrimental effect on employment since the state, through the public sector, was the single largest employer and the new owners either cut down employment or shutdown

altogether. Those who remain find altered conditions of work, remuneration, facilities and security of tenure. That the state as an employer could not blatantly violate labour laws ensured that gains from victories secured by workers through decades of struggle could be preserved. And the same could act as an example to be striven towards by workers' organisations elsewhere. Replacement by private operators overturns these gains. This was plainly visible in the privatisation of Kanishka hotel (an ITDC unit in Delhi). Privatisation was preceded by VRS to allow the prospective owners to employ workers according to their choice and according to their terms and conditions. However the remaining workers were in for a rude shock when the new management forced another round of VRS. The hotel was shut down and those rejecting the "offer" were put through intolerable work conditions, followed by show-cause notices, memos and suspensions. Although these actions were all debarred by the sale contract, the government was unwilling to act. In the case of Modern Foods, a number of contract workers as well as the union leaders were dismissed as soon as it was taken over by Hindustan Lever. The same happened in the case of BALCO, despite assurances to the contrary.

Declining public sector employment affects certain sections, such as dalits, more than others. As there is no provision for reservation in the private sector, the limited, but significant gains from reservation in public sector employment is being whittled away. Much as one should make the demand for reservations in the private sector, by itself it can only bring about a hollow gain unless it is accompanied by greater employment generation. Workers and their families are also at the receiving end due to the lack of government provision of public utilities. Private provision of such utilities has meant a higher price and, consequently, denial of access and use to those unable to pay. The issue of the fundamental right to life incorporating the access to these utilities and services as a right ceases to apply when these are being sold for a price in order to earn profits. Devoid of employment, or else working under increased hardship, workers are thus doubly affected by the ongoing privatisation.

It is therefore only natural that, faced with a bleak future, workers have resisted this process with varying results. In 1991 at Dalla in Sonbhadra district of UP, eight people were killed in a police firing upon workers opposing the takeover of the UP State Cement Corporation by the Dalmiya group. Interestingly, the corporation was sold for Rs. 26 crores, an amount that was less than the workers' savings that were deposited with the Corporation; private assessments put the net worth at 10 times that amount. The demands of the workers to be allowed to run the Corporation as a cooperative were denied. Workers were able to prevent the sale only at the cost of their lives.

The conception of a lean state does not imply a general lowering of government spending or a weakening of its power; in fact it is just the opposite. Expenditure on defence and law and order has shown a marked rise, both in real terms and as a proportion of total government spending. That these changes are not a chance outcome is apparent from the increasing use of this repressive machinery to tackle workers. The methods being deployed are not new; they have been perfected earlier through repeated use.

In virtually every case of workers' demands investigated by us, criminal charges have been filed against workers at the behest of the factory owner or managements. These range from 'attempt to murder' to the oft-used S.107 and 151 Cr.P.C. for arresting union activists in the apprehension of the launching of a struggle or a public protest. Police has played an active role at the behest of managements. Garmex, a firm manufacturing garments for MNCs and located in the export promotion zone (EPZ) is a case in point. Governments take a keen interest in ensuring that union activity is not permitted in the EPZs. A workers' gate meeting to press for the payment of minimum wages, among other demands, resulted in a lorry running over 22 people, killing one and seriously injuring three others. The lorry was in the service of the firm and witnesses point to clear connivance of the police. Police made the registration of an FIR incumbent upon workers retracting their accusations against the police. Activists from a workers' newspaper *Bigul*, which published reports on these happenings and carried regular updates on the situation of workers at Garmex, were detained overnight in the police station and thrashed.

While the space for public protest is being restricted in general, the emerging situation for workers is particularly alarming. Here is an illustrative case: Around one-lakh leather workers working at piece-rates for leather goods exporters in Okhla had organised themselves as the Delhi Leather Karigar Sangathan (DLKS) in 1999. When the piece-rates fell by over 30 per cent between 2000 and 2003, the DLKS mobilised the workers to demand a restoration of the old rates. In July 2003, negotiations resulted in an agreement to increase rates by 10%. However the three largest exporters refused to implement the agreement. The resulting stand-off was addressed not by the labour department but the Assistant Police Commissioner. He first forcibly dispersed the meeting of the DLKS, chaired negotiations with the exporters, threatened worker representatives with dire consequences, assured exporters the freedom to run their units as they pleased, and deployed police at the factory gates to ensure this. Even a meeting of the leather workers to discuss their future plan was not allowed. All office bearers of the union were detained just before the meeting was scheduled to begin. This again exemplifies the deepening tendency of the

state to deal with disputes between capital and labour, not through the labour administration, but by the law and order machinery.

The principle of the lean state is therefore not one of cutting government expenditures. It involves the dismantling of the public sector and public services, and, in doing so, removes the questions of access and pricing of such services outside the realm of public decision-making. Its flip side is the opening of these areas for private profit generation. The lean state is aimed at the focusing of governmental attention on the classic state concerns of security, law and order, and the empowerment of the institutions of private profit. In this sense, globalisation becomes a consensus among nation states on a worldwide attack on workers' rights.

Legitimizing the Attack: Public perception and laws

The changed condition in which workers are forced to function finds its counterpart in the way in which judicial institutions treat issues of rights of workers. The changes being brought into workers' lives in the context of globalisation make their livelihood more insecure and at the same time increase work pressure. These changes have occurred without any prior change in the laws that regulate relations between capital and labour. Therefore workers are bound to struggle for the implementation of the laws, to fight for bridging the gap between the existing laws and the actual conditions of work. This is visible in the formation of unions even in small firms, and in the demands for regularisation of service, stipulated working hours and leave.

The judiciary through its pronouncements is acting as a saviour of the interests of private capital. This is apparent in nearly every small *dharna* and gate meeting in industrial areas, and in the larger pronouncements by higher courts, which become precedents for lower courts to follow. In this fashion the judiciary becomes the spearhead of an attack on the democracy and its system.

The Constitution in our country provides for a division of powers between the legislature, executive and judiciary. Much of the work of civil rights organisations deals with the abrogation of judicial powers by the executive, be it the question of POTA, NSA and other security legislations, or encounters and custodial deaths. In this present context of workers' rights, it is different: the takeover of legislative powers by the judiciary. The executive lacks accountability to people while the judiciary, not being elected in any way, lacks all accountability whatsoever.

It is therefore not strange that large parts of Delhi that house the institutions of the state are continuously notified under S.144 Cr.P.C. to prevent political

protests, a provision that was legislated as a short term arrangement to be applied under special circumstances. Courts have gone further to prevent protest gatherings at factory gates. In virtually all instances of workers' protest investigated by us, the High Court provided factory managements with a stay order preventing protests by workers within a specified distance of the factory. These orders, passed with little application of mind, may result in ironic situations in an industrial area with striking workers of one factory found sitting outside some other factory. Managements benefit immensely; they can easily let replacement staff enter, and freely move raw materials and finished goods. This weakens the impact of the strike and delays, if not altogether absolves, managements from being pushed to present themselves before conciliation authorities. This is how the courts, by undermining the role of a strike as the action of last resort by workers, not only make the workers more vulnerable to attacks by capital, but also prolong the duration of the strike.

In turn then, strikes by workers in different parts of the country, sometimes individually, and at other times collectively as a bandh, have been the subject of pronouncements by the higher levels of the judiciary. The Kerala High Court ordered a ban on all bandhs in 1998. In 2002, the Tamil Nadu legislature promulgated the TN Essential Services Maintenance Act (ESMA) and amended it earlier this year to permit mass dismissals. On 2 July 2003, nearly 2 lakh government employees and teachers went on strike opposing the TN ESMA and the drastic curtailment in benefits including gratuity, pension and dearness allowance. The government summarily dismissed 1.65 lakh employees, perhaps the largest dismissal of workers ever in India. The Madras High Court ordered the release of arrested leaders but ruled that it did not have powers under the TN ESMA to intervene. Appeal to the Supreme Court resulted in the immediate reinstatement of all workers on 24 July except those who had been named in FIRs. Two weeks later the court, in a shocking final order, held that government employees had "no fundamental, legal, moral or equitable right" to strike work. Another instance is the *suo moto* ban by the Calcutta high court on public rallies or meetings in the city between 8 am and 8 pm on working days, subsequently stayed by a Division Bench, in the face of considerable public protest. The court has completely missed the point in two ways: for one, illegal lockouts and closures, and not strikes, have become in recent years the main reason for "loss of man-days". Two, the right to strike is a fundamental *political* right, the collective action of the working class against capital, without which other rights of workers cannot be secured.

In August 2001, in an adverse judgement affecting literally lakhs of workers, the Supreme Court, in *Steel Authority of India Ltd. & Others V/s National*

Union Water Front Workers and Others, ruled out automatic absorption of contract workers in cases where industrial courts decree that contract labour is not to be continued in a particular work or enterprise. Earlier, following the landmark *Air India* judgement in 1996, contract workers were to be automatically made permanent in the place they worked if contract labour were disallowed there. There is an inherent flaw in the Contract Labour (Regulation and Abolition) Act, 1970, which nowhere mentions 'automatic absorption'. The *SAIL* judgement was based on a narrow reading of the Act. Consequently, specific contract workers, having won the battle regarding the use of contract labour, would have to fight another battle to be made permanent. Given the possibility of their being denied this, and hence losing their jobs, which contract worker would fight for permanence? In addition, the *SAIL* judgement overturned a December 1976 central government notification, which declared that certain jobs in government buildings and institutions, such as security guards, sweeping, cleaning staff, etc. ought not to be performed by contract workers.

Over the last few years, there has been a well-organised and sustained attack by capital to alter the labour laws. Through meetings, conventions, and press interviews, industry bodies such as FICCI, CII, SCOPE, etc. have been demanding: greater scope to employ contract labour; longer hours of work; the right to 'hire and fire'; and to make closures, suspensions and lay-offs easier. The recommendations of the 2nd Labour Commission, submitted in September 2002, must be viewed in this light. It has recommended allowing contract labour in 'non-core' activities, which include canteen workers, security guards, and cleaning staff. Permanent workers in "non-core" activities can be retrenched and replaced with contract workers. The government has already drafted a Contract Labour Bill that allows the employment of contract labour in numerous areas and activities, including construction, export-oriented units, hospitals, courier services, cleaning, canteen, laundry, etc. No craft-based union can be registered. The stipulation of obtaining a license under the current Contract Labour Act is done away with. The Labour Commission also envisages greater control over unions, undermines their right to represent workers and to declare a strike. It advocates an increase in the length of the working day and a decrease in the number of holidays. On the other hand managements are given a free hand in terminations, lay-offs and lockouts. Fundamentally, this is part of the withdrawal of the state from intervening legally in conflicts of labour and capital.

That such changes, adversely affecting such a large section of our people, could come into being with such ease needs some examination. In the ideological sphere, the hostility of a growing section of the middle class towards collective

action, unions, strikes, towards workers' rights in general, and any manifestation of public welfare, has intensified over the last couple of decades. This is a hostility that is reflected in and sharpened by the judiciary.

There is also a conscious process that goes into the making of what is termed 'public opinion'. "The power to make a legislation is not mere legislative power, it is the power to mould people's minds, to coin words and to give specific meanings to them". We arrived at this conclusion a decade ago in the context of TADA and 'terrorism', but it is no less applicable here. Day after day we are fed stories of locked factories, a loss-making public sector, workers blocking roads and turning violent, of lathi-charges and police firings, and a corrupt administrative workforce. We see these in our daily lives and in our interactions with the state. But we are denied an active role in dealing with this state of affairs. So the newspapers dole out the utterances of public officials or of the leaders of industry who paint before us a rosy picture of the world of a 'free market', free of 'unscrupulous trade unions' and 'overpaid public sector workers'. The hundreds crushed to death by redline buses, or the massive rise in electric power rates, or Enron may get us worked up. But we don't see what we are not shown: how a lockout by the Maruti management was deemed to be a labour strike, not just by the management but by the Supreme Court as well; how the resurfacing of medieval diseases are related to the reduced funding of public health systems; how the retrenched workers kill themselves, beginning with DTC drivers and followed by workers facing factory closures ordered by the Supreme Court ...

CONCLUSION

It is clear that what is loosely called globalisation involves an intensified class assault on workers everywhere by capital. An important part of the assault is the reorganization of work and of production. It involves making workers work longer hours, and work faster. The assault extends beyond the workplace. It also involves the abdication of the responsibility of the state towards workers and deprived sections in general, and the end of the notion of welfare. The increased dominance of the market in public services both reflects and is a part of this. Another aspect of the assault is the widespread ideological hostility towards labour, of which judicial hostility is an important part. The myth is propagated that globalization contributes to employment, which is untrue, and even if it were the case, the terms of the new employment affect labour economically and politically so as to weaken it in its struggle with capital. Taken together these constitute one of the most sustained and intensified assaults on workers over the last several decades.

As the consequences of this assault are increasingly being felt over the last few years, it is leading to greater resistance by workers and other affected sections. That resistance can be, as our interventions have revealed, even at small sites of production. There is also a growing and conscious political opposition to globalisation among sections of the working class. Such opposition is also finding expression in other quarters – from tribals trying to preserve their lands against miners and their ilk, to farmers facing lower revenues with increasing outputs and increasing debt burden.

All such opposition and struggles face an increasingly repressive state. The implications of the shrinking of space for protest as well as the tendency of the entire state apparatus to treat political protest as a law and order problem are ominous. For they threaten to render real issues invisible. And posit the issue in terms of laws, violations, illegality and crime. All people concerned with maintenance of democracy need to fight tooth and nail in order to prevent this outcome.

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FOREST STRUGGLES

Introduction

Struggle Profile: Forest struggles in Wayanad



INTRODUCTION

More than 200 million Indians are partially or wholly dependent on forest resources for their livelihood. These include 7% of the country's population comprising the forest dwelling adivasi communities, whose very existence is intricately linked to the forests. Moreover, a large section of rural India indirectly depends on forests for collecting fodder, fuel wood, materials for building houses, and roots, fruits, flowers and tubers as food or medicine.

Forests are the traditional homelands and livelihood bases of the adivasis. Over the centuries, most adivasi communities have been driven higher into the hilly regions and deeper into the interiors of the forests, where the poor quality of land and backward methods of production kept agricultural output at below subsistence levels. The adivasis therefore had to depend on their access to forests for meeting their livelihood needs: edible roots, fruits, meat, nuts, yam, flowers, fuel, and materials to build their huts, besides other minor forest produce. Adivasi communities had unchallenged control over the land and resources of the forests where they lived till the British rulers arrived on the scene. The new rulers looked upon the forests as their own property and enforced restrictions on the adivasis' use of the forest, preventing them from freely collecting forest produce, grazing cattle, hunting animals, felling trees, or bringing more land under cultivation. They also imposed taxes on land, water, timber and minor forest produce. The adivasis were exposed to the oppressive practices of the forest officials, revenue collectors and the police. Moreover, the opening up of forests for exploitation brought in its wake an influx of non-advansi settlers on adivasi land, mainly officials, unscrupulous traders and greedy moneylenders. They robbed the adivasis in the name of trade, cheated them of their land, and either drove them away or turned them into bonded labourers. The British rulers encouraged such migration for two reasons: one, it helped them rake in more revenue, and, two, the non-advansi settler could be employed to suppress the fierce struggles put up by the adivasis as well as to break their unity. The adivasis were forced to depend on the moneylenders for cash to pay the land tax, and to labour on the British estates, plantations, mines, and road and railways construction projects. European and Indian planters, mine-owners and industrialists drove away thousands of adivasis from their lands. In effect, the adivasis had been turned into aliens on their own land, deprived of their traditional rights over the forests, and turned into slaves to the new masters, both British and Indian.

The chronicles of the adivasis record a dismal history of systematic disenfranchisement - economic, political and social - and alienation from the resources they live on. The 'rights' of the forest dependent people became

'rights and privileges' in the Forest Policy Resolution of 1894, and were reduced to mere 'concessions' in the National Forest Policy Resolution of 1952. And the Forest Policy of 1988 vests the property rights of forests with the State or the Forest Department. Those who have occupancy rights on cultivable land for more than 12 years are entitled to property rights, but this principle was not applied to the forest dwellers who have maintained occupancy rights on forestlands for centuries.

The resistance of the adivasis to this oppression took the form of several revolts and uprisings against the British and the native exploiters since the very beginning of colonial rule: including the Paika insurrection in Orissa (1817-18), the Kol rebellion in Chota Nagpur (1831-32), the Bhil rebellion in Khandesh (1818-31), the Khasi rebellion (1829-33), the Parlakhemudi rebellion (1839), the Santhal rebellion led by Sidhu and Kanu (1855-58), the Gudam Rampa rebellions in Andhra (1839-79, and again in 1922-24 led by Alluri Seetharama Raju), the rebellion in Maharashtra led by Vasudeo Balvant Phadke, the Munda Ulgulan led by Birsa in Chota Nagpur (1890s), and the rebellion led by Komaram Bheem against the Nizam of Hyderabad.

The revolts forced the British government to promulgate some protective laws for the adivasis. In 1874, the concept of Scheduled Areas — areas where adivasis lived in large numbers — was introduced. The 1919 Government of India Act divided these areas into two categories based on total or partial exemption from the jurisdiction of the legislatures. The governors were made the final authority in all matters. Land transfers were banned in all the Scheduled Areas. In 1950, the President of India notified the Scheduled Areas (under the 5th and 6th Schedules of the Constitution), excluding huge numbers of adivasis from the nominal protection that the Schedule provided. No Scheduled Areas were formed in Kerala, Uttar Pradesh, West Bengal, Kerala, Tamil Nadu and Karnataka. Even within states that had Scheduled Areas, not all adivasis were covered. In Andhra Pradesh, for instance, 32% of the adivasis live outside the Scheduled Areas. Laws supposed to benefit adivasis, more often than not, stay merely on paper. For instance, despite the law banning transfer of land being in force in Andhra Pradesh, 60% of land in Adilabad and 71% in Warangal are held by non-adivasi landowners. In fact, 80% of the law and order cases in the Scheduled Areas involve land disputes, the majority of which have been disposed off against the adivasis. Legislations such as the Forest Act, the Mining Act, the Land Acquisition Act and the Excise Act have been zealously used to alienate the adivasis from their lands and sources of livelihood.

In 1996, the Panchayati Raj (Extension to Scheduled Areas) Act brought into force some of the recommendations of the Bhuria committee regarding the way

Panchayati Raj could be implemented in Scheduled Areas. The Gram Sabha was recognised as an institution for decision-making at the local level with jurisdiction over customary laws and the use of community resources. There have been several instances of subversion of Gram Sabha proceedings by the local administration, especially where forestland is sought for setting up industrial projects. The subversion is sometimes too blatant and obvious to be missed; the local administration in Bastar, for instance, forged the minutes of Gram Sabha meetings to show the affected adivasis' consent to the acquisition of their land for a public sector steel plant in Nagarnaar.

In short, the process that began with the ascent of colonial rule continues to wreak havoc in adivasi lives across the country. The forest dwelling communities from various parts of the country have been, on numerous occasions, forced to bear the brunt of 'national development', as capital has sought out the wealth that lay beneath the soil, or submerged large areas of forest land as the price for producing electricity. In return, many of them have been pushed further into the margin, turned into cheap labour, barely eking out a precarious living in urban slums.

Forest conservation by marking out large forest areas as sanctuaries, wildlife parks and reserves has been another major contributing factor to alienating adivasis from their forests, exposing them to routine harassment and even eviction. Commercial felling of trees for the timber market has destroyed large patches of forests. Most of this logging is illegal, although carried on in collusion with the Forest Department, even as adivasis are repeatedly caught and punished by the forest officials. In the name of protecting forests, the officials extort various legal and illegal fines and taxes, striking terror in the hearts of the adivasis. At the same time, large tracts of forestland are leased out to Indian and global corporate giants, land sharks and powerful timber contractors.

Recently a Supreme Court directive to stop forest encroachments was implemented by serving eviction notices to a large number of adivasis. This completely disregarded the fact that these 'encroachers' had been living on or using these lands long before the Indian Forest Act declared these lands as 'forest lands'.

Historically, the State has erected legal and policy structures that isolate the adivasis and facilitate their exploitation. The forest question can be addressed only by struggles that aim to wrest control over forests and forest resources for the people. This is also the key to resolve the conflict between 'forest conservation' and the livelihood of forest dwellers. As millions of adivasis come face to face with the State's anti-people character, they have turned their

oppression into a rallying point for mobilizing themselves into struggles for determining their own destiny and asserting their rights over the forests. The State has dealt with adivasi assertion by resorting often to the use of brute force at its disposal.

The adivasi voice of resistance can be heard in Muthanga and other forest tracts that have turned into battlegrounds. The adivasis' unrelenting struggles are testimonies to their refusal to allow the rulers to snatch away their dignity and meagre livelihoods...

FOREST STRUGGLES IN WAYANAD

“The adivasis should be shot dead.”

Speaker of the Kerala Assembly after the tribals, as a symbol of self assertion, had entered the Muthanga forests on 4th January 2003

“The tribals had lost their land through fraud transactions by settlers offering dry fish, tobacco and petty cash...we consider all the lands lost by the tribals as stolen property. And, it is the firm intention of this Government to restore these stolen properties to its original owners - the tribals.”

Ex-Revenue Minister Baby John (RSP), while introducing the Tribal Land Bill in the Assembly in 1975

LAND AND THE PEOPLE

Kerala is one of the smallest states in India covering over 38,863 sq. kms. The total population of the state is 3.2 crores. Consequently, it has a huge population density at 749, much higher than the national average of 267. The tribal population in Kerala comprises more than 35 tribes, spread over 14 districts.

With more than 70,000 tribal families, it is a strong 3.5 lakhs population that accounts for nearly 1 per cent of the total population. 45,000 of these families are landless. 0.28 percent of the total tribal population lives in the urban centers, suggesting that a large majority of the adivasis – both landed and landless — depend on forests for their livelihood.

Out of their lands!

The large rainforests, also called *sholai*, of Kerala were known in the past for their rich biodiversity, swamps and wild trees. These natural forests were the abode to the adivasis. Depletion of the forests, eucalyptus plantations, involvement of the sandalwood, *ganja* and elephant tusks smuggling mafia, state sponsored settlements of non-tribals on these lands and illegal transfer of the tribal lands to the non-tribals mark the designs in the guise of ‘tribal development’. For instance, the large-scale entry of settlers from the plains to the pre-dominant adivasi areas like Wayanad and Attappadi since the 1940s turned two-thirds of the adivasi families by 1975 into farm-laborers on their own lands. It also encouraged emigration of the pauperized tribals from

Attappatty to adjacent regions in search of jobs, reducing the local tribal population, which constituted 63 per cent in 1961, to 30 per cent in 1991.

Mass dispossession of the tribal communities and their lands has been buttressed by the conversion of the forests into cashewnut, arecanut, coconut and rubber plantations, and by the immigration of non-tribals from the plains into these regions, especially the Attappadi and Wayanad tribal belts. Interestingly, huge amounts of these lands are under "legal" possession by the encroacher-settlers from the plains, with the connivance and abetment of corrupt revenue officials, who are also from plains, and through the manipulation or alteration of land records. In the process it has brutally alienated the tribals from their lands, rendering them landless. For instance, Muthanga in Wayanad, now a protected area under state laws, was in the past a flourishing home to Paniya, Adiya, Bettakuruma, Kaattunayaka, Kurichia tribes, etc.

The Panchayati Raj Extension to the Scheduled Areas Act, 1996 that recognizes the self-governance rights of the tribals and provides them some rights over their forests and other natural resources, does not apply to the tribes in Kerala, as the tribal areas are not notified. However, fifth schedule provisions ought to be applicable to tribes notified as 'Scheduled Tribes in any state'. According to the provisions of the ninth schedule, the state government is constitutionally bound to enact suitable legislation to protect the land and forest rights of the tribals.

However, not only did the state – both legally and physically - act against the protection of the tribals' land and forest rights, but also showed scant regard for the tribals' lives.

A BRIEF HISTORY OF THE STRUGGLE

The issue of marginalisation of tribals, land alienation and landlessness has a long history going back to the early colonial times. The tension between the tribals and the Kerala government has been simmering since the transfer of power.

No government has been able to deny the very existence of the adivasi question. Therefore governments have found themselves forced to find a response. This necessity led to the institution of the Debar Committee in 1960 to address the issue of rampant land alienation and ensure that the process is stopped before the state itself becomes a target of the people's wrath. The Committee indicated strong and direct link between marginalization of the tribal community and land alienation. It recommended the restoration of adivasi land. It took 15 years for

the state to adopt the recommendations proposed by the Debar Committee through the Kerala Scheduled Tribes (Restriction on Transfers of Lands and Restoration of Alienated Lands) Act, 1975. According to the Act, all transactions for the sale and purchase of forestlands in Kerala State were banned. It also specified that *"whatever forest lands were alienated from the adivasis' possession from the year 1960 are to be restored to them"*.

A crucial legal case in 1986 again brought attention to the non-implementation of the 1975 Act when a non-tribal approached the Kerala High Court seeking a direction to the state government to implement the 1975 Act. After a legal battle of five years the court gave a judgement favoring the tribal's rights. However, the tribals did not gain much from this verdict.

Fomenting the struggle

The seething anger of the adivasis against state policies enabling incessant plunder of their natural resources took the shape of organised agitation in the early 1990s. The movement canvassed vast support among the tribes, especially in Wayanad district. It was marked by the militant tradition with several incidents of adivasis communities taking over government land.

They amend their own laws...

The Kerala Scheduled Tribes Amendment Act, 1996, was passed by the Kerala government to evade the directions of the High Court to hasten the implementation of the 1975 Act. The President however refused to give his assent to the 1996 Bill. The left front government then passed the 'Kerala Restriction on transfer by and Restoration of Lands to Scheduled Tribes Bill, 1999', repealing the 1975 Act. The new Act protected the interests of the encroachers and weakened the claims of the tribals, leading to aggravate the fears and anger of the tribals.

The Division Bench of the High Court on 16th December 1999 gave a ruling that Government of Kerala had committed 'contempt of court' by 'legalizing' the non-implementation of the 1975 Act by bringing in the 1999 Act. The Bench also observed that the 1999 Act could not override 1975 Act.

The adivasis organised an agitation before the State Assembly and attempted to storm it. Later, following the failure of the attempts to get the 1996 Amendment revoked, a dalit group, Ayankali Pada, stormed the Palakkad Collectorate and held the Collector hostage for over 9 hours. It was followed by brisk repressive measures by the state that effectively crushed the struggle.

The 1975 Act and the 1999 Act: A Contrast

The Kerala Schedule Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975, in its definition of immovable property states that it '*includes standing crops and trees and does not include growing grass*'. The purview of the Act therefore extends to cover the forests and other similar natural resources on which tribal livelihood depend. The Act itself connotes sensible terms as '*restoration of alienated lands*', acknowledging the fact of tribal land alienation.

In an adamant gesture the state governments passed the Kerala Restriction on Transfer by and Restoration of lands to Scheduled Tribes Bill, 1999. The act effectively truncates the scope for tribal land restoration of the 1975 Act. The Act replaces the definition of 'land' by meaning '*any agricultural land*'. The Act further states that land up to two hectares alienated from the adivasis by non-adivasis is exempted from restoration. In a cunning move, by enacting the law under the 'agricultural lands' category, which is a state subject, the government also tried to preempt any possible humiliation of a 'disapproving let-down' by referring the bill to President of India.

The Act is a direct onslaught on the tribal community, completely disregarding the intricate relationship between the tribals and their natural habitat that forms the basis of their culture and livelihood.

Unveiling the 'Welfare State'!

Incidence of starvation deaths in July 2001 among the tribals in Wayanad, Palakkad and Kannur provoked some instances of the looting of government food stocks, showing how deeply 'hunger' stalked these tribal villages.

An umbrella organization **Adivasi Dalit Samara Samithi** (ADSS) was formed to spearhead the movement for 'restoration of lands and tribal dignity'. Attempts were made to mobilize the masses for the struggle. In this process, the Adivasi Gothra Mahasabha (AGMS), which draws its activists from the tribals in the region, organized a peaceful sit-in to protest against the deaths and to secure adivasi land. The sit-in was launched on 30 August 2001 by putting up makeshift huts in front of the official residence of the Chief Minister.

After several attempts of the government to buy or break the sit-in failed, the Chief Minister issued a warning that '*the government is exercising restraint and it can also resort to action*', indicating that the last weapon in the kitty of the government could be brought out - *Police crackdown*. The Adivasi Gothra Maha Sabha (AGMS) responded by reaching out to various civil society groups to garner solidarity and build public opinion on the tribals' woes. In order to put further pressure on the government, CK Janu, a political activist called a fast unto death. A possible crackdown was averted with contrary public opinion and waves of solidarity generated by the pathetic state of the tribals in the state.

The government exercises its only option: 'populist appeasement'

Facing the possibility of widespread public condemnation, the government assured the tribals that it would restore all the alienated lands by confiscating all the lands held by the non-tribals and distributing it among the landless tribals. The Chief Minister and the Dalit Adivasi Samara Samithy signed a seven-point agreement on 16 October 2001, bringing the protest action to an end.

Promises and facts: a contradiction

A total of 53,472 tribal families in the state were identified as being eligible to receive 5 acres of land each. However, the total number of applications for land restoration were 8,754, claiming a total of 9,909.4522 hectares. 3,000 of these applications were rejected on grounds of inadequate evidence, despite the fact that the tribals generally do not possess legal documents.

Till February 2003, government could, according to its own records, distribute only 1,800 acres of land. The reports from independent sources place the figure at 900 acres benefiting 600 families. Further, only *pattas* have been issued to these tribals; the actual land is yet to be handed over. In all, less than a mere 1.6 per cent of the land identified for allotment was given to the tribals.

The 'Tribal Mission' set up to oversee the implementation of the agreement was to be 'reconstituted' and it never was. So, it ceased to function. It indicates the apathy among the political quarters towards the landless tribals, in perpetuation of a system that creates an uninterrupted supply of an army of the exploited for the service of the resourceful.

Seven-point agreement with the government

1. 'Wherever possible' the government is to provide five acres (two hectares) of land to each landless Adivasi family. At other places, the offer is a minimum of one acre, which can go up to five acres, "depending on the availability of land".
2. A five-year livelihood programme is to be implemented in the land thus provided until it becomes fully productive for Adivasis to sustain themselves.
3. The State is to enact a law to ensure that the land provided to Adivasis is not alienated as had happened in the past.
4. The State Cabinet is soon to pass a resolution asking the Union government to declare the Adivasi areas in the state as schedule areas, bringing them under Schedule V of the constitution.
5. The government also gave a commitment that it would abide by whatever decision the Supreme Court would take on its appeal against the Kerala High Court order quashing the unpopular law (the Kerala Restriction on Transfer by and Restoration of Lands to Schedule Tribes Bill, 1999).
6. The government is to implement a master plan for Adivasi development and the plan is to be prepared with the participation of adivasis.
7. The maximum possible extent of land will be found and distributed in Wayanad district - at least 10,000 acres - where there is the largest concentration of landless adivasis.

THE MUTHANGA TRIBAL LAND STRUGGLE

How the adivasis lost their lands in Muthanga...

Muthanga in Wayanad district is a place of rich bio-diversity. The region accounts for 36.5 per cent of the total adivasi population in the state. Between 1980 and 2001, the rich natural forests of *Karadimunda* (1,304.93 hectares), *Maragatha* (2,055 hectares), *Thotamoolla* (1961.69 hectares) and *Noolpuzha* (2,017 hectares) of the Muthanga range were in state of devastation. Thanks to the policies of the state that led to depletion of the forests, involvement of the poachers, sandalwood and liquor mafia, and illegal transfer of the tribal lands

to the non-tribals! Further, a large patch of the forestland had been leased out to Birla Groups Rayon Company for Eucalyptus plantation. In this process, 77 square kilometers of the Muthanga range was completely wiped out.

A large majority of the tribals were evicted in this process of 'tribal development', leaving only 10 adivasi hamlets and about 250 non-tribals who were allowed to stay inside the Muthanga forest. All the tribals of Muthanga - including the dislocated ones - had access to various minor forest produce found in the Muthanga forest.

2,500 acres of adivasi land in Muthanga had been declared as a Protected Area for a Wildlife Sanctuary in 2002. This move restricted the Muthanga adivasis from entering the forest area and led to alienation from the forests of more than 1,500 Muthanga tribal families who had been in the past 'physically dislocated' from their homes in Muthanga.

The tribals of Wayanad felt threatened by the prospect of losing their traditionally held forests on which they were dependent for their livelihood. On 4th January 2003, in a spontaneous response to the imminent danger, these tribals raised dwellings inside the Muthanga forest and began to develop patches of lands for subsistence farming to save themselves from the vicious web of alienation and 'pauperisation'.

Government commits 'contempt of law'!

A large part of the Muthanga range is legally a 'vested forest'. According to the Vested Forests Act, 1974, Kerala government is liable to give to the tribal community half of the total vested forests obtained from them. The government also disregarded the seven-point agreement with the Dalit Adivasi Samara Samithy where the government made a number of grand promises towards land allocation among the landless tribals.

The state government had committed contempt of court in the past, when it attempted to scuttle the 1975 Act providing for restoration of tribals alienated lands and distribution of alternate lands. This was the second time the government indulged in the crime by overriding the Vested Forests Act.

THE STATE'S RESPONSE

The government activated the state machinery to thwart the efforts of the tribals to assert their right to live with dignity. On 17th Feb. 2003, in a brutal and gory act, the Muthanga forest settlements were torched, gutting the tribal

hamlets, destroying their source of livelihood, and 'murdering' the tribals 'in their homeland'. The tribals caught the miscreants that included mostly mafia goons, forest department and police officials. The tribals kept them in their custody and demanded legal action. Clearly, the fire was set as part of a larger conspiracy to fabricate an excuse for a brutal assault on the adivasis and their forcible eviction from the area.

Caught red-handed by the tribals, the state painted the incident as a kidnapping by the tribals. The tribals, however, maintained restraint when presented before the District Magistrate. Consequently, the next day a Public Enquiry was conducted in Thekar Padi village attended by the District Magistrate himself. The culprits were produced before the community where they confessed that the forest officials instigated them for the act. However, the culprits were set free the very next day, indicating that the government was involved in the 'bloody carnage'.

On the same day, in an efforts to distort the incident, an All Party Committee comprising of the ruling as well as the opposition parties, went to a village in the area and sat on a *hartal* demanding an end to the 'atrocities by the adivasis' and the arrest of the leaders of AGMS.

As if this disdain towards the tribals were not enough, on 19th February 2003, more than 800 heavily armed policemen encircled the Muthanga area and began to ruthlessly lathicharge the people, including the children and old women among them. Later, teargas shells were lobbed, followed by the firing of bullets. The police picked up the activists and beat them to pulp.

The shooting spree left 14 tribals dead. Bodies were secretly disposed off in the forest to cover up the incident. The police arrested around 194 people, including 99 women and 34 children, booking them under numerous criminal cases. Tragically, a countless number of bodies are still missing. Those arrested were beaten up and tortured in custody.

A SURGING LAND STRUGGLE IN KANNUR

On 22 December 1999 a convention was held at Peravoor by tribal representatives regarding increasing instances of land alienation among adivasis of the surrounding region. The testimonies focussed on the untold miseries that accompany the process of land alienation. The Declaration of the convention gave a clarion call for intensifying the land occupation struggle.

The adivasis planned to wage more struggles for the reclamation of surplus land, reserve forestland, government project lands and lands of the big

landowners. The struggle started under the leadership of Adivasi Vimochana Munnani (AVM), which draws its membership largely from the local tribal population. The group has also forged an alliance with small and middle peasants in the region on the issue of the equitable distribution of land. The first land occupation had taken place in October 1999 when 11 Paniya adivasi families occupied and settled on 9.24 acres of land at Thiruvonappuram near Peravoor.

In a statement that acknowledges the wide disparity and inequity of land distribution in Kannur, the District Collector had promised that 14,000 acres of surplus land recovered from the landlords would be distributed among the tribals, and, to cover up the shortfall, 3,000 acres of forestland would also be acquired. However, in a bid to make the tribals fight among themselves, the state administration brought 9 families of one tribal community and settled them on the lands already occupied by another group of tribals.

Further, in order to intimidate the tribals, state-sponsored goons attacked the leaders of AVM by beating them mercilessly and sprinkling chilly powder into their eyes. They also pelted stones at the tribals. The goons had been brought from outside the area.

The struggle continues, with increasing instances of arrests, gheraos, bandhs and protest demonstrations.

WHAT CAN YOU DO

1. Write letters to the Kerala government to implement the Kerala Adivasis Protection Act, 1975, which is a direct progeny of constitutional provisions.
2. Write in various newspapers, journals etc. about the state atrocities committed against the tribals in the 'guise of tribal development'.
3. Write letters to express solidarity with DASS, AGMS and AVM.
4. Offer your active help in opposing tribal land alienation anywhere.

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STRUGGLES FOR WATER

Introduction

Struggle Profile:

**Struggle against Coca-Cola plant
in Plachimada**



INTRODUCTION

There was a time when rivers, streams and lakes were full to the brim and water nurtured the people of the earth. But over the centuries the overuse and misuse of water has made it a scarce resource. Experts predict that by the year 2025 our world will be suffering from the severe effects of 'hydrological poverty'. So a handful of transnational corporations (TNCs) are gaily fishing in troubled waters and have anointed themselves the custodians of the earth's water resources. Even the World Commission on Water in its latest choreography called 'Water Vision' recommends systematic adoption of full-cost pricing for water services as an "immediate and important measure."

These attempts to commercialize the use of water have far reaching implications for the socio-cultural and economic domain of Indian public life. In India water is a common resource and a source of livelihood. It is not a commodity but a right. The community is supposed to be taken as the rightful custodian in any kind of decision-making regarding water management.

Governments worldwide have been deregulating and privatizing public services like water supplies, health care and education, sometimes as a conditionality of IMF Structural Adjustment Programmes (SAPs) and sometimes on the advice of the World Bank. The General Agreement on Trade in Services (GATS) also seeks to create new water markets and expand the existing ones. India has in recent times initiated similar processes.

The first case of water privatisation in India came to light in 1998 when a section of the Sheonath river in Chhattisgarh had been handed over to Radius Water Limited, a private company owned by Kailash Soni, for supplying water to an industrial complex. The local communities were no longer allowed to draw the river water. The pressure of contrary public opinion forced the government to pause and ponder over the project.

The contract for supplying Ganga water to Delhi from Tehri Dam via the upper Ganga canal has been given to Degremont, a French TNC. Work on the Sonia Vihar water project has already begun, despite protests from the local people of the Tehri region who are exposed to the devastation of their livelihood. The project is expected to lead to a tenfold hike in the water tariff in Delhi.

World Bank money has poured in for privatisation of water in about 30 cities in the states of Maharashtra, Karnataka, Andhra Pradesh, Tamil Nadu, Kerala and Rajasthan. These cities are inviting bids from TNCs for their municipal water supply systems.

The bottling and water treatment plants run by TNCs draw gallons of ground water everyday, resulting in depletion of the water table. Apart from depriving the local people of drinking water and jeopardising their health, it also ruins agricultural production, the basis of livelihood for most of them.

Governments across the country are ignoring the protests against the New National Water Policy. Instead they are diligently following the prescriptions of the World Bank and other agents of globalisation to get urban and rural consumers to pay the price even for drinking water.

But people's struggles, such as the one against the Coca Cola plant in Plachimada in Kerala, testify to the refusal of the people to let the companies snatch away their water...

THE PLANT

Location: The largest bottling plant of the Hindustan Coca-Cola Beverages Pvt Ltd, the Indian subsidiary of a multinational giant, is located on 40 acres of what used to be multi-cropped paddy growing lands at Plachimada village of Perumatty panchayat in Chittur taluk of Palakkad district in Kerala. It is 5 kms west of Pallachi (of Coimbatore district) on the Tamilnadu border and 30 kms east of Palakkad on the Palakkad-Meenashipuram Pollachi Road.

Objective: The plant is designed “to meet the demand for Coke” in what has become the multinational company’s fastest growing market. The industry mainly draws the community’s water and sells it at a huge profit to consumers who can be made to pay for it. India’s packaged water industry has grown to Rs. 12 billion in 2004. In the absence of any law to regulate the extraction of groundwater, powerful companies can privatize entire aquifers just by owning a small piece of land.

Impact: This is the largest Coca-Cola Plant in India. It is appropriating the groundwater resources of the local people and poisoning the land and the water, adversely affecting the landless, small and marginal peasants, mainly adivasis and dalits. Heavy extraction of water by the plant has severely depleted the water table, forcing peasants to abandon paddy cultivation on at least 600 acres of the nearby land. This has put thousands of peasants and labourers out of work. Trucks loaded with soft drinks drive out of the company gates and past the pots lined up outside the thatched houses.

The plant’s operation has also poisoned the water. Scientific analysis of the water has shown very high levels of concentrated calcium and magnesium, making the water unfit for human consumption, domestic use, or for irrigation. As the wells have become almost dry due to the huge quantity of water extracted by the plant and the remaining water has been contaminated, women have to walk a long distance to get drinking water from neighbouring villages. Those who are not able to do so continue to depend on the contaminated water and often suffer from stomach and skin diseases.

The Coca-Cola plant has also been poisoning the land with waste sludge. The company sells this sludge as fertilizer. When it does not do so, it dumps the waste on the dry riverbeds. The sludge is contaminated with a high component of lead and cadmium, exposing the local people to afflictions of the nervous system, kidneys and liver, as well as cancer.

In short, the Coca-Cola plant has made life miserable for the people living in the vicinity of the plant.

THE PEOPLE AND THEIR LIFE

Chittur taluk of Palakkad district is known as the 'granary of the granary', the heartland of paddy cultivation in Palakkad district. It is rich in multi-cropped agricultural land and blessed with a number of rivers, fields, ponds and canals.

Palakkad has long been considered the main 'granary' of Kerala. The peasants cultivated a variety of crops, including rice, coconut, groundnut, cotton, sugarcane, pepper, banana, mango, coffee, rubber, cardamom and vegetables. The agro-based economy of the region engages more than 65% of the workers, and 90% of the population dwells in the villages. Water scarcity is a strange but real phenomenon to have recently hit Palakkad.

The Plachimada plant is surrounded by habitations of dalits and adivasis. Around 1,000 families belonging to the Eravalar and Malasar tribal communities (officially known as Primitive Tribes) live in the vicinity. The people are predominantly landless labourers, and small and marginal peasants.

THE STRUGGLE

Background: The Hindustan Coca-Cola Beverages Pvt Ltd established this unit in 1998-99. The US multinational giant Coca-Cola reentered India in the 1990s after abandoning its business in the late 1970s in the wake of Foreign Exchange Regulation Act of 1973. The Act had the stated objective of trying to 'Indianise' foreign companies by restricting their equity to 40%. In the new 'liberalised and deregulated environment' of the 1990s, Coke set up its 100% owned Indian subsidiary, Hindustan Coca-Cola Holdings.

From the Plachimada plant, about 85 lorry loads of beverage products such as Mirinda, Thumps Up, Coca-Cola, and Kinley Mineral Water, each containing 550-600 cases, and each case containing 24 bottles of 300 ml, leave the factory premises on an average everyday. About 70 permanent workers and 150 casual labourers are employed in this plant.

In the compound of the plant more than 60 bore-wells, besides two open wells, are sunk to draw the groundwater. **Everyday 15 million litres of groundwater is extracted free of cost.** The processing activities, including water purification, preparation of bottled drink and cleaning of bottles involve the rampant use of chemicals, generating a large quantity of effluents. The effluents are released without treatment, contaminating the groundwater and creating a water crisis for the local people. Barely six months after the factory was set up, they began to notice changes in the quantity and quality of well water. Water from their wells rapidly turned brackish and milky white in colour. **The people of Plachimada**

have seen their wells go dry even as truckloads of soft drinks made their way from the factory to distant markets. Complaints and requests to the company as well as to the Government of India fell on deaf ears.

The plant is located in an agricultural area and violates the Land Utilization Act because it did not obtain permission to convert agricultural lands for non-agricultural uses.

Brief History: The miserable living conditions created by the Coca-Cola plant forced the local people to launch a struggle against the company, demanding the closure of the plant and compensation from the company. The first action against Coca-Cola was the blockade of its Plachimada plant on 22 April 2002 by a large number of people, mostly the Eravalur and Malasar adivasis and dalits, including women and children. At least 50 villagers have picketed the factory gates everyday since. The non-adivasis of the region too have supported the struggle.

The Coca Cola Virudha Janakeeya Samara Samithy (i.e., Anti Coca-Cola People's Struggle Committee) has spearheaded the struggle, with the direct participation of more than 1,300 local people. They have braved threats to their life by local leaders and cadres belonging to all the political parties, who function as agents of the Coca-Cola company. **Both the former and the present MLAs (belonging to either of the two contending coalitions in Kerala politics) have been beneficiaries of the company and cannot afford to disappoint their benefactors.** Police was deployed in front of the Coca-Cola Unit to protect it from the local people.

Ever since the first allegations of water scarcity and pollution resulting from its bottling plant operations in Kerala, the company's public relations department has been consistently denying the charges as being motivated by "a handful of extremist protesters." They also insist that there is no water issue. But the communities in and around the Coca-Cola Plant hold the factory responsible for their water woes. The Coca-Cola Unit's gesture of supplying water in tankers everyday to the worst affected villages is only a forced and partial admission of its guilt.

On 26th April the Coca-Cola Company filed a case against some leaders of the Anti Coca-Cola People's Struggle Committee, alleging that they were anti-social elements bent upon preventing the workers from entering the factory premises. The Struggle Committee filed a counter petition in the High Court stating that their struggle had only taken the form of a peaceful satyagraha by adivasis and other inhabitants of nearby areas.

But the company continued its activity by bringing in 50 lorry tankers, each with a capacity of 12,000 litres, which brought water extracted from nearby villages into the factory daily.

On 17th May a march was held to the Plachimada factory, demanding the closure of the plant. A protest meeting was held in front of the factory. The police refused permission to use a mike. A sub-inspector of police came to the pandal, abused the protesters and tried to destroy the pandal. In protest against this, a torchlight march was carried out from Plachimada to Nellimedu.

An intense campaign to spread the message of struggle was carried out on 27th and 28th May in the whole of Chittur taluk. In the afternoon of the second day, the leaders of this movement were arrested under charges that the vehicle used for campaigning did not obtain permission from the police.

In the evening of 29 May 2002, a joint meeting of trade unions affiliated to various political parties was held against the local people's agitation. They alleged that the struggle was motivated by the vested interests of individuals who were in the leadership.

The struggle committee leaders argued that the local people have the right to air, water and soil. They said the struggle would continue till the company was closed and full compensation obtained.

On 8 June 2002, an all-party public meeting was held, where it was pronounced that the 'local people are not against globalisation', and that the Coca-Cola company, which 'generates employment' must be protected. They also stated that there was no pollution from the factory, and that no depletion and contamination of groundwater, as claimed by the local people, occurred due to the operation of the factory.

On 9 June 2002, the agitation against the company at Plachimada entered the 49th day. In the evening a protest rally was organised. The peaceful protesters collected the slurry waste sold by the company in the form of fertilizer, deposited it in front of the factory, and raised slogans. The police officials repeatedly tried to provoke the protesters using abusive language, while only a few metres away the meeting continued. Then suddenly the police started bashing up one of the protesters. About 130 protesters were arrested, including 30 women and 9 children, and taken to the Chittur police station. By 6 pm 243 persons had been arrested. Those arrested were activists from various organisations who had come to extend solidarity to the struggle. The police subjected the people to more brutality in the police station and molested the adivasi women. They were not provided with water or food till midnight.

The Anti Coca-Cola Struggle Committee organised a mass rally and public meeting at Plachimada on 4 August 2002, which marked the 105th day of the struggle against the Coca-Cola company. About 300 people had been arrested till that day, mainly on false cases. More than 1,000 people, mostly Adivasis belonging to Eravalar and Malasar communities, including women and children, participated in the rally, which started at Pallimukku, about 6 kms from Plachimada. All the protesters marched to the Coca-Cola Factory through the intermittent drizzle. The spirited march was cheered and encouraged by large sections of the public all along the route. The slogans that reverberated in this picturesque region reflected the determination of the people to reassert their right to survival, i.e. water — not only for themselves but also for future generations. A massive police force was deployed along the route. The police also massed around the plant, creating a protective ring. The leader and convenor of the rally appealed to all the active and silent supporters to come out on the street for making the struggle successful, and to drive away the Coca-Cola company from India. He also appealed to the exploited workers of Coca-Cola factory, who are mostly casual labourers, to realise the importance of the ongoing struggle for their own long-term good and that of larger society, and to join the struggle.

STATE'S RESPONSE

On 7 April 2003 the Perumatty panchayat decided not to renew the license issued to Coca-Cola company, and ordered its closure 'in the public interest'. Coca-Cola approached the High Court against the Panchayat's order. The Court asked the company to look for alternative sources of water. But it also warned the panchayat against interfering with the operation of the Plachimada plant even if the company fails to find alternative water sources. The Court asked the state government to take a decision on the issue. The state government overturned the decision of the panchayat and allowed the plant to function.

On 26 July 2003 BBC Radio 4 announced that the sludge sold by the company to the local farmers as 'fertiliser' contained dangerous amount of toxic elements like cadmium and lead. On 6 August 2003 the Kerala State Pollution Control Board confirmed that Coke's Plachimada plant had been polluting the groundwater and poisoning the agricultural land.

Despite all this evidence the government continues to act against the people's interest and is determined to crush their struggle by hook or by crook. In order to facilitate brutal repression, it has been trying to fix the label of 'extremists' or 'terrorists' on the protestors.

On 30 August 2003, 13 activists were arrested at Palakkad when they were holding a peaceful demonstration in front of the Kerala Groundwater Board protesting against its inefficiency in tackling the groundwater problem. The arrested people were remanded for 5 days and falsely accused of attempting to destroy the Coke plant, in an attempt to create an image of 'extremist' or 'terrorist'.

The Plachimada plant of Coca-Cola is a typical case of a multinational company exploiting the natural resources till the very last, before packing off for another pasture, while the state bends over backwards to make this possible by unleashing its coercive and 'legal' machinery on the people. However, the Perumatty panchayat's decision not to renew the license of the Coca-Cola company, and the persistence of the local people on the path of resistance, are both landmarks in the recent history of people's struggle for rights over their natural resources.

Related struggles

The Plachimada agitation belongs to a series of struggles against MNCs in various places of India. Close on the heels of the Perumatty panchayat, the Puthussery panchayat, also in Palakkad district, on 15 May 2003, decided to cancel the license of the plant of PepsiCo India Holdings Pvt. Ltd. operating at the Kanjikode Industrial Estate. The Puthussery panchayat's decision too fell foul of the 'law' as the company had obtained a license through 'single window clearance'.

Mathur, a village in Tiravallur district in North Chennai, is the site of a 15-year-long struggle against rapacious groundwater extraction. More than 200 legal and 400 illegal bottled water manufacturers operate in Chennai alone.

Local residents in Mehdiganj, near holy city of Varanasi, are also gearing up for a struggle against Coca-Cola. The Coca-Cola plant in Mehdiganj enjoys heavily subsidised electricity and spews toxic materials into the surrounding agricultural fields. Serious water shortage in the area is a consequence of the company's operations.

Present Status

The government is facing flak over its approach to the use of water by soft drink majors Coca-Cola and PepsiCo in their production units in Palakkad district. Recently, the Kerala High Court asked the state government to explain why it sought the temporary closure of Coca-Cola production unit at Plachimada

The Plachimada Declaration

The Perumatty panchayat organized a three-day World Water Conference from 21 to 23 January 2004. A declaration was adopted at the end of the conference. Here are the main points:

- ☐ Water is neither commodity nor private property; it is a common resource and an inalienable right of all human beings.
- ☐ We must resist all 'criminal' attempts to 'marketise, privatize and corporatise water', in order to ensure everyone's right to water.
- ☐ The right 'to conserve, use and manage water' is 'fully vested with the local community'.
- ☐ We have full solidarity with the adivasis 'who have put up resistance against the tortures of the horrid commercial forces in Plachimada.
- ☐ We exhort people all over the world to boycott the products of Coca cola and Pepsi cola.

village, in Perumatty panchayat of Chittur taluk, for the summer months, and allowed PepsiCo to continue to extract almost the same quantity of groundwater from the nearby Puthussery panchayat.

The High Court also ordered the appointment of a multi-agency expert committee to ascertain whether the current level of groundwater exploitation by the Coca Cola plant is indeed the cause of water scarcity in the region. Scientists of the Water Research and Development Centre, Kozhikode, are part of this ongoing inquiry that would take at least a year for completion. But in the last week of February 2004, the company was functioning normally, guzzling groundwater, despite the state government's temporary closure order.

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STRUGGLES AGAINST DISPLACEMENT

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Struggle Profile:

Mining in Kashipur

Koel Karo Dam

Lower Sukhtel Project

Mansi Wakal Dam

Tehri Dam Project

Tipaimukh High Dam

Resources:

On the Draft National R&R Policy

Text of the R&R policy



INTRODUCTION

Since 1947 development projects have uprooted nearly 500,000 persons each year. At least 40 million people have already been forced out of their lands and homes, many of them more than once. Most of them were not even relocated in planned resettlement, let alone 'rehabilitated' with guaranteed access to alternative livelihood. Many have simply 'disappeared', with no official attempt to find out what happened to them.

According to one estimate, dams alone have displaced 21.6 million people in India. Big hydroelectricity and irrigation projects have indeed proved to be the largest contributors in uprooting people. The other major factors are mines, thermal (and nuclear) power plants, factories and industrial complexes, military installations, firing ranges and other weapons testing grounds, airports, railways, roads, reserved forest areas, sanctuaries and wildlife parks. The projects that have caused unjust displacement belong to both the public and the private sector.

Official planning in India has proceeded with a silent assumption that at least 30 to 40 million people, mostly the oppressed sections of society, are dispensable as the inevitable 'cost of development'. The post-liberalisation pressures generated by imperialist globalisation have intensified manifold the vulnerability of a wider section of people to this brutal logic.

The people's struggles for livelihood and survival have pitted them against this inhuman model of development. These have challenged several mega-projects that are essentially anti-people, although carried out in the name of the people. The struggles have all raised at least one basic question: 'Who benefits at the cost of so many lives?'

Nevertheless, these struggles testify that people have never been willing to silently watch as their sources of life and livelihood are snatched away from them for the benefit of a few...

KASHIPUR ANTI-MINING MOVEMENT

“We are the worms of the earth, which live off the earth”

*“Aago thila bhoka, thila kasta,
Sabu thai, au gotiye rastra.”*

(As if hunger, disease and suffering were not enough; now there's another scare – the nation.)

*“Mariboo pache, doriboo nahi
Janam mati, chadiboo nahi.”*

(We're not afraid to die; but we'll not leave the soil of our birth.)

“Gote mandia ro daak re, sara Kashipur jaluchi.”

(With the call of *mandia**, the whole of Kashipur is burning.)

*Finger millet, a staple in the area

□ slogans and maxims from the Kashipur movement

LOCATION

Laxmipur-Kashipur-Dasmantpur blocks in the Rayagada district of southern Orissa are part of a contiguous zone that includes the KBK districts (Kalahandi, Bolangir and Koraput). This is one of the poorest regions of India (Census Survey, 2001), which so far made news only for starvation deaths and mass exodus, and has now caught the fancy of the giant alumina companies. The people practice subsistence agriculture on the numerous hillocks that dot the region. Each hillock also happens to sit atop huge deposits of alumina. This region accounts for nearly 69.7% of the total bauxite reserves present in India. The local communities are today waging a very traumatic war: not only against hunger or isolation, but also against the possible destruction of the basis of their difficult lives and precarious livelihoods.

THE PROJECTS: OBJECTIVES AND IMPACT

Three bauxite-mining projects are being pushed ahead despite popular resistance: Utkal Alumina International Limited (UAIL) bauxite extraction project in Kashipur block; an alumina project of the L & T and Alcoa in the adjoining Kalyansinghpur block; and another alumina project of the Sterlite Company in the adjoining block of Lanjigarh.

Utkal Alumina International Limited (UAIL):

UAIL is a 100% export-oriented joint venture alumina consortium. In 1992,

INDAL, Tata, Norsk Hydro (Norway) and Aluminium Company of Canada (ALCAN) formed the initial venture. Norsk Hydro withdrew in 1997, owing to adverse public opinion generated in Norway by reports of the hostility of the local population towards the project. Subsequently, Tata also withdrew the same year, because of the 'disturbed climate' created by the popular resistance of the local communities. Today, HINDALCO (an Aditya Birla Group company that has acquired INDAL) and ALCAN hold 55% and 45% respectively of the UAIL shares.

The total cost of the project is estimated at Rs. 4,000 crores. Bauxite would be sourced through open cast mining from Baphlimali of Maikanch Panchayat, with an estimated 200 million tonnes reserve, and will be transported to the plant site at Doraguda, Kucheipadar Panchayat (25 km from the mining area), via a conveyor belt. The capacity of the plant will be 2.5 million tones per annum. The minor irrigation dam at Baghrihola village would meet the water requirement. This dam was constructed in 1984 ostensibly for the development of the irrigation infrastructure in the region.

The alumina generated at this refinery, proposed to be sold at US\$ 85 a tonne, is estimated to be the cheapest globally. The production process was originally scheduled to begin by 2002. It has now been rescheduled to 2005, owing to the unfavorable local situation in the wake of popular protests.

The UAIL project acquired 2,865 acres of land of Kashipur block in 1995. This includes 1,000 hectares of land presently under cultivation, besides forests and the *dangars* (which are also used for farming).

UAIL claims that the project will displace only 147 families from three villages of Domkarel, Ramibeda and Kendukhunti. The Norsk Hydro's estimate puts the number of Project Affected Persons (PAPs) at 750 families, and the Norwegian Agency for Development's estimate puts it at 60,000 persons. The Doraguda plant alone will directly affect 2,500 persons. Open cast mining in Baphlimali would adversely affect another 2,500 families in 24 villages in Chandragiri, Maikanch and Kodipari panchayats.

ALCAN, the Canadian multinational company, faces a several-billion-dollars lawsuit filed by indigenous people at Kemano in British Columbia, Canada, for destroying their ancestral homeland through mining activities. The Aditya Birla group that owns HINDALCO has a notorious record of violating environmental norms through their various projects and causing environmental disasters that has affected local population.

Alumina project of L & T and Alcoa:

In 1995, L & T and ALCOA obtained provisional clearance for the project and started survey work in Sijimali and Kutrumali of Kashipur-Thuamal-Rampur blocks of Rayagada-Kalahandi. It is a 100% export oriented joint venture alumina consortium. All the alumina produced will be transported to the USA.

The total estimated cost of the project is estimated at Rs. 2,500 Crores. It will mine bauxite through open cast method from Sijimali and Kutrumali of Kashipur-Thuamal-Rampur blocks of Rayagada-Kalahandi, Sasubohumali and Indrajeetmali of Kashipur block of Rayagada, and Ghusuri and Khandualmali of Thuamal-Rampur blocks of Kalahandi. The proposed plant would uproot the Kusumsila village in Sikarpai panchayat of Kalyansinghpur block of Rayagada district.

So far, only limited information is available on this project. In fact, in the face of resistance, the company has stopped even its survey work.

Alumina project of Sterlite Company:

Sasubohumali hill was leased to BALCO in 1995. Sterlite Industries Limited acquired the majority stake in the company in 2001. Subsequently, Sterlite Industries Limited owns the project. Another hill, Niyamagiri, which is 5 kms south of Lanjigada village, has also been leased out to it.

Lanjigarh is the key project of Sterlite, whose finances come from its twin company, Vedanta Resources. Vedanta was launched on the London stock exchange in December 2003. It raised a record of \$1 billion dollar for this Lanjigarh project. Both Sterlite and Vedanta are headed by a Non-Resident Indian (NRI) Anil Agarwal and the chairman of the Sterlite is Brian Gilbertson, an Australian who is one of the world's wealthiest mine owners.

The total estimated cost of the proposed one million tonne export oriented project is Rs. 4,500 crores. The project will source bauxite through open cast mining from Niyamagiri hillock (also a protected forest) of Lanjhigada panchayat in Kalahandi, with an estimated 7.5 crore tonnes of bauxite reserves. According to the company, the bauxite can be extracted for 23 years. The refinery will be set up at Lanjhigada and Batelima panchayats, with a capacity of 30 lakh tonnes per annum.

For the purpose of mining, this project will acquire 508.638 hectares of the Niyamagiri protected forest and 92.323 hectares of the Palbor, Phuldumer and Konakuda of the Kalahandi and Rayagada districts. Another 1789.54 hectares

of land will be acquired at Lanjhigada and Batelima panchayats for setting up the refinery near the mining site. Only 680.13 hectares of this land belongs to the government, whereas the rest of it comes under private holdings that the adivasis use for agriculture. The refinery would displace 60 families from 2 villages, and adversely affect another 302 families of 12 villages. Moreover, since Niyamagiri forms the lifeline in the region, more than 30,000 people in the area, who directly depend upon the Niyamagiri forests and its streams for their livelihood, would be adversely affected. The mining of Niyamagiri hill will result in Bansadhara and Nagabali rivers drying up. This would affect more than 100,000 people.

The extracted and purified alumina from all three projects will be transported in trucks to Tikiri from where it will reach Visakhapatnam port by train. Alumina will be exported from the port to feed the growing demand of the global automobiles, aviation and missile industries.

Displacement, alienation and further disenchantment with the State machinery have always accompanied such projects into the region. For instance, in Panchpatmali and Damanjodi (Koraput district), where NALCO in 1984 began the mining operations and set up an alumina refinery, those evicted from their land and homes were 'resettled' in abominable shacks, alienated from their means of livelihood. The promise of employment to locals in the company proved to be a farce. In fact, the company later announced, "it did not need hands, but sharp heads."

THE PEOPLE: LIFE AND LIVELIHOOD SYSTEM

Adivasis comprise more than 70-80% of the total population in the region. The main adivasi tribes are kondhs, parajas, jhodias and pengas. Dalits comprise 15% of the population. The locals live on a diet of locally produced cereals such as kandula, suan, juari, rice, maize, ragi and finger millet.

Agriculture is the mainstay of the communities. Cultivable land is a scarce as well as highly valued resource in the area. Adivasis own all the plains lands. On the plains, the mode of agriculture practiced is primitive, almost equivalent to hoe cultivation. Only a few manual tools are used and the use of chemical fertilizers or pesticides is virtually unknown. Agriculture is almost entirely rain-fed. Less than 10% of the 40,260 hectares cultivated here in 1995 received irrigation. The absence of any irrigation facilities keeps agricultural output strictly within subsistence levels.

Both adivasis and dalits engage in slash-and-burn cultivation on the foothills. Agricultural activities are carried out round the year, with the people engaged

in cultivating one or the other crop. The output produced from each crop is sufficient only for a short duration. To cope with this, the people have traditionally devised a system of engaging in agricultural operations throughout the year.

The forests in the region have been systematically depleted in the last 20 years

Environmental impact

Extraction of alumina is banned in the developed countries because of the pollution that it causes. Open cast mining has always been severely criticized on environmental grounds. One of the inevitable by-products of open cast mining is the piling up of solid effluents such as red mud. If these effluents from the Sterlite project alone are stacked in large open ponds, it is estimated to cause nearly 150 tons of sodium hydroxide to be leached into the soil everyday. This would raise the pH levels of the soil in the region much beyond the permissible limits and make the soil loose and unstable. None of the projects have any elaborate plans to treat or safely dispose off this highly obnoxious pollutant. This would irreversibly damage more than 2,000 hectares of topsoil.

The projects would cause the drying up of perennial natural springs, desertification of the area, landslides, flash floods, and loss of the natural habitat of the local fauna and flora that sustain the diverse indigenous communities in the region. These costs are not accounted for in reports brought out by any agency so far.

by the activities of JK Paper Mill in Rayagada, which gets raw materials from here. The people, however, like ever before, continue to depend on the fast depleting forest. The women trudge as far as 3-5 kilometers to reach the forests and collect fuel wood, twice or thrice a week. The people also gather amla, various kinds of tubers, seasonal forest fruits, insects, medicinal herbs and flowers from the forest.

A large number of dalits do not cultivate any land. They are consequently more mobile than the adivasis. Besides providing their customary services to the adivasis, and do engage in occupations like hawking bangles and selling liquor. They migrate seasonally in search of work to the nearby towns in Orissa and Andhra Pradesh.

The people living in the area have barely benefited from government welfare measures, except the occasional receipt of BPL rice. However, there has been a

recent spurt in state-sponsored welfare measures, primarily visible in the construction of roads and the occasional visits of doctors.

The tribals have only a marginal dependence on the market. Their communities live in relative, though precarious, self-sufficiency. Interaction with market is limited to visits to the weekly *haat* (village market), and rarely to the nearby town of Rayagada. They visit the *haats* to sell the minor forest produce they collect, or *nizer* (a small fruit used industrially in the preparation of cosmetics and chemicals), which they cultivate in order to barter against other commodities like salt and dry fish.

Money plays a very small role in the local economy. It comes in handy mainly to obtain kerosene (for lamps), salt, and, occasionally, clothes.

Educational levels are abysmally low. In terms of physical infrastructure, only a broad paved road laterally runs across the region. The villages in the region are largely unconnected by road. In the name of healthcare, there are 2-3 community health centres and a few primary health centres, most of which do not function. Malaria or brain fever kills a few dozen people every year.

The region comes under the Schedule Areas, which means that the villagers are supposed to have a sovereign right over their land, water resources and forests.

The people have today turned this region into a battleground against the profit-seeking bauxite companies, including the international mining giants, which threaten to destroy lives in their quest for control over minerals. The State's response in the name of 'development' is clearly on the side of the rapacious companies. This has exposed its anti-people character, and is fast turning the people into its sworn enemy.

A BRIEF HISTORY OF THE PEOPLE'S STRUGGLE

How did the UAIL and other companies come into the region to mine its hillocks in the guise of developing the area? The story begins with reports of starvation in Kashipur in 1987 when the Prime Minister Rajiv Gandhi 'air dashed' to witness the "underdeveloped" hinterland of Orissa. A 'new vision of development' was thereafter chalked out for the poor communities of the region by the central and state governments. The International Fund for Agriculture Development (IFAD) provided loans for undertaking programmes worth Rs 40 crores. The agricultural development scheme replaced many of the *dangars*, where the communities grew local cereals and obtained a substantial part of their livelihood, with plantations of coffee and mulberry (for rearing silkworms).

Plans for infrastructural development, including construction of roads and railway lines, were drawn up. A road was laid from Tikiri to Kashipur. A railway line from Rayagada to Koraput became operational in 1992.

The compensation question

When UAIL began its survey work in 1993 and the local people resisted, goons were to thrash them up. It was only in 1998 that the company began to give a pittance of a few thousands to those it chose to call Project Affected Persons (PAPs).

The people together decided not to accept the compensation. The company goons began to stalk the villages, terrorising the villagers, coercing them to accept the compensation offered and move out of their homes. They managed to force a few families to take that amount of Rs. 20,000-30,000.

The moves of the other companies on the question of compensation are still not clear. Recently, Sterlite India Limited offered employment "based on qualification" to the affected people. This is nothing more than a cruel joke, as the PAPs are either illiterate or not "adequately educated".

In a Scheduled Area...

The entire area covered under these three projects comes under the Fifth Schedule Areas. This implies that the communities have a definite role in their own development and any outside intervention without their consent is unconstitutional. In the Scheduled Areas, the "Gram Sabha" is supposed to be the supreme authority for any decision regarding local resources.

The gram sabhas of Kucheipadar and Maikanch panchayats had in 1995 recommended scrapping the treaty signed with the company. All the gram sabhas had given their opinion against the project and for scrapping the treaty. This could not stop the project.

And the very next year a number of projects of private mining giants (Indian as well as foreign) made a beeline for the bauxite reserves in the region.

Slowly but steadily, the people in the region understood the hidden motives of IFAD and realised how the 'idea of people's development' actually served only the interests of the industrialists. They figured out that the roads and railway lines were essentially meant for the transport of the bauxite that would be extracted from the area.

The secret road to 'People's Development'

The survey work was started under a veil of utmost secrecy. To all their questions, the people received only one standard response - 'This is government land and we are doing it for the government'. The block as well as the district administration maintained a tight silence over any query related to the survey work.

After a long gap of over 8-10 months, the communities heard about 'a huge project that would be set up for the development of the region.' Initially, Agramamee, a grassroots NGO, organised signature campaigns and assumed a significant role in mobilising the people to seek information from the administration and in providing litigation support to the falsely implicated adivasis. Following this, a number of local NGOs showed interest in the struggle. But due to the inherent limitations of being institutionally funded and government-registered organisations, their involvement carried little meaning. In fact, their contradictory positions have only alienated them from the people. Agramamee itself today plays no role in the people's struggle.

Concerned over the possible impact of the project on the people in the region, on 1 December 1993, an 18-member team of the local people went to Bhubaneswar to meet the Chief Minister and demand the cancellation of the proposed project. As the assembly elections were due the next year, the CM promised to do so as soon as possible. Consequently, the activities of the company slowed down till mid-1994 and then resumed with a vengeance. The agitated people decided to resist any activity of the company in the region. The state resorted to terrorising the people, arresting a number of adivasis and implicating them in false cases (Muchkund Dubey Committee Report, 1999). Company goons began to move in the villages, manhandling and coercing the villagers to end their resistance.

In 1995, people in the area came to learn that L & T and ALCOA would be setting up a similar bauxite project. This time, the voice of protest in the region was loud even as the survey work began. The communities that would be affected by the project have organized themselves as Khandual Suraksha Parishad and united with those who are protesting against another similar proposed project in the adjacent block. Due to strong opposition, the project work has stopped for the time being.

The state repression, however, went on unabated. Even peaceful expressions of dissent, like raising barricades and organising road blockades, were brutally suppressed. Apprehending that KBK being a prized bauxite zone of India,

more and more mining companies will flock to the region, the people saw the need to build their own organisations for strengthening and intensifying their resistance movement.

The people organise

Prakrutika Sampada Suraksha Parishad (PSSP) was formed at a mass meeting in 1996. Its methods of protest have mainly been: organizing road blockades, raising barricades, and conducting public meetings and *pada yatras* (foot marches).

The State resorts to violence

A bloody fight ensued between the police and the people at Kucheipadar village when police forcibly tried to break a road blockade raised by the people. Nearly 50 people, including 12 women, were seriously injured by the police violence.

The 'welfare' face of the attack

In 1997, UAIL floated its appendage - Utkal Rural Development Society (URDS). It had a welfare face. It worked to distribute seeds and plant saplings, construct roads, and organize health camps — all attempts to allure the poor communities by providing 'free' services. The strategy was to break the back of the movement by creating pro-project lobbies among the people. The people did not bite the bait and actively disrupted the 'welfare' activities.

The confrontation deepens

Since then a perpetual mode of confrontation has prevailed between the communities, on the one hand, and the company and the administration, on the other. Betrayed over and over again, the adivasis began resisting every move of the company. Every step taken by the administration was thoroughly examined by the people and subjected to unsparing criticism. At Tikiri, the people of Kashipur and Laxmipur gave a joint call for resistance.

The State stoops to murder

The most brutal incident in the struggle was an **unprovoked firing on the adivasis in Maikanch of Kashipur block on 16 December 2000 that left three dead and 30 injured with serious bullet wounds.**

What led to the Maikanch murders?

An All Party Committee formed by the various political parties on an initiative by UAIL and Care International Ltd. went to hold a 'multi-stakeholder dialogue' on behalf of the people on 15 December 2000 at Nuagaon. They could not reach the village due a road blockade at Maikanch, and abused the adivasis.

The politicians, after going back to the town of Rayagada from where they had come, ransacked the office of Agramee. They also filed an FIR stating that some of the employees of that NGO had joined the tribals in attempting to murder them.

In order to justify the killings on 16th December, the police torched one of their own jeeps after the firing, and later blamed it on the adivasis.

The killer government seeks the people's opinion

The government then organised gram sabha meetings on 29 December 2000 in six gram panchayats (Kucheipadar, Maikanch, Gorakhpur, Tikri, Kodipari, Sunger) to seek the opinion of local people on the projects. The people, for the second time, passed resolutions against the setting up of the projects. However, like the previous gram sabha meetings, the resolutions were not acknowledged by the government.

After the murders, another project

A hillock near Lanjigada in Kalahandi was leased to Sterlite in 2001. People protesting against the project have organised themselves under the Niyamagiri Suraksha Samiti (Committee for the Protection of Niyamgiri).

State machinery hand-in-glove with corporate giants

On 1 April 2003, an activist visited the area to express solidarity. While he was leaving the area, he was badly beaten up by the Sterlite goons. Moreover, the police arrested, harassed and took him to the court, implicating him in cases under IPC sections 147/148/379/506/49. The next day, hundreds of adivasi men and women marched peacefully to the police station at Lanjhigada to condemn the arrest. The Sterlite goons chased the peaceful marchers and beat them up. The Police stood by, mutely watching the scene. A number of adivasi women received severe injuries.

Shaking the foundations

On 6 June 2003, the Chief Minister of Orissa laid the foundation stone for Sterlite India Ltd. in Lanjigada. Three days later, the adivasis ransacked the site and destroyed the foundation stone.

More threats and the people's response

To further plunder the region and share the loot, Kodingamali, a hillock in Koraput, has been leased out for bauxite mining and another MoU is being finalized to lease out Deomali, another hill in the same district. Moreover, on 5 June 2003, the state government listed 'paraja' as an OBC category within the 'jhodia'. This de-recognition of the tribal identity of the community is a serious blow to the movement. It increases the vulnerability of the community to the land mafia and is an attempt to legitimise the entry of the alumina giants into the region.

Today the movement in the region is being organised under the banners of Prakrutika Sampada Suraksha Parishad, Niyamagiri Suraksha Samittee and Khandual Suraksha Parishad. These groups share a chord of mutual solidarity and keep one another informed about their plans and activities. The outright insensitivity, devious means and brutality of the administration, the government and the companies have together served only to strengthen the will of the people to unite and fight against their vicious designs.

After the Maikanch murders, 'murderous' recommendations by the Judicial Investigation Commission

In order to contain the popular resentment among the tribals in Rayagada, the state government had constituted a Judiciary Commission on 20 January 2001 in the immediate aftermath of the brutal firing in Maikanch. **Justice P K Mishra** headed the commission that had a brief to pin down the causes that led to the police firing upon the tribals in Maikanch, and to subject the responsible persons to the due process of law.

The report submitted by the Commission on December 2003 makes some remarks regretting the murders. But immediately thereafter it exposes itself as a 'government instrument', leaving aside its investigation of the murders, to pronounce on the propositions in favour of setting up the industry!

The report says, "It was not necessary for the police force to go inside the

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village. Having gone they should have maintained utmost restraint in dealing with the situation.” The Commission found that the allegations of tribals torching police jeeps were blatant lies. It also says that ‘excessive force’ (19 rounds of firing) was used. Having acknowledged that the tribals should not have been killed, it maintains absolute silence on any action against those who were responsible for the brutal murders.

In a contemptuous statement giving a jolt to the tribals’ struggle and upholding the interests of the mining corporations, it claims “the extraction of bauxite need not have any significant adverse impact on the environment.” Whereas the tribals are demanding cancellation of treaties signed with various companies, the Commission states, “there is scope for improvement in the rehabilitation package offered by UAIL.”

This unmasks the class nature of judicial officers whose sense of “justice” is utterly contemptuous of the lives and the livelihoods of the adivasis.

People organise against Sterlite

When the people at Kalahandi district learned about the proposed alumina plant in June 2002, nearly 1,000 people assembled and registered 199 individual petitions at the office of Revenue Inspector, demanding cancellation of the proposed project. A memorandum opposing the project was also submitted to the Chief Minister of Orissa.

In April 2003, a mass meeting was organized under the banner of Niyamgiri Suraksya Samiti at Sindhbahali village near Basantapada. People from 25 villages attended and took an oath to resist the Sterlite project, stating: “It is a question of survival for us”. They sent a memorandum to the Orissa CM objecting to his decision of handing over their ancestral land to Sterlite. However, the project’s foundation stone was laid on 8 June 2003 with heavy police protection to prevent the people from protesting. The people fear that more harassment and attacks would follow even as they continue their struggle against Sterlite.

Protest against the World Mining Congress

In November 2003 the struggle groups leading the anti-mining movement in this region, together with other anti-displacement and anti-imperialist organizations from all over India, went on a protest against the 19th World Mining Congress held in New Delhi, where the Indian government had invited several multinational companies.

Bulldozing adivasi lives

On 1 February 2004 the representatives of Sterlite Industries India Limited (Sterlite), a bauxite mining company, and the local police, forcibly evicted 35 households from a tribal village, Kinari, in Kalahandi district. Villagers were thrown on a nearby hill slope and their entire village was bulldozed. They were not even given time to make arrangements for moving their cattle. No one has yet received any kind of compensation. The people only have the last crop for their sustenance, with no other means of livelihood in sight. The local police cordoned them off like criminals and permitted no one to meet them.

Many other villages like Kapaguda, Belamba, Turiguda, Sindhbahali, Boringpadar and Basantapada are strongly opposed to the company. They have pledged not to leave their land at any cost, preferring to die rather than move out.

PROJECT VS PEOPLE: WHO BENEFITS, WHO LOSES?

The IFAD project as well as the projects of NALCO, UAIL, L & T/ALCOA, Sterlite and the other companies were projected as the instruments of development for the communities inhabiting the region. Let us look into the costs of 'development' being forced upon the people. Their resources will be looted and they will be displaced from their means of livelihood. Their lives are inseparable from the *dangars*, the forests and the land that sustains their communities. The projects will not bring the benefits of modern industrial society to the adivasis. Instead, their displacement and alienation from the basis of their livelihood would surely turn them into paupers. The projects will rob them of the little that they have.

What the people need for their development are not industries that displace them but schools, good health care facilities and an irrigation infrastructure. After all, the industries produce commodities that are not even meant for the people they displace. They generate profits that are appropriated by big foreign and Indian capitalists, and commissions that are pocketed by the bureaucrats, technical experts and politicians. For the oppressed people, these projects are only signposts on the road to their further deprivation and loot.

THE STATE AND THE STRUGGLE

In the course of their struggle, the people have begun to see the true character of the State, which is essentially at the service of the corporate interests. They are fighting against the unholy alliance of the corporate exploiters, the

lawmakers, the policy experts and the implementation apparatus, united against the will of the people, against their real development.

PSSP's view of development

- (a) Cancellation of treaties signed with various companies;
- (b) Development of irrigation facilities through small check dams;
- (c) Development of medical facilities within easy accessibility of local people;
- (d) Development of education in harmony with the people's life patterns, cultural values and traditions;
- (e) Scrapping all the big projects in tribal-dalit dominated areas and rehabilitation of all the tribals and dalits displaced earlier.

WHAT YOU CAN DO

- a) Offer your active help in opposing big anti-people projects.
- b) Offer technical/monetary help for forest management and educational system relevant to adivasi life, livelihood and culture.
- c) Offer material/technical help for development of irrigation and medical facilities.

(Please note that Prakrutika Sampada Suraksha Parishad, Niyamagiri Suraksha Samittee and Khandual Suraksha Parishad do not accept any funds from funding agencies or NGOs.)

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KOEL KARO DAM PROJECT

PROJECT PROFILE

Name: Koel – Karo Hydroelectric Project

Location: One dam on South Koel river at Basia, near Majikhera and Tetra villages in Gumla district, and the second dam on North Karo river near Lohajimi village in the Torpa Block of Ranchi district. The Koel-Karo Project area is around 80 km southwest to Ranchi.

Districts: The Koel-Karo Hydroelectric Project falls within Shingbhum, Ranchi and Gumla districts of Jharkhand.

Project Category: Mega-power generation

Size of the project: The two dams are 44 metres and 55 metres high respectively. The transmission lines include the 99 km long 400 KW single line to Patratu and the 120 km line to Chandil.

Capacity of the Dams: 710 Megawatt

Total Cost: The National Hydropower Corporation estimated the capital cost of the project at Rs. 444.67 crores in 1980, revised to Rs. 1,364.38 crores in 1991 and Rs. 2,840.68 crores in 1998. The project was initially scheduled to be completed by 1981. Since no construction has taken place till date, even if the work begins in 2005 and gets completed in the stipulated eight years, i.e. by the year of 2013, the cost of the project would perhaps far exceed Rs. 4,000 crores.

A BRIEF HISTORY OF THE PROJECT

Koel-Karo Hydro-Electric Project is one of the oldest Hydro-Power Project in India. It was initiated by Bihar State Electricity Board (BSEB) in 1973. In 1980-81 it was handed over to the National Hydroelectric Power Corporation (NHPC). There has not been any significant construction activity till 2004, with the exception of a few godowns. As the project gets shelved each time, the total cost of the project keeps mounting. This would affect the per unit sale price of the electricity generated.

The Detailed Project Report (DPR) prepared in 1973 notes that the project would generate cheap and eco-friendly power. Strangely, it avoids any mention of the environmental and social impact like displacement due to land submergence, loss of agricultural land, and disappearance of local fauna and flora that together sustain the tribal livelihood.

THE PROJECT OBJECTIVE

The plan is to produce power through a series of constructions, including the Basia dam on Koel river and the Lohajimi dam on Karo river, spread over three districts. A 34.7 km long canal would link these two reservoirs.

The DPR suggests that the power generated by the project would be used to cover the peak time load shortage that has been projected to be 19% during the ninth and tenth five-year plan periods. A mix of hydropower in the grid is considered useful and necessary to adjust peak load and thereby help in the optimum utilization and stabilization of thermal power. The transmission lines include the 99-km long 400 KW single line to Patratu and the 120 km line to Chandil. The power generated would be fed into the eastern grid. Power generated at Raitoli shall be linked to Lumpungkhel through a 15 km long 132 KW line.

DISPLACEMENT IMPACT

The Detailed Project Report of 1973 states that an estimated 125 villages would be affected, resulting in the displacement of 7,063 families. According to the Director of the project, 4,700 families of 42 villages shall be affected, whereas Koel-Karo Jan Sangathan (KKJS), an organization spearheading the anti-project movement claims that 256 villages would be affected directly or indirectly, causing a displacement of 1,50,000 people. In all, 60,000 acres of land would be submerged. One-half of this land is presently under cultivation, and the other half is forestland traditionally held by the tribals. These forests include 152 *sarnas* (sacred groves) and more than 300 *sasandiris* (sacred graves).

THE PEOPLE AND LIVELIHOOD SYSTEM

The project site is 80 km southwest to Ranchi at an altitude of 1,600 feet. The inhabitants of the region include Munda-Khadia, Kudus and Sadan tribals. It is in the heart of the munda area where flow the twin rivers - Koel and Karo - considered a boon by the local people.

The diverse economic activities are a mix of subsistence agriculture, animal husbandry and collection of non-timber forest produce. Bamboo, twigs and dried grass provide material for housing as well as meet the energy requirements. The traditional medicine system based on herbs is very popular, compounded with the fact that the health infrastructure is extremely poor.

Their cultural-religious system is interwoven in 'sarna' (sacred grove), 'singhboga' (sungod) and 'sasandiri' (graveyard of their ancestors).

PEOPLE'S STRUGGLE

The protest that began against the Koel-Karo dam has graduated into a popular anti-dam movement.

Prior to initiating the project, the government and the local administration did not consult the local people, a constitutional prerequisite for any external intervention in Schedule Areas. In fact, the local people were neither involved in planning the project nor informed regarding its implementation. They came to know about it only after the land acquisition process began. In response, the people organized themselves, in the Koel region under Jan Sangharsh Samiti, and, in the Karo region in Ranchi district under the Jan Sanyojan Samiti.

In 1975-76, in order to emerge as a 'greater voice' of resistance to the proposed dams, these two mass organisations united to form the **Koel-Karo Jan Sangathan** under the leadership of Shri Mose Gudia, a schoolteacher.

People's growing disenchantment...

Initially the sangathan did consider the view that the proposed project might benefit the local people in some manner. However, the disaffection grew, as the local communities did not find mention in the DPR. In 1977-78, in response to this, the Sangathan called a '**Kam Roko**' campaign protesting against the Government for not taking the affected local people into confidence. A 'people's barricade' was erected at Derang to stop the officials from entering the project site. At last the authorities sat for a tripartite meeting on 5 January 1979. A joint socio-economic survey of the affected villages was agreed upon. However, the survey was conducted only in 2 or 3 villages. Strangely, the process was stalled when the collected data simply disappeared from the project office. Meanwhile, the sangathan prepared a document titled '*sampurna punarvas*' (total resettlement), including a proposed economic, social and cultural resettlement plan. It proposed that in the first phase two villages should be resettled. If these resettled people are satisfied, the other villagers may follow suit. In a few days time, in a contradictory note, the government announced that the government would not abstain from using force to advance work on the project. Hundreds of Central Reserve Police Force (CRPF) jawans arrived in the area but were soon sent back, as they could not deal with the numerous meetings, resistance actions and women's protests against harassment.

In the early 1980s the people appealed to the Supreme Court of India against the forcible eviction from their lands in case the project sees the light of day. The Supreme Court ordered a stay on the project until the state complied with

certain conditions regarding resettlement. However, the government of India did not take adequate steps in this regard.

The fury of the masses...

In 1995 the Bihar Government decided to restart the project by placing a foundation stone at the site.

This led to renewed and vigorous mobilization of the people in the area. They decided to preempt any move of the Government to displace them by preventing the construction of the Koel Karo dam. As a part of the strategy the people did not permit entry of any project-related vehicle, machinery or personnel into the area. A barricade on the road leading to Tapkara near Derang village was erected in 1995 as part of the '*janta curfew*' imposed by the people in protest against the project. This forced the cancellation of the Prime Minister's visit for laying the foundation stone.

Over the years, the sangathan has come to realize that the state has little regard for the concerns of the tribals and is actually their sworn enemy. The sangathan's stance at present reflects a great sense of cynicism among the masses against the government. The local communities are against any compensation or resettlement. The symbolic protest of barricading the area against any intrusion represents the deep-rooted anti-dam sentiment pervading the local communities.

Derailing the Jharkhand Movement, making inroads for global capital!

The first government of the new state formed on 15 November 2000 after the separation of the tribal heartland - Jharkhand - from Bihar was led by a tribal Chief Minister, Babulal Marandi. Soon after coming to power the government reiterated its intention to reinitiate the Koel-Karo Project and flagged off the process of land acquisition. It further asserted that it would smoothen the process of the entry of foreign and Indian corporate capital, especially in the domain of mining. In order to achieve this, it proposed amendments in the fifth schedule provisions that are presently applicable to a large part of Jharkhand, including Chottanagpur. In that case, Chotanagpur and Santhal Parganas Tenancy Acts (CNT and SPT), which provide exclusive 'natural rights' to the tribals over their resources, would be the obvious victims.

These Acts stand as the concrete achievement of more than a hundred years of adivasi struggles in the *munda*, *oraon* and *santhal* areas of Jharkhand. The Chotanagpur Tenancy (CNT) Act was in fact the direct result of the famous

Birsa Ulgulan. The area where the Koel-Karo project's Lohajimi dam is coming up was a nerve centre during the Ulgulan.

Shoot the troublemakers! – The state shows the way...

On 1 February 2001 a police detachment destroyed the barricade erected at Tapkara in 1995 as part of the *janata curfew*. Amrit Gudia and Lorentus Gudia were beaten up brutally by the police for protesting against this action.

The following day, thousands of people assembled at the Tapkara outpost in the morning to protest against the uprooting of the barricade and the assault on the two adivasis.

At the peaceful assembly they demanded the guilty policemen to be brought to book, the reinstatement of the barricade and payment of a compensation of Rs. 50,000 each to the adivasis who had been beaten to pulp. The group of protestors waited patiently till 3.30 in the afternoon for some positive response to their demands. The response was indeed shocking — **the police opened fire, killing eight tribals and injuring many more severely.**

PROJECT VS PEOPLE: WHO BENEFITS, WHO LOSES?

The means adopted by the state to ensure that capital controls all available natural resources shows scant regard for the lives of the tribals. The state arrogantly tries to bring people to their knees by unleashing on them its legal power and the apparatus of violence at its disposal.

From one treacherous trap to another, the local people have every reason to consider the project a 'bane', robbing them of their livelihood, economic resources and culture. The multinational companies would reap huge profits by investing in this mineral-rich state, but at the cost of the indigenous people. The proposed plan is to feed the power into the eastern grid. With the cost escalation of the unit price of the electricity generated, it is doubtful whether even the planned beneficiaries — industry and urban areas — will really opt for this power, leave alone the people living in the project area.

STATE'S RESPONSE TO THE PEOPLE'S STRUGGLE

1) The State's response has repeatedly been one of either indifference or repression.

Koel Karo Dam Project

- 2) There is no clear programme for the proper rehabilitation for the project-affected people.
- 3) The Union government flouted the Supreme Court order on the rehabilitation programme and tried to reinitiate the project.
- 4) Instead of responding to the people's demands, police was ordered to fire on the peaceful demonstration of the adivasis on 1st and 2nd of February 2001.
- 5) The government is militarizing the state by giving more funds and power to the police and intensifying nation-wide frenzy about 'terrorists' so that all questions of injustice and exploitation like globalisation and displacement are being swept out of sight.
- 6) The police aggression seems tied to the state's increasing alienation and dictatorial attitude towards adivasi and marginal peoples' struggles. The government is resorting to violence on the adivasis in order to weaken their popular struggles against displacement and alienation of their land in the name of 'national development'.

CURRENT STATUS

The status of the Koel-Karo Project has remained unchanged since 2001.

The Government could not do much about this project due to the strong resistance of the local people. The Koel-Karo Jan Sangathan will never allow the project to be implemented in this region.

WHAT YOU CAN DO

- 1) Mobilise popular and international actions to support the people's struggle in defense of their human rights.
- 2) Letters should be addressed to the Chief Minister of Jharkhand with copies to the President of India and to the Human Rights Commission, requesting them to set up judicial inquiry for probing the killing of eight adivasis on 2 February 2001 by the police and stop the project until complete rehabilitation has been guaranteed to the affected people.
- 3) Create general awareness about this struggle throughout India.

CONTACT DETAILS

Koel-Karo Jan Sangathan,
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LOWER SUKHTEL PROJECT

PROJECT PROFILE

Name: Lower Sukhtel Hydro Project

Legal Status of the Projects: Land acquisition phase begun

Location: Dungripali, Balangir

Cost of the project: Estimated at Rs. 217 crore.

Project Purpose: Ensure 179 cubic metres of drinking water to the Balangir town, besides providing irrigation facilities to the district

BRIEF HISTORY

Sukhtel, a seasonal tributary of the Mahanadi, runs through Balangir and Nuapara districts of Orissa. It belongs to the contiguous zone of the Gandhamardan hills, home to precious herbs as well as a storehouse of alumina. The forests of Gandhamardan feed 22 perennial streams and four waterfalls, which in turn feed the Ong and Sukhtel tributaries of the Mahanadi. Sukhtel brings water to this parched region, which faces worse conditions of famine every year.

In 1996, the Lower Sukhtel Hydro Project was announced as the solution to the drinking water woes of Balangir district. The proposed dam will straddle between the Budalagen and Jharepahad hills.

The region is characterized by poorly developed physical, communication and health infrastructure. The state government-owned main roads are in extremely poor shape, whereas pucca village and panchayat roads virtually do not exist. Permanent communication facilities are absent even at the district headquarters. Persistent poverty has forced the locals to migrate in hordes to adjacent towns and states in search of employment. The absence of any decent, sustained and productive jobs makes 'food-for-work' the most sought after 'employment opportunity', which provides food to some people for a few days.

The falling water table is today a serious concern in a region well known for its once-flourishing traditional irrigation systems, which now mostly lay defunct. Combating water scarcity is a challenge in Balangir and neighbouring Nuapada, both being highly vulnerable to drought conditions.

THE PROJECT: OBJECTIVE AND DISPLACEMENT IMPACT

The Lower Sukhtel dam has been conceived supposedly to bring 'water with prosperity' to Balangir.

The estimated cost of the project is Rs. 217 crore. It is expected to provide irrigation facilities to the district, besides 179 cubic metres of drinking water to the Balangir town.

According to official figures, the proposed submergence zone of the dam will cover at least 5,216 hectares of agricultural land and displace more than 26 villages.

The unofficial sources put this number at 56 villages, which would mean uprooting 50,000-55,000 people. The reservoir will submerge their villages, their common lands, the traditional water harvesting systems (*bandhas* and *kantas*), and the plain *mala* lands where the tendu plants and the *palsa* tree grow. It will destroy all the sources of livelihood of the people. It will also destroy a forested area – an extremely tragic outcome for this region of severely depleted forests.

THE PEOPLE: LIFE AND LIVELIHOOD SYSTEM

The people predominantly belong to the scheduled castes and OBCs, including dhooba, gonds, and gouda.

Agriculture is the mainstay of the communities. In the absence of any irrigation facilities, the vast tracts of plain lands are essentially rain-fed. The bio-diversity of the region sustains the livelihood of the people, who depend on the forests for the collection of non-timber forest produce, including jhanta (thin branches and bushes for fuelwood), chaara, broom grass, mahua, tendu fruits, date palm, seetaphal and medicinal herbs. These forests serve as their most essential resource base, adding to the subsistence of these communities. The forests provide their livelihood during the lean months when agriculture is not practiced. The region is popularly known for its tendu leaf collection. Tendu leaves are used for making leaf plates, and the dry leaves are used for rolling bidis. In many cases, collection of tendu leaves provides the source of livelihood to many families round the year. Bidi-rolling brings income to the families, especially women, during the lean months.

During summer, the people routinely migrate in search of jobs to nearby towns in Andhra Pradesh and Chattisgarh.

The government schemes are conspicuous by their absence from the people's lives. The welfare programmes of the government barely reach the people, with the larger part guzzled by the bureaucracy, political leaders and contractors. Balangir is part of the Kalahandi-Balangir-Koraput (KBK) zone, which has a special status in terms of receiving funds for development from the foreign donor institutions.

PEOPLE'S STRUGGLE

The people in the region, among the poorest districts of India, are vehemently opposing this project, convinced that it would cause their displacement and disrupt their livelihood systems. More than 30 villages in the region surrounding the town of Dungripali and Balangir have united for this cause. They have recently organized themselves under the banner of Lower Sukhtel Budi Anchala Sangram Parishad.

The Lower Sukhtel Hydro Project is part of Gandhamardan "bauxite mining hill". NALCO had made vain attempts in 1984 to extract bauxite from Gandhamardan. The successful resistance in Gandhamardan against NALCO is considered a landmark in the history of people's movements in Orissa. That glorious experience of struggle has enriched the resistance to the dam project as well.

PEOPLE'S CONCERNS

19 families of Magurbeda have been given a compensation package worth more than Rs. 12.5 lakhs. This first lot of beneficiaries chosen by the administration are not inhabitants of a village that would be submerged!

This has been done at a time when the people who would be actually displaced by the project have not even been acknowledged after they refused to accept compensation.

PROJECT VS PEOPLE: WHO BENEFITS, WHO LOSES

The people consider the dam a bane to their life and livelihood. After the construction of the Hirakud Dam, there is less water in the Brahmani river, Sukhtel and other seasonal streams. The traditional sources of irrigation that dotted the entire area in the past today receive scant attention from the minor irrigation department. Most villages have an irrigation tank – *kanta*, most of which are now silted and in disrepair.

The people genuinely feel that irrigation facilities are necessary in the region. However, they do not accept that the dam is a panacea to all their woes. The region has a glorious history of tank-based localized traditional irrigation systems helping the communities survive the worst water crises. On the one hand, state policies have ensured the disuse of these water tanks. On the other hand, the state seems determined to push through the proposed dam that will destroy the forest and affect the ecological balance of the region, besides vandalizing the livelihoods of more than 50,000 local people and destroying those communities that depend on these forests for eking out their living.

STATE'S RESPONSE

So far the state has maintained a dignified and taut silence over the issue. There have not yet been any instances of beatings and torture. But the experience of people opposing anti-people projects elsewhere is enough to cause anxiety to those opposing the Lower Sukhtel project.

CURRENT STATUS

A recent development has intensified the struggle led by the Lower Sukhtel Budi Anchala Sangram Parishad. A treaty has been proposed with an alumina extraction company of Canada for a mining project in the region. The Lower Sukhtel dam is supposed to meet the water requirement at the proposed project site. People now see the dam as part of the game plan for larger corporate designs.

The process of land acquisition for the project has also been running full steam. The administration has finally initiated disbursing compensation to the identified outsees of the Lower Sukhtel dam project. The proposed compensation stands at Rs. 60,000 in cash to each family. However, the people are not accepting the land acquisition notices and have refused to accept any compensation.

WHAT YOU CAN DO

- Write letters of protest to the Chief Minister of Orissa.
- Offer monetary assistance so that the protestors may undertake demonstrations and print pamphlets and booklets to voice their concerns.
- Share information on like-minded movements with this group.

MANSI WAKAL DAM PROJECT

Koi nahin hatega, baandh nahin banega!

(None of us will move, the dam will not be made)

LOCATION

Jhadol district is 50 kms from the district headquarters of Udaipur. The valleys of Aravalli hills bind the region. The region is characterized by its greenery, rivers and streams. Joi and Wakal are seasonal rivers flowing through this district. The Mansi Wakal dam is being constructed over the Joi and Wakal rivers. In fact, the Joi along with a big nalla originating from Alasigarh is called Mansi.

PEOPLE AND THEIR LIVELIHOODS

More than 80% of the population comprise of tribals who essentially depend on the forests and agriculture for subsistence. Nearly 15 % of the population comprising non-tribals migrates seasonally to nearby urban centers in search of employment opportunities. The local industrial activities include quarrying for soapstones in 2 or 3 mines where local labor is engaged.

BACKGROUND OF THE PROJECT

The period between 1985 and 1987 was one of acute water shortage due to recurring droughts in Udaipur district. It was then that the Water and Power Consultancy Service (WAPCOS), a government of India undertaking, was hired by the state government to advise it on a scheme that would meet the long-term drinking water demands of Udaipur city. The report was submitted by WAPCOS in 1989 in which it came up with the idea of the Mansi Wakal project, which would involve the construction of two dams near the villages of Gorana and Birothi in Jhadol district on the Joi and Wakal rivers.

As early as 1969 Dewas project was conceived by M Sukhadia (the Chief Minister of Rajasthan) as a drinking water project to meet the water requirements of the Udaipur city. In fact, the first phase of the project got completed by 1973. Following Sukhadia's death the Irrigation Department stalled the programme. The stalling of the project has been popularly interpreted as the involvement of vested interests. The project that was meant to meet the water requirements of the Udaipur city lost its way in party politics.

The present project is located in a scheduled area that is governed by the

provisions of the 5th Schedule of the Constitution and the Panchayati Raj (Extension to Scheduled Areas) Act 1996.

The survey work for the project is yet to be completed.

Cost and infrastructure:

The project cost will be shared between the Government of Rajasthan and the Hindustan Zinc Limited in a ratio of 2:1. The water from the dam site will be pumped up to the filter house at a higher altitude through a 202-meter pipeline. The water will be brought through a 26 km long tunnel.

30 per cent of the total water would be given to Hindustan Zinc Limited as it bears the costs proportionately. Rest 70% of the water will be given to other industries and also be used to meet the water requirements of the urban population of Udaipur.

The objectives of the dam:

The stated objective of the dam is to meet the long-term drinking water needs of Udaipur city, which experiences severe drought conditions in years of low rainfall. 30 per cent of the total water produced would be given to Hindustan Zinc Limited situated in Udaipur under the MoU signed by the government with the company.

The government has been reiterating that, with the dams in place, drinking water crises will be averted till 2021 in Udaipur.

IMPACT OF THE PROJECT

Displacement:

6,500 people from six villages namely Chandwas, Gayariyawas, Talai, Mundawali, Dewas and Gorana would be affected directly by the first phase construction of the project by coming under the submergence zone. The second phase of the project will affect an additional 17 villages. The total population of the project-affected persons (PAPs) is around 13,500.

Rehabilitation and resettlement:

“Tumhe kis baat ka punarvas chahiye? Do meter kapda le aao, baman ho jholi daalkar ghoomna; Udaipur ki janata se maangte phirna”

(What do Brahmins need rehabilitation for? You only need two metres of cloth to make a sack out of. You could go begging from the people of Udaipur.)

These were the words of the then home minister of Rajasthan, Gulab Singh Shaktawat, when a group of Panchayat representatives led by Devikishan Purohit, the president of CKSS, met him in February 2000 regarding the Mansi Wakal dam

The then chief minister of the state, Shivcharan Mathur, had laid the foundation stone on 20 June 1989. No time was lost between the submission of report by WAPCOS and the laying of the foundation stone. This confirms that the government did not spend any time thinking about and planning the rehabilitation package. The project report prepared by WAPCOS and then the detailed project report (DPR) prepared by the government did not have any provision for a rehabilitation package.

PEOPLE'S STRUGGLE

The communities had been demanding information on details of the project from the local administration without any effect. Fearing the potential repercussions of the project they organised themselves under Chandreshwara Kisan Sangharsh Samiti (CKSS) to oppose the construction of the dam.

While the Chief Minister was laying the foundation stone in 1989, CKSS members held a parallel meeting to decry the destruction being imposed on them in the name of development. The police immediately dismissed the meeting. However, the group made its way to the chief minister for handing over a memorandum. Accepting the memorandum, the chief minister declared that the project-affected people would be loaded with so much wealth and prosperity that they would not complain.

The promise turned out to be a cruel joke that was made repeatedly over the next 12 years.

False promises:

On 15 January 1991 a written agreement was signed between senior government officials and CKSS wherein the officials promised to provide full information to the people on all aspects of the project following the enquiry of the Geological Survey of India. The government promised to provide a copy of a report on the drilling at the dam site that had been undertaken in those days. The report did not see the light of day. Insiders say that the report was dumped, as it did not

provide the results the government was looking for. In order to seek information relating to various aspects of the project, CKSS wrote hundreds of letters to government officials and ministers between 1989 and 1999, but to no avail. As a result of this callousness on the part of the government, the CKSS completely lost faith in its representative character.

However, no headway could be made at the dam site. In order to show that operations were going on at the dam site, a kutchra road was being made. The organised locals held a demonstration to protest against it in a peaceful manner. As if the police needed an excuse to terrorize the protestors, it opened fire on the demonstration. In the mayhem 16 persons, including a woman, received severe bullet injuries.

Twisting the 'sacred' constitutional provisions...

Central Act 40

Sec. 4(d). Every gram sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of conflict resolution.

Sec. 4(h) 1. The gram sabha or the panchayat shall be consulted before making acquisition of land in the scheduled areas for development projects and before resettling or rehabilitating persons affected by such projects in the scheduled areas.

Since the project concerns a Scheduled Area, the government was required to consult the people prior to the project being finalized. In this case, the district collector went through the formality on 2 June 1999, almost 10 years after the foundation stone for the dam had been laid. Though the *gram sabhas* of the affected villages had to be consulted separately, he chose instead to call a meeting of Chandwas panchayat on 2 June 2000. The collector reached Chandwas village with a big police force led by the DSP. During the meeting, the circle inspector of Jhadol *tehsil* headquarters police station, made a list of the persons who spoke against the project. The Block Development Officer (BDO) of Jhadol, Gangasahaya, wrote the minutes of the meeting in the panchayat register.

After the collector left, the villagers saw the panchayat register. They found to their utter surprise that under proposal no. 9 of the day's proceedings they were deemed to have agreed, in the presence of the district collector, to allow

work on the dam. Catching the BDO red-handed, they questioned him about this manipulation. He said he was simply obeying his boss (the district collector). The villagers immediately took corrective action by passing another resolution (proposal no. 10, dated 2 June 2000). The resolution rejected the earlier records written by the BDO and declared that the people did not want any work or survey to be undertaken on the dam site.

Bypassing the Commission

The villagers also filed a complaint with the National Commission for Scheduled Castes and Scheduled Tribes about this. Responding to the complaint, secretary of the Commission, Malti S Sinha, in a letter to the chief secretary of the state dated 11 August 2000, sought explanations on the following:

- Consent of the villagers had not been sought for land acquisition;
- No consultation had been held with the villagers regarding the project;
- The local administration including the district collector manipulated the proceedings of Panchayat meeting held on 2 June 2000;
- The affected people are being coerced/threatened to accept meagre compensation.

All of these questions have fallen on the deaf ears of the administration and the government.

Public hearing – Whose apparatus?

A 10-member committee led by the sub-divisional officer (SDO) of Jhadol, Amar Singh, conducted a public hearing on 22 February 2001.

A Panchayat member from Jhadol had lodged a complaint in the ST and SC Commission stating that during June 2000 the SDO threatened the people of these villages against opposing the dam. Moreover, the Hearing committee had three members from a single village Gorana, where the villagers were supporting the construction of dam as very little of their land was going to be submerged. Before the hearing, CKSS and several democratic organisations and individuals from Udaipur had sought complete information about Mansi Wakal but failed to elicit any replies.

During the hearing held at Jhadol block headquarters, none of the villagers spoke in favour of constructing the dam. After all the villagers had spoken, one of the members of the hearing committee, an ex-sarpanch of Gorana village, stood up to speak in favour of constructing the dam. The committee members, though, were eager to extract a 'yes' from the villagers at any cost. Therefore, they tried to negotiate on the demands of the villagers for allowing the construction of the dam. The villagers were very clear - they did not want the dam at any cost.

A press release issued by the government about the hearing was manipulated to the effect that "equal number of people" spoke in favor of and against the dam. The press releases issued by the CKSS and other democratic organisations were given no space in the local dailies. Thus the ritual of a public hearing too was "taken care of" by the administration.

Response of the administration:

Fearing threat to their lives, CKSS approached the Chief Minister who assured them that nothing would be done by force and that he would come to their village before going ahead with the construction of the dam. Just a few months later, on 21 June 2000, Section 144 was clamped in 11 villages around the dam area. More than 1,000 armed policemen were deployed in the area to terrify the people so that the drilling work could be completed on the dam site. Gross human rights violations accompanied this episode with numerous instances of beatings and torture inflicted on the local population. The villagers are a worried lot now with the police having started doing the rounds of the affected villages.

SC/ST Commission - A namesake commission?

Taking cognizance of complaints filed by CKSS and the panchayat representatives, the National Commission for Scheduled Castes and Scheduled Tribes has constituted an inter-ministerial committee. The committee is expected to enquire whether in the proposed project legal provisions relating to the acquisition of land and rehabilitation packages are being followed. In a fax message dated 19 March 2001 the director of the commission requested the district collector of Udaipur not to use force against the protestors.

Local government officials responded to the enquiry in a peculiar way. In the *gram sabha* of Dewas village held on 20th May, the Jhadol BDO forced the panchayat secretary to write a testimony approving of the Mansi Wakal project. Even while the villagers opposed such a proposal, the BDO refused to take the opinion of the *gram sabha* and allow voting on the issue.

Then in an official letter written to the panchayat functionaries of Chandwas and Dewas panchayats on 7 June 2001, the BDO asked them to conduct *gram sabhas* of Mundawali, Talai and Gayariyawas villages on 15 June 2001 and "get the Mansi Wakal project approved." The *gram sabhas* of Mundawali and Gayariyawas rejected the proposal outright while the people of Talai were divided in their opinion. Half of them put forward 12 demands, pending which the project should not be implemented, while the other half said that they did not want the dam at all. The BDO himself attended the *gram sabha* of Talai village and tried to coerce the villagers and the panchayat secretary into approving the project. Thus, despite the enquiry by the SC/ST Commission, government officials are continuing to make a mockery of constitutional provisions.

PROJECT VS PEOPLE: WHO BENEFITS, WHO LOSES?

The common man is trapped in the conflict of vested interests represented by the various political parties. The Dewas project got mired in this political game. It reveals the arbitrary and whimsical manner in which any project is either given a go-ahead or else shelved. The Mansi Wakal project is being publicized as a drinking water project even though 1/3rd of the water is meant for exclusive use of the Hindustan Zinc Limited.

The administration does not even acknowledge that the people who will lose the livelihoods and their homes have a right to get information from the project authorities. The manipulation of the people's opinions and the use of violence against them makes a mockery of the democracy we live in. Neglecting the suggestions of the ST/SC Commission only shows the shamelessness with which the establishment pursues its own agenda even as less disastrous options are not even looked at.

STATE'S RESPONSE

The issue of the Mansi Wakal dam project - meant to meet the drinking water needs of Udaipur and the demand from the Hindustan Zinc Limited - is a picture of the multiple acts of treachery by the state. The Mansi Wakal project shows how the common people are forced to pay the cost for meeting the needs of corporate interests, all in name of their own development. And when they begin to question the establishment, they receive what is their due - misinformation, threats and the bullet.

WHAT YOU CAN DO

1. Write to SC/ST Commissioner to conduct an inquiry on the Mansi Wakal projects regarding compliance with the constitutional provisions.
2. Share information in form of booklets and other publications regarding people's movements in various parts of the world for control over natural resources with CKSS.
3. Write condemnation letters to the government, asking it to scrap the project.
4. Visit the area to express solidarity with the people fighting the designs of state.

CONTACT DETAILS

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TEHRI DAM PROJECT

'This dam will benefit only the contractors.' – words scribbled by Indira Gandhi on a confidential file after visiting the dam site in the seventies, as revealed by Arun Ghosh, former member, Planning Commission at a public meeting on the World Commission on Dams report in Delhi on May 26, 2001

'This is a dam built on our tears.' – Sunderlal Bahuguna

'Give land for land, and jobs to every family! Otherwise, tear down the dam.' – Slogan raised by the Uttarakhand Kisan Sangathan, a mass organisation mobilising the project affected people to fight for justice

PROJECT PROFILE

Name: The Tehri Development Project (TDP), one of the largest and most controversial hydropower projects in India. The Tehri dam is of the earth-and-rockfill type. It is the sixth largest dam in the world and the second largest in Asia.

Location: The Tehri dam is situated near the historical town of Tehri, a little ahead of the confluence of the Bhagirathi and Bhilangana rivers. Tehri is 200 miles north east of Delhi, in the hilly terrain of the Tehri-Garhwal district in the new state of Uttaranchal.

Project category: Multipurpose (power generation, irrigation and drinking water)

Project approval: 1972

Height of the Dams: A 260.5 metres high dam at Tehri and, 14 miles downstream, a 97 metres high dam at Koteswar.

Electricity generation capacity: 2400 MW

Irrigation capacity: Water for irrigating 2.7 lakh hectares in Western Uttar Pradesh.

Drinking Water capacity: 500 cusecs daily to Delhi.

Cost of the Project: The projected cost of the Tehri Dam alone inflated from US \$ 612 million in 1994 to US \$1.2 billion by 1999.

Companies and countries involved: Construction – Jaiprakash Industries, Thapar and Sons (working for Tehri Hydro Development Corporation, a joint venture of the state and central governments); Turbines – Siemens, a German company; Steel pipes for tunnels – from Russia; Dumpers for moving stones: Volvo, a Swedish company.

BRIEF HISTORY

The Tehri Development Project (TDP) is one of the largest and most controversial hydropower projects in India. The two dams at Tehri and Koteshwar will result in the formation of two reservoirs, submerging the lands and homes of around 100,000 people.

The Government of Uttar Pradesh started the land acquisition process for the Tehri dam in 1976. Construction work began in 1978.

In 1980, popular protests in the valley forced Indira Gandhi, then the Prime Minister, to refer the project to the S K Roy committee for assessing its environmental impact. The project was abandoned after the committee sharply criticised it on environmental grounds.

Later the Soviet Union expressed interest in the abandoned project. An Indo-Soviet agreement in 1986 brought expertise and aid of around \$ 416 million to revive it. The project was made a 'joint venture' of the Governments of India and Uttar Pradesh.

The Government then referred the project in 1987 to the standing committee on river valley projects of the Union Ministry of Environment and Forests to assess the environmental, safety and social aspects of the project. This committee unanimously ruled against the project. This time, however, the Government overruled its findings and revived the project.

The Tehri Hydro Development Corporation Limited (THDC) was set up in 1988 as a 'joint venture' of the Governments of India and Uttar Pradesh. Its objective was "to plan, promote, organise, execute, operate and maintain Hydro Power projects in Bhagirathi-Bhilangana valley."

After the Uttarkashi earthquake, environmentalists Shekhar Singh and N D Jayal filed a public interest petition in 1992 in the Supreme Court challenging the construction of the Tehri dam on the ground that the project authorities had not acquired the mandatory environmental clearance under the Environmental Protection Act. The petition addressed a whole range of issues, including seismicity, safety and rehabilitation. This is one of the several cases pending or being heard in the Supreme Court regarding the Tehri dam.

In 1996, the Union Ministry of Power set up two expert committees. The committee that looked into the safety aspects raised several doubts and recommended further studies that were subsequently never taken up. C H Hanumantha Rao, a former member of the Planning Commission, chaired the other committee that reviewed the environmental and rehabilitation aspects of the project. The Hanumantha Rao Committee Report (1997) raised serious concerns about the implementation of the project.

Work on the project continued despite the findings and recommendations of the two committees. In fact, the project authorities flatly refused to accept many of the specific recommendations, mainly the ones regarding rehabilitation.

The protests that shook the valley in 2000-01 forced the central government to set up one more review committee, this time under a cabinet minister. This committee is yet to submit its final report. Meanwhile, the two lower tunnels (T3 and T4) were closed in December 2001, to facilitate construction activity, submerging the main bridge leading to Tehri town and nearby areas.

Water will begin filling up the reservoir after tunnels T1 and T2 are closed. This was initially scheduled to happen in November 2002, but had to be postponed to complete the rehabilitation of families in the submergence zone.

The THDC in its affidavit dated 4-2-2003 in the Supreme Court announced it would close the tunnels in November 2003, and complete rehabilitation of the rural population by March 2003. However, tunnel T1 was closed in June 2003, causing the water level in the reservoir around old Tehri town to rise up. Since the Supreme Court has not yet decided on the writ petition of 1992 challenging the dam-building on safety, rehabilitation and environmental grounds, the petitioners have sent a legal notice on 13 June 2003 to the Uttaranchal government, asking it to honour the State's and THDC's commitment to the Court, and to direct the authorities to take immediate action against the illegal closure of tunnel T1.

THE PROJECT: OBJECTIVES

The entire project will generate 2400 megawatts of electricity. The project will also provide irrigation water to 2.7 lakh hectares in Western Uttar Pradesh and drinking water (at the rate of 500 cusecs daily) to Delhi.

THE PROJECT: DISPLACEMENT IMPACT

The Tehri dam will result in the formation of a reservoir 835 metres above the

sea level with a spread of 42 sq kms. It will submerge Tehri town and around 40 villages completely, and another 75 villages partially. If the submergence to be caused by the Koteshwar dam were also included, the project would either completely or partially submerge 125 villages, and adversely affect another 200 or more villages.

Peasant families of nearly 90 villages in the Bhagirathi-Bhilangana valley have been officially identified as completely or partially affected.

The completion of the Tehri dam will open the road for the construction of a series of more than a dozen big dams, including one at Pancheswar near the Nepal border, and nearly 80 other smaller dams in these hills. This would mean the destruction of the lives and livelihood systems of a huge population.

THE PEOPLE: LIFE AND LIVELIHOOD SYSTEMS

In the villages, nearly 90 % of the affected people are poor peasants who are able to subsist on the grain they produce for only two to eight months every year. Hunger drives the males towards the metropolises of India and the urban areas in Uttarakhand to work as dishwashers, cooks, bus and truck drivers, and as various types of daily wagers.

Middle peasants who are able to produce enough grains for their own needs in their irrigated fields are no more than 5-7 % of the local population.

The remaining population comprises the professional middle class, including teachers, lawyers and soldiers, besides petty traders and shopkeepers. They are not dependent on agriculture for income.

This socio-economic structure allows for very little income from non-agricultural sources. Cash income from agriculture is almost non-existent and cash investment is negligible. The use and exchange of ploughs, manure, seeds, water and labour happens mostly outside the system of the modern market. Jobs are scarce and hard to come by, even in the nearby towns.

PEOPLE'S STRUGGLE

Nearly 100,000 people today confront this mega-project that threatens to pauperise them. They have chosen to resist this assault on their lives and livelihood system. The dam builders have met popular resistance ever since its early days. The determined opposition of the people has forced the authorities to review the project on several occasions.

A committee to oppose the Tehri dam, the *Tehri Dam Virodhi Sangharsh Samiti*, was formed in 1978. In 1980, Indira Gandhi was forced to refer the project to the S K Roy committee for assessing its environmental impact. The project was abandoned after the committee sharply criticised it on environmental grounds, only to be revived later with the assistance of the Soviet Union.

After the Uttarkashi earthquake, environmentalists Shekhar Singh and N D Jayal filed a public interest petition in 1992 in the Supreme Court challenging the construction of the Tehri dam on the ground that the project authorities had not acquired the mandatory environmental clearance under the Environmental Protection Act. The petition addressed a whole range of issues, including seismicity, safety and rehabilitation. This is one of the several cases pending or being heard in the Supreme Court regarding the Tehri dam.

The completion of the first phase of the project (the construction of the cofferdam) in 1996 was marked by widespread protests in the valley. Sunderlal Bahuguna sat on a 74-day long fast. In response, the Union Ministry of Power set up two expert committees.

The committee that looked into the safety aspects raised several doubts and recommended further studies that were subsequently never taken up. C H Hanumantha Rao, a former member of the Planning Commission, chaired the other committee that reviewed the environmental and rehabilitation aspects of the project. The Hanumantha Rao Committee Report (1997) raised serious concerns about the implementation of the project.

Work on the project continued despite the findings and recommendations of the two committees. In fact, the project authorities flatly refused to accept many of the specific recommendations, mainly the ones regarding rehabilitation.

The people, on the other hand, continued to resist the project. The protests that shook the valley in 2000-01 forced the central government to set up one more review committee, this time under a cabinet minister. This committee is yet to submit its final report.

Meanwhile, the two lower tunnels (T3 and T4) were closed in December 2001, to divert water for facilitating the construction activity. The main bridge leading to Tehri town and nearby areas were submerged. The environmentalist Sunderlal Bahuguna had abandoned his *Ganga Himalaya Hut*, set up on the riverbank, before the diversion tunnels were closed.

Water will begin filling up the reservoir after tunnels T1 and T2 are closed. This was initially scheduled to happen in November 2002, but had to be postponed to complete the rehabilitation of families in the submergence zone.

The THDC in its affidavit dated 4-2-2003 in the Supreme Court announced it would close the tunnels in November 2003, and complete rehabilitation of the rural population by March 2003. However, tunnel T1 was closed in June 2003, causing the water level in the reservoir around old Tehri town to rise up. Since the Supreme Court has not yet decided on the writ petition of 1992 challenging the dam-building on safety, rehabilitation and environmental grounds, the petitioners have sent a legal notice on 13 June 2003 to the Uttaranchal government, asking it to honour the State's and THDC's commitment to the Court, and to direct the authorities to take immediate action against the illegal closure of tunnel T1.

The old Tehri today is a ghost town, devastated by demolition squads, abandoned and in ruins. Meanwhile, nearly 250 middle class landholders and rentiers from Tehri town continue to sit on a dharna, demanding a "rehabilitation allowance" similar to that offered to the rich businessmen who had then chosen to be shifted out to New Tehri town.

Thousands of rural families have refused to move out of their homes. The villagers often resist attempts by the dam-builders to quarry stones from their areas to form a protective layer over the slopes of the dam. They have raised the slogan: "*Punarvaas nahin, to pathar nahin.*"

PEOPLE'S CONCERNS

(1) The Farce of Rehabilitation

The dam builders prefer to look at displacement of the local population as a simple matter of transfer of property in exchange for cash. The landless labourers and peasants with small landholdings fare badly in this transaction because they own little or no property (or land). They have for generations worked hard to make agriculture possible in the hills. Their existence, made possible by their own hard work at making the hills livable, is of least concern to the dam builders.

The resettlement officials have reduced the question of rehabilitation into one of minimising costs: 'What is the minimum to be given in exchange for the lands of the peasants they have made into their livelihood base by generations of labour? What is the minimum cost of getting their homes demolished? And what is the maximum that can be taken back from the people as bribes and commissions during the process of paying compensation?'

Lives of the local people depend not only on their landholdings and houses, but also directly on the forest. The dam builders, however, have neither the means nor the intention to assess the value of the irreplaceable commons.

In the hills of Tehri Garhwal, most of the need for food, fuel and fodder is fulfilled by hard labour, without the use of cash. Forcing these people to settle down on the plains of Hardwar and Dehradun without assured and regular wage employment is a clear denial of their right to livelihood, reducing them to utter penury.

The villages affected by the project have been divided into 'fully affected' and 'partially affected'. A village is declared 'fully affected' if most of the land and houses of more than 75 % of the families residing there would come under submergence. So, if 74 % of the families in a village are losing most of their land, the village will not be considered 'fully affected'. There is no provision for resettling the whole village in such cases at the same alternative site. Only those families that stand to lose more than 50% of their land will be resettled. The others are expected to continue living on the edge of the reservoir, even after the major portion of their village is shifted out.

To avoid this situation, villagers are forced to pay bribes to officials to get their village notified as 'fully affected'. Because no village can be considered for resettlement elsewhere if it falls below the 75 % figure, even if the reservoir submerges all its forests (source of wood, fuel, cattle feed, etc.), water sources, irrigated lands, the main road, the nearest marketplace, the road or bridge linking it to the nearest marketplace, and public utilities (such as schools, health centre, cremation grounds).

Villages with all lands and houses outside the submergence are not considered affected even if they stand to lose the public utilities closest to them.

This is how the rehabilitation authorities have arrived at the underestimate of 125 affected villages (40 fully affected and 85 partially affected). This is how the government tries to minimise the cost of dam building.

Defining most of the affected families as 'partially affected' absolves the government of the responsibility of rehabilitating them. They are only to be compensated in cash for the land acquired from them.

Moreover, 1976 is fixed as the cut-off year for identifying affected families. Since then an entire generation has grown up and most families have multiplied into two or more units. But only those family units that are listed on the land records of 1976 are considered for rehabilitation. In cases where the head of the family unit in 1976 is still alive, the later family units of his offspring are denied the right to rehabilitation.

The Hanumantha Rao Committee had recommended that every adult be given the right to rehabilitation. The dam builders made a mockery of this and invented

a bad substitute — Rs 43,000 payment to ‘one additional member’ of every ‘fully affected family’.

Resettlement work is in a shambles. The usual migration to the plains from the hills in the submergence area, transfers of government servants from the hills, and employees of THDC — they all been shown as uprooted and rehabilitated people. All expenses on government office buildings have been shown as expenditure on rehabilitation. The employees of the corporation are staying in hundreds of flats that were charged to the rehabilitation budget.

The corporation’s own orders had laid down that constructed houses at appropriate places would be provided to the families whose houses have been or will be acquired. Cost of construction and the cost of land were to be charged to the scheme for which land would be acquired. The corporation is openly violating its own orders.

The cost of the project has doubled every six years, but the authorities never considered increasing the rehabilitation budget. Moreover, the Hanumantha Rao Committee had expressed concern about numerous instances of corruption in the rehabilitation process.

According to the 2002 status report of the Public Works Department of Tehri, the Tehri dam alone will displace 12,457 families. This official estimate excludes a large number of people who will lose their lands but have not been recognised as project-affected. Among the officially recognised ‘fully affected’ families, only half have been rehabilitated. Very few of the ‘partially affected’ families have been given cash compensation.

Most part of the cash compensations (for houses, etc.) are paid to families long before land is allotted to them. As a result, most families run out of money before they get their plots. When the *pattas* to residential plots are finally given, long after depositing about Rs 20,000, they cannot afford to build proper houses there. The rural rehabilitation package has no provision for giving them any financial assistance for building new houses.

Significantly, the plots allotted for resettlement are given to oustees not on an ownership basis but on lease, whereas the plots they were ousted from were held as ownerships.

The peasants are forced to live as refugees on the resettlement sites, which are denied the status of revenue villages. They are deprived of the right to demand proper water, electricity, road, transport, hospitals and other amenities from the government.

Most of the rural working class and landless dalits living in the submergence zone have not been covered in any survey, and are not entitled to any compensation, land or alternative employment. They face a threat of certain pauperisation when the reservoir waters flood into their dwellings and their lands (which they do not legally own, but do cultivate).

Moreover, the compensation package does not take into account problems like increased travelling distances and the adverse impact on crop patterns of possible changes in the weather cycle. The increased distances would result in a manifold hike in transport fares and travelling time, and, consequently, lead to rising prices of necessary commodities. It would also take basic civic amenities and public utilities further out of reach of the people. As a result, the dam would add to the isolation of individual villages, turning them back on the road to more backwardness. The possible changes in the weather cycle would adversely affect the major crops of the region, raising serious doubts about the livelihood of the predominantly peasant community.

The yawning gap between the official rehabilitation apparatus and the people exposes the anti-people character of the Indian State and the extent to which our policymakers are divorced from the lives of the people in the areas they seek to exploit.

(2) Seismic Fears

The dam is situated in the highly active Central Himalayan Seismic zone. The dam-builders claim that it is designed to withstand earthquakes up to 7.2 on the Richter scale. Geological experts believe that earthquakes of the magnitude of 8.5 or more could strike the region. In case of a dam burst, several major towns downstream with a total population of more than half a million people could be wiped out.

Landslides have often struck the steep slopes that surround the dam's reservoir (called its 'rim area'). This would render the reservoir perpetually dangerous. A major landslide into the reservoir could cause water to overflow the dam, causing disaster downstream. The dam could be fatal to nearly 100 villages on 'the rim'. Only a very few of these are identified as 'partially affected'. The rest are not entitled to any form of compensation.

In the eighties, the 'S K RAO Work Team' and the 'Dr S R Bhumbala Committee' expressed serious concerns about the safety of the dam in such a geologically sensitive area.

Dr P C Navani, who had worked as the Chief Geologist in this area before taking

over as the Director of the Geological Survey of India, has recommended a thorough geological survey of 'the rim'.

The dam builders, on the other hand, have turned a blind eye to all these concerns. They have actively foiled attempts to get proper surveys done.

An official team of scientists conducted a geological survey of three villages on 'the rim' in July-August 2002. Their report is yet to see the light of day.

(3) An Expensive Disaster

The projected cost of the Tehri Dam inflated from \$612 million in 1994 to \$1.2 billion by 1999. An INTACH study concluded that the construction costs are at least twice the projected benefits. The study also predicted that the useful life of the dam would be reduced to 62 years by the huge volumes of sediments that will be trapped in its reservoir.

The cost of electricity per unit from the dam has been shown to be almost twice the average cost of power supply in the neighbouring states of Punjab, Himachal Pradesh and Jammu and Kashmir.

This utter disregard of safety concerns and economic viability shows the blind greed of the interests that drive the project.

STATE'S RESPONSE

The State has responded to the people's struggle with mass arrests, illegal detention and torture of activists, and repeated brutal attacks on protest demonstrations and rallies. This is the Indian state's tried-and-tested way of dealing with the democratic assertion of the people who are resisting the attempts to destroy their lives and livelihoods.

PROJECT VS PEOPLE: WHO BENEFITS, WHO LOSES?

The project offers nothing to the local masses except certain destruction. Neither the electricity nor the water for irrigation will benefit the people of Uttarakhand. The electricity produced will feed into the Northern Grid. Uttarakhand buys electricity at three times the cost at which it sells to the Grid. The water will go to the sugarcane barons of western UP, and to the posh hotels, bungalows and farmhouses in Delhi. This would deprive the peasants in the hilly regions of the water necessary to solve their problem of low agricultural production.

Several small irrigation and drinking water projects in the hills have been cancelled in order to maintain a high water level in the Tehri reservoir. The mega-project has wiped out the possibility of developing better irrigation facilities for the local peasants. In fact, the project has in-built provisions that deny the adjoining villages any share of the water flowing into the reservoir.

The oppressed peasants of Uttarakhand are being made to pay the price for the benefits that would go to the urban rich and big capitalists of India. The dam is a gigantic and dangerous mechanism to enrich foreign companies (of Germany, Russia, Sweden and East Asia) and the Indian compradors, who earn huge profits and get their technology and auxiliary equipment sold in the process, besides the ruling class politicians, the bureaucracy, and the contractors.

The people of the region, who have for long been forced to migrate out in huge numbers, driven by hunger and in search of employment, are now being uprooted in the name of 'development'. Backwardness is being thrust upon them in order to provide electricity and water to rich peasants, capitalist farm owners and industries in relatively more developed regions.

CURRENT STATUS

The Tehri dam is in the later stages of completion. Only the last 30 metres of the 260.5 metres dam remains to be erected. But the people in the villages continue to block the transportation of stones from the quarries to the dam site.

Since the Supreme Court has not yet decided on the writ petition of 1992 challenging the dam-building on safety, rehabilitation and environmental grounds, the petitioners have sent a legal notice on 13 June 2003 to the Uttaranchal government, asking it to honour the State's and THDC's commitment to the Court, and to direct the authorities to take immediate action against the illegal closure of tunnel T1.

WHAT YOU CAN DO

- Popularise the issues involved in the struggle widely among people, wherever you are.
- Build support groups in your own areas and hold protest meetings and demonstrations.
- Collect individual financial contributions for supporting the struggle.
- Write about the issues in the various mainstream and alternate media, and encourage journalists to do so.

- Conduct signature campaigns and send protest letters to the President of India, Prime Minister, Home Minister, Environment and Forests Minister, Minister for Power, Minister for Water Resources, Chief Minister of Uttaranchal, and project authorities in Delhi, Dehradun and New Tehri.

CONTACT DETAILS

Mahipal Singh Negi (journalist)
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Tehri
Uttaranchal

TIPAIMUKH HIGH DAM

“We have no doubts in our mind about the fact that such an ill-conceived project is going to jeopardise the fate of thousands and thousands of innocent tribal peoples – the Hmars of Churachandpur District of Manipur and Mizoram and Zeliangrong/Nagas of Manipur, Assam and Nagaland.”

- G. Gaingam, President, Zeliangrong Naga Union in a Memorandum to the then PM Narsimha Rao

PROJECT PROFILE

Bigger than Bhakra Nangal, Tipaimukh Dam is expected to be the largest dam in India

Name: Tipaimukh Hydro Electric (Multipurpose) Project 1500 (6 x 250) MW at Mar Border

Government Notification: Manipur Gazette extraordinary No. 315 Imphal, Monday, January 20, 2003 under section 29(2) of the Electricity (Supply) Act, 1948, as amended No. 5/2/98-power (Pt)

Location: The dam on Ahu (Barak) river is located about 500 metres downstream of the confluence of the Tuivai and Ahu (Barak) rivers on the Manipur-Mizoram border

Station: Manipur/Mizoram border

District: Churachandpur

Nearest Town: Jiribam in Manipur

Project Category: Multipurpose (Power Generation and Flood Moderation)

Hight of the Dam: 162.8 metres

Length of the Dam at Top: 390.0 metres

Capacity of the Dam: Approx 411 MW (6 x 250 MW)

Total Cost: The North-Eastern Electric Power Corporation has estimated the project's cost to be Rs. 5,225.70 crores. It was earlier reported that the revised cost of the project was Rs. 4,421 crores. With 12 per cent interest, the project

cost would rise to Rs. 6,351 crores. The project is to be completed within 7 years and, by that time, the cost could rise upto Rs. 8,867 crores. A sum of Rs. 300 crores has been set aside to tackle the insurgency in the area. Rs. 100 crores is earmarked for national highway diversion and Rs. 200 crores for flood mitigation.

BRIEF HISTORY

Dams in the North-East are not only portrayed as means to development, but are looked upon as solution towards putting an end to the insurgency. Such views are still entertained in government circles despite the fact that dams, like the Ithai barrage, have endangered the livelihoods of thousands of local inhabitants. Ithai barrage was constructed in 1979 at the downstream of the Manipur river as a part of the National Loktak Multipurpose Hydroelectric Project commissioned in 1983.

But two years later, elected members of the legislative assembly of the fifteen affected constituencies in the three districts of Imphal, Bishnupur and Thoubal formed the Loktak Flood Control Demand Committee (LFCDC) to protest the inundation of cultivable land.

The fishing community of Thanga village also formed an association in 1992 to protect the social, economic and cultural life of the inhabitants at Thanga Island.

While the Loktak people were struggling for survival, another dam was conceived in Manipur. And this time, it was a mega dam known as Tipaimukh High Dam. This dam was conceived as a device to control the floods.

It was after the incidents of 1929 and 1932 floods ravaging the Cachar plains of Assam that a dam was conceived at the Barak River for flood control. After India's independence, at the initiative of the Assam government, a flood control device was sought through the Central Water Commission and the Planning Commission. The investigating work by the Central Water Commission was started in 1974, the project report of which was submitted to the North Eastern Council on August 30, 1984. The report prepared by Central Water Commission was rejected in October 1987 due to unacceptable environmental impact assessment. However, the Brahmaputra Board, at the request of the Northeastern Council prepared another project report.

These reports were never made public nor the participation of the people of the area and their opinion sought, but the construction work of the Dam started.

Meanwhile, this earned the ire of various sections of people in Manipur as construction of Dam meant exporting floods from Assam to Manipur. The government of India and the state government of Manipur took notice of resentment.

On 27th July, 1995, Mr. Kamal Nath the then Union Minister of Environment and Forest assured the people that their concern and apprehension will be duly considered while appraising the project.

On 28th July 1995, the then Deputy Chairperson, Planning Commission, Mr. Pranab Mukerjee intimated that major issues like rehabilitation of oustees, sharing of benefits and costs etc. among the states of Assam, Manipur and Mizoram and clearance from environment ministry are yet to be resolved and the project yet to be approved.

In 1994-95, the Zeliangrong Students Union, Manipur and the Hmar Student's Association, on behalf of their respective commission, presented memoranda to the Prime Minister. But the PMO did not bother to come out with any response. Like the PMO, the Central Water Commission, the Brahmaputra Board and the state government too maintained a dubious silence, adding further to the confusion.

On 29th July 1995 Mr. Rishany Keishing, the then chief Minister of Manipur categorically stated on the floor of the Assembly that the State Government has taken a cabinet decision not to permit the Central Government to go ahead with construction work of the dam. Surprisingly, neither the State Government specified the ground on which it opposed the dam nor it made any white paper available to the people or media.

However, the detailed project report at the cost of Rs. 2,899 crores (at 1995 price level) was approved by the Ministry of Water Resources, Government of India in the 62nd meeting of the Advisory Committee on Irrigation, Flood Control and Multipurpose River Valley Projects held on 25th August 1995. The project had also been cleared by the Ministry of Welfare, Government of India. Conspicuously, the Ministry of Environment and Forests seemed to have been bypassed or ignored.

In July 1999, the project was handed over to Northeast Electric Power Corporation (NEEPCO) for implementation as a multipurpose project on the instruction of the Government of India. The dam was now projected a hydroelectric venture with flood control as secondary benefit.

The Government of Manipur finally signed the MoU with NEEPCO in January 2003 despite loud and persistent protests by local groups and communities.

Tipaimukh High Dam

Subsequently a notification was issued by the Manipur Government on 20th January 2003 and objections under section 29 of the Electricity (Supply) Act to the Tipaimukh Hydroelectric (Multipurpose) Project were invited.

Earlier, three projects with locations downstream of Tipaimukh at Mainadhar, Naraindhar and Bhubandhar were rejected due to geological and technical reasons but similar reasons in regard to Tipaimukh were ignored.

OBJECTIVES

1. To prevent frequent occurrences of flood in the Cachher plain of Assam by making a permanent submergence of 275.50 Sq. Km. of land surface in Manipur.
2. Generation of Hydropower to the tune of 1500 MW with the annual generation of 3805.74 GWH. Out of the total output, 12% would be supplied free of cost to the States where distress is caused.
3. To construct a 400 KV transmission line, evaluating power from the project to Misa via Imphal and Dimapur and 400/220 KV sub-station at Imphal. This shall bring Manipur into the national grid.
4. To develop Barak Fall area as a high class tourist resort.
5. Industrialisation of the state of Manipur and overall development of the region.
6. Development of the road communication network in the area.

DISPLACEMENT IMPACT

While the official estimate says that the project will totally affect only 311 sq. km. of land, 8 villages and 1461 Hmar families, the assessment by the people's organisations is that altogether 67 Zeliangrong villages are going to be affected by the Dam. Out of the total 67 villages, 16 villages will be completely submerged, whereas almost the entire land of the rest 51 villages will be submerged. This submersion will be the most along the banks of the Ahu (Barak) and the Alang (Irang) rivers systems, which run throughout the length of Tamenglong (Zeliangrong) district of Manipur. Besides, many more villages are likely to be submerged by the water levels of the reservoirs during the rainy seasons.

Since most of the Tamenglong district is hilly, the people mostly depend on forest resources and the small patches of lowland along the Ahu and Alang river banks. Their main sources of livelihood are agriculture and horticulture.

Since Tipaimukh High Dam threatens to completely submerge all the lowland and even some parts of the forested areas, the local people will be deprived of their only means of livelihood. People use the rivers extensively for transport, as the road connectivity is poor.

Over 15,000 people will be direct victims of the project. They will be rendered homeless, would be deprived of their ancestral right to their land, and forest and would be thrown out on the streets, without having any other source of livelihood.

Moreover, the complete submersion of 16 villages, the partial submersion of 51 villages, the virtual submersion of rich fertile land along the Ahu, Alang and Makhu river banks and the resulting damage caused to National Highway No. 53 will also adversely affect the socio-cultural lives of the entire population of the Tamenglong District as well as the State of Manipur. The physical displacement of thousands of tribal families and their supplantation in an alien environment will have not only serious **economic repercussions**, but also far reaching **socio-psychological** and **cultural** impact.

Besides, the long stretches of the Dam's reservoirs will further divide the people in terms of geo-administrative units, thereby making them politically vulnerable to the outside influence and domination. The implementation of the project and the consequent displacement and destruction will also pose a great threat to the vibrant and democratic system of the people.

THE PEOPLE: LIFE AND LIVELIHOOD SYSTEMS

Zelingrong Naga tribe is one of the biggest Naga tribes inhabiting three states of Manipur, Assam and Nagaland, compared to the overall literacy rates of the three states in which tribal people live, their literacy percentage is very low (about 35 per cent). This proves to be a serious handicap to their socio-economic upward mobility. Hmar tribe is also a constituent of the indigenous peoples.

The main sources of livelihood of Zeliangrong tribals and Hmar are agriculture and horticulture. They practice settled, terrace and shifting cultivation, citrus farming and fishing. The people use the river extensively for transportation as the road connectivity is poor in the area. They carry bamboo and ginger through the Tuivai River to Barak and then all the way to Lakhimpur in lower Assam.

PEOPLE'S STRUGGLE

Protests against Tipaimukh Dam started in the early nineties by the people who had seen the impact of Ithai barrage. Memorandums were sent by Hmar

Students Union, Zeliangrong Naga Union, Naga Union, Manipur, Naga Women's Union, Manipur and others.

These mass organisations raised the following **questions**:

- We fail to understand how much of our culture has been grasped by the project authority in its correct ambiances in few visits to our land and we also questions with what authority they can speak of our flora and fauna as of no significance.
- Where is the proof that there will be a better rehabilitation package for us?
- Where is the talk of adequate compensation to be paid as claimed by the project authority?
- Why does the government suddenly want to give facilities to us, which were never granted to us?
- Can the government assure us that the myths and legends woven around the Barak water fall and our ancestral villages which form an inalienable part of our bank of memories inherited through the ages can be transmitted down to our future generations after we are displaced from over ancestral homes?

Therefore people's organisations **asserted**:

- We cannot afford our symbiotic relation with nature and land to be disturbed. When we are cut off from our land we will be like fish out of water.
- We cannot exchange over traditional culture rooted to our land with a recreational center as proposed by the project authority.
- Our austral emotional bonds to our law, mother earth, constitute a social cultural, spiritual and psychological frame and it cannot be compromised or negotiated at whatever cost.
- We cannot allow the thoughtless project authorities to throw out over lives into a vacuous moral and spiritual pit.
- The Brahmaputra Board, Guwahati; the Central Water Commission, New Delhi; the North-Eastern Council, Shillong; and the North-Eastern Electric Power Corporation (NEEPC), Shillong are all party to this plan of virtual genocide of the tribal people in the north-east.

- The policy to control frequent flooding of the Cachar plain at the cost of the traditional dwellers of Tamenglong district, which will effect a permanent submergence of 275.50 Sq. Km. of land surface or more along the Barakbasins is against the National policy of land Use.

Hence the people **demand**:

- Meaningful investigations into the flora and fauna of the area, the lifestyles and the socio-cultural and economic heritage of the people to be displaced and/or affected be undertaken.
- All reports be made public and public debate on the issues involved be invited.
- The proposed signing of the MoU between the government of Manipur and NEEPCO be stopped immediately until all feasibility reports are made available and all investigations in respect of the social, economic, cultural, geological, environmental and ecological impact on the people and the areas are carried out, completed and discussed in full knowledge, cooperation and participation of the local people, whose lives are at stake.

Strike and Sit-in

In order to protect the people's rights, a number of organisations gave a call for one day Bandh on 5th December 1999 and sat on dharna the same day.

Coming together

In 1999 itself various organisations decided to come together under a forum called 'Citizen's Concern for Dams and Development (CCDD)'. This forum now has as many as 45 organisations supporting it.

Initially, people were not totally anti-dam. They simply sought the right to information about the dam and its consequences, and the right to participate. Not only was their rightful demand for information denied and their requests never answered, but also a delegation of CCDD, went to meet NEEPCO technocrats in Manipur, was told that the information will be useless to tribal people as they will be unable to understand it.

Disillusionment

Now the people began to lose patience. The attitude of the officials and the

government of Manipur signing the MoU only helped to strengthen the resistance. Groups and individuals who had hoped that the government would provide a space for them to participate in the development process had no choice but to say “No” to the dam. Therefore, they, from time to time, petitioned the President of India and the Prime Minister to order the stoppage of the project. Their main argument was that the Dam will submerge a “genetic hotspot” and uproot the indigenous communities. They even submitted a memorandum to the Union Minister for Power and Water Resources in October 2002 claiming that the proposed project authorities have not taken the people’s wishes into consideration while formulating the project. But their pleas went unresponded.

Deal Signed

Meanwhile, after dithering for sometime the government of Manipur finally signed the MoU with NEEPCO in January 2003 despite loud and persistent protest by local groups and communities.

Speaking to the media persons, Manipur Chief Minister, Okram Ibobi Singh criticized the agitation against the proposed dam as being motivated by “vested interests” and said that the dam would be constructed “at any cost”. He further said that the protesters do not understand that they will also benefit greatly from the dam.

Ultimately, the project also received the techno-economic clearance from the Central Electricity Authority in July 2003.

PEOPLE’S CONCERNS

1. The project report did not study the area geo-tectonically. It is a vital flaw in the planning. Existing records and analysis establish that the whole of upper Barak watershed area is full of thrust fault lines. Even the point of the proposed Tipaimukh Dam axis fall on the ‘**Taithu thrust fault line**’ (MAP 2). Therefore, the proposed dam site itself is questionable and must be subject to detailed analysis.
2. The project area is within the seismic zoning No. V characterized by earthquake of magnitude 7 or more on the Richter scale. More than five earthquakes of magnitude greater than 5+ were recorded in the area within 6-100 Km. radius during the last few years. The epicenter of the maximum magnitude of earthquake (8+M) recorded in this region lies at 80 Km. towards ENE of the Dam site. There is no technological

knowledge to design the structure that can withstand an earthquake of 8+. Even the epicenter of the earthquake that occurred on April 5, 1999 measuring 5M on the Richter scale lies within Surma group of rocks in which the Dam is supposed to rest. The catastrophic 1984 Silchar Earthquake (5.6M) was well within the Surma Basin. Moreover, the proposed Tipaimukh Dam rest on a fault occupied by the river itself, which may be reactivated any time causing considerable vertical as well as lateral displacement. Even the rock-filled dam up to a dam height of 162.80 meter is not yet attempted anywhere except on this dam. Normally, dam's height is targeted only up to 25 to 30 meters. Hence, the dam's structure design in the area, more specifically, a geological unstable area is questionable.

3. The proposed dam did not assess the environmental impact of the area to be submerged by the dam water. In a peculiar way, the project authority referred to an early Botanical survey record of the region (vide Flora of British India 1872 – 1897). There is no record of plant gathering and animal hunting with reference to the Tipaimukh project
4. If some one travels along the bank Barak, he could have seen vast areas of virgin plain that could be used for crop cultivation. This is also clearly visible in any of the photo imageries of the area. Once the area is under water, these land potentials will permanently be doomed. Over and above, there are **certain sacred islands** owned by the indigenous peoples of the region. Hence, it is alarming to note that such kind of land potentials as well as natural heritage of cultural significance of the region will be lost permanently. After the construction of the dam, the down stream, particularly Jiribam may be affected by hydrological imbalances resulting in serious water scarcity.
5. The nature of listing the number of being affected villages mentioned in the project report(s) automatically instills suspicion to one's mind. The number of being affected villages were listed as 31 (Thirty-one) in the project report submitted during 1984 and the same was also mentioned in both the two volumes of the **Rehabilitation Report** submitted by WAPCOS (April 1998). However, there has been sudden and unwarranted decrease in the number of villages being affected as shown in the Brief Report of the NEEPCO 1998 (December), in which the number of being affected is listed as only 15 (Fifteen) without even caring to identify the villages.

PROJECT VS PEOPLE: WHO BENEFITS, WHO LOSES?

When a big dam is constructed, the greatest loss is usually borne by the indigenous people. They are not only uprooted from their lands but their culture and livelihood also get threatened. Thipaimukh High Dam will not be an exception. It will do the same to the Zeliangrong and Hmar tribes of Manipur. People belonging to these tribes will be deprived of their ancestral right to their land and forest; will be rendered homeless and will be thrown out on streets without any alternative source of livelihood. Even if some people are rehabilitated, such rehabilitation is not going to provide a life with dignity and self-respect to them. Given the context of a tremendous scarcity of habitable land and the ethnic clashes on the hills of Manipur, the physical, social, psychological and cultural rehabilitation of the displaced people will be a Herculean task.

The likely beneficiaries of the project will be contractors, politicians and bureaucrats whose nexus often siphons off money and natural heritage away. It has also been said that the Tipaimukh High Dam will benefit the neighbouring North Eastern States at the cost of the land and people of Manipur.

STATE'S RESPONSE TO THE PEOPLE'S STRUGGLE

The States response throughout has been indifferent, secretive and callous. For instance, in 1994-95, the Zeliangrong Students Union, Manipur and the Hmar Student's Association, on behalf of their respective communities, presented memoranda to the Prime Minister of India. But the PMO did not bother to respond. Similarly, the Central Water Commission and the Brahmaputra Board and the State Government too maintained a dubious silence.

It was in August 1995, that the State Government did issue a statement saying that it was opposed to the construction of the dam and that it had communicated its opposition to the Central Government. However, the State Government neither specified the ground on which it opposed the dam, nor did it make any white paper available to the people or even the media. On the contrary, it signed the Memorandum of understanding (MoU) with NEEPCO in January 2003.

The indifference of the State Government towards the people can also be seen in the statement of the Chief Minister wherein he criticized the agitation as being motivated by "vested interests" and said the dam would be constructed "at any cost". He also dismissed the allegations that the local people's aspirations were not taken into account or that the scheme lacked transparency.

CURRENT STATUS

Tipaimukh High Dam or Tipaimukh Hydro Electric Project has already received the techno-economic clearance from the Central Electricity Authority in July 2003. Now it awaits the clearance from the Union Cabinet's Committee on Economic affairs.

Meanwhile, NEPCO is busy organising the finances and the contractors. The Government of India would be financing 30 per cent of the cost and the rest is to come from the loans. The Power Finance Corporation has already agreed to give a loan at the rate of 10.5 per cent.

The contract will be given as a turnkey project and international tenders have already been floated.

WHAT YOU CAN DO

- Popularise the issues involved in the struggle widely among people, wherever you are.
- Send fact-finding teams to the project site; publish their findings and send a copy to the Prime Minister and State Chief Minister.
- Build support groups in your own areas and hold protest meetings and demonstrations.
- Write about the issues, particularly about the devastating impacts of high dams, in various mainstream and alternate media, and also encourage journalists to do so.

CONTACT DETAILS

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ON THE DRAFT NATIONAL REHABILITATION AND RESETTLEMENT POLICY

The Government of India prepared a Draft National Rehabilitation and Resettlement Policy in 1998. It stresses on the question of rehabilitation in any big development project. It also mentions special measures for adversely affected or displaced families, and takes into account self-employment of affected persons.

According to the preamble of the draft policy, "the presumption that displacement is an inevitable consequence of all developmental efforts needs to be reassessed in the light of the enormous costs of human suffering of such projects."

The preamble also refers to the repeated experience of people's resistance to 'development projects' in India since independence: "Today project-affected people are no longer in a mood to suffer passively. Consequently there has been growing protest... Unsatisfactory arrangements for rehabilitation and resettlement create opposition to acquisition of land."

This draft expresses the grudging response of the Indian Government to the growing popular opposition to mega-projects that uproot large numbers of people. And, till date, it has remained merely a draft.

The policy outlined in this draft has so far NOT come into effect. All the policy guidelines are persistently and blatantly violated in practice. We outline the main points of the draft policy to indicate the minimum that the State must do, something it has always refused to.

IS THE PROJECT DESIRABLE AND NECESSARY?

The draft policy lays down that projects involving transfer or change in land use of at least one hundred acres of land must first be subjected to a holistic appraisal of the desirability and justifiability of the project. The public, particularly the people likely to be affected, must:

1. Have proper access to information regarding all aspects of the project.
2. Be 'heard' and allowed to examine all aspects of the project.
3. Be allowed to examine the objectives of the project, whether it actually serves any 'public purpose'.

4. Be allowed to examine the alternatives for achieving the same objectives, while causing no or less displacement.

Moreover, the resettlement and rehabilitation authorities have to prove "that the proposed project is the best among available alternatives to achieve the given objective with minimum displacement."

INVOLVE THE PEOPLE

It also makes it mandatory for the "project planning and implementation authorities" to "involve and consult the representatives of the affected communities, including women and members of disadvantaged groups, in all phases of planning, execution and monitoring" of the resettlement and rehabilitation (RR) plan.

The policy emphasises transparency of the RR plan. The comprehensive resettlement plan must be made public, and people given the right to participate and intervene in its design and content.

AFFECTED PEOPLE MUST BENEFIT FIRST

In cases where a project "creates or augments a livelihood base" that benefits "a class of people", the people displaced or otherwise affected by the project have "the first right on the benefits." For example, in all irrigation projects, everyone losing agricultural land would have first claim on land in the command area (i.e. where the benefits go). And in case of non-irrigation projects, the displaced persons must be resettled as close to the factory site and township as possible, so that they have maximum access to the newly created economic opportunities. Moreover, incidental benefits generated by the implementation of a project must be made available to project-affected families at no, or a negotiated, cost. For example, families displaced by a power generation project must be the first ones to be brought into the distribution network and provided with electricity connections. Field channels must be constructed for supply of water for irrigating the lands of the resettled project-affected families, and the cost should be borne by the irrigation project that displaced them.

A BETTER STANDARD OF LIVING

The resettled people must be able to enjoy a standard of living at least comparable to those who have directly benefited from the development process in general and the specific project in particular.

NO DISPLACEMENT WITHOUT PRIOR REHABILITATION

Implementation of the rehabilitation package with regard to alternative livelihood, assets and dwellings for every affected family has to precede their physical dislocation. "Facilities such as clean drinking water, pre-school and primary school and basic healthcare facilities must be in position and fully functioning even if a small number of families are initially resettled."

SPECIAL MEASURES FOR ADIVASIS

Land for Land:

The provision of land for land is mandatory in the case of adivasis landowners. The resettlement process must take into account the fact that various dominant interests have often alienated adivasis from their land. Therefore an inquiry into whether any adivasis lands have been transferred in violation of the law must precede land acquisition. Land can be acquired only after all such transfers are cancelled and the rights and titles of the adivasis on their alienated land are restored. According to the draft policy, "social activists and prominent NGOs" should be involved at this stage.

"All forest lands under occupation of the tribal families since 24th October 1980 or before this date shall be deemed to have been allotted or owned by the concerned tribal families."

Resettlement site:

Adivasi families must be resettled only on sites chosen after consultation with their traditional or elected leaders or representatives. They must be settled as close to their natural habitat as possible and given their customary rights to minor forest produce and common property resources at the new site. In case this is not possible, they must be compensated for the loss of their customary rights to forest produce (equivalent to 450 days minimum agricultural wages). All adivasis families of the ousted villages must be resettled together and common property land provided free of cost.

Employment / Self-employment:

- "It will be the direct duty of the project to ensure the assured and sustainable livelihood of project affected persons [who have not been given agricultural land] in the new livelihood opportunities that emerge directly or indirectly from the project."

- “All skilled and semi-skilled direct employment in the project must always go to a project affected person, as long as any such persons are available for employment.”
- On-going work that can be done by project affected persons should not be given to contractors.
- The project authorities should take the assistance of the District Rural Development and District Urban Development Authorities to “systematically ensure” full literacy as well as the creation of necessary skills to render the project affected persons eligible for employment at least in semi-skilled positions, and, if possible, in skilled positions.
- Non-agricultural rural families should also be provided with constructed shops or working sheds and the land required for the purpose so that they can continue their vocations in the place of resettlement.

Rehabilitation grant:

“Where neither agricultural land has been provided nor a regular factory job has been given, a rehabilitation grant equivalent to 750 days minimum agricultural wages prevailing on the day of displacement has to be provided to the displaced families... to cover a gestation period of around three years to establish a new livelihood.”

PRECONDITIONS FOR SUCCESSFUL RESETTLEMENT

1. A comprehensive and accurate **information base** regarding the number of people affected, their income structure, modes of livelihood and resource-use;
2. A **comprehensive policy** taking into account all aspects of displacement and all categories of displaced;
3. **Availability of suitable land** to resettle entire village communities as intact social units;
4. **Participation of project affected people** in planning, design and implementation of the resettlement process;
5. **Detailed resettlement plan, budget and timelines**, clearly linked with construction and displacement/submergence;
6. An **independent monitoring system**.

MINISTRY OF RURAL DEVELOPMENT
(Department of Land Resources)

RESOLUTION

New Delhi, the 17th February, 2004

Subject: - National Policy on Resettlement and Rehabilitation for Project Affected Families-2003 (NPRR - 2003)

F. No, Acq. 13011/4/2003-LRD-WHEREAS the Government of India, Ministry (of Rural Development (Gramin Yikas Mantralaya), Department of Land Resources (Bhumi Sansadhan Vibhag), has formulated a National Policy on Resettlement and Rehabilitation for Project Affected Families-2003;

AND whereas the Government of India desires that the contents of the said Policy be brought to the notice of the general public and given widest publicity;

NOW therefore, it is directed that the National Policy given in the Schedule hereto annexed be published in the Gazette of India, Extraordinary Part-I, Section I, dated 17th February, 2004.

SCHEDULE

Subject: - National Policy on Resettlement and Rehabilitation of Project Affected Families-2003

CHAPTER - I: POLICY

PREAMBLE:

- 1.1 Compulsory acquisition of land for public purpose including; infrastructure projects displaces people, forcing them to give up their home, assets and means of livelihood. Apart from depriving them of their lands, livelihoods and resource-base, displacement has other traumatic psychological and socio-cultural consequences. The Government of India recognizes the need to minimize large scale displacement to the extent possible and, where displacement is inevitable, the need to handle with utmost care and forethought issues relating to Resettlement and Rehabilitation of Project Affected Families. Such an approach is especially necessary in respect of tribals, small & marginal farmers and women.
- 1.2 The system of extending cash compensation does not, by itself, in most cases, enable the affected families to obtain cultivable agricultural land,

homestead and other resources which they have to surrender to the State. The difficulties are more acute for persons who are critically dependent on the acquired assets for their subsistence/ livelihoods, such as landless agricultural workers, forest dwellers, tenants and artisans, as their distress and destitution is more severe, and, yet they are not eligible for cash compensation.

- 1.3 Some States and Central Ministries/Departments have their own Policies and Guidelines for Resettlement and Rehabilitation. However, a National Policy on Resettlement and Rehabilitation of Project Affected Families (PAFs) has not so far been enunciated. This Document aims at laying down basic norms and packages in the shape of a Policy which would, henceforth be referred to as the National Policy on the Resettlement and Rehabilitation of Project Affected Families - 2003 (NPRR-2003).
- 1.4 The Policy essentially addresses the need to provide succour to the asset less rural poor, support the rehabilitation efforts of the resource poor sections, namely, small and marginal farmers, SCs/STs and women who have been displaced. Besides, it seeks to provide a broad canvas for an effective dialogue between the Project Affected Families and the Administration for Resettlement & Rehabilitation. Such a dialogue is expected to enable timely completion of projects with a sense of definiteness as regards costs and adequate attention to the needs of the displaced persons especially the resource poor sections. The intention is to impart greater flexibility for interaction and negotiation so that the resultant Package gains all-round acceptability in the shape of a workable instrument providing satisfaction to all stakeholders/ Requiring Bodies.
- 1.5 The National Policy on the Resettlement and Rehabilitation of Project Affected Families will be in the form of broad guidelines and executive instructions for guidance of all concerned and will be applicable to Projects displacing 500 families or more enmasse in plain areas and 250 families enmasse in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India. It is expected that the appropriate Government and Administrator for R&R shall implement this Policy in letter and spirit in order to ensure that the benefits envisaged under the Policy reaches the Project Affected Families, especially resource poor sections including SCs/STs.
- 1.6 The rehabilitation grants and other monetary benefits proposed in the Policy would be minimum and applicable to all project affected families whether belonging to BPL or non-BPL families States where R&R packages are higher than proposed in the Policy are free to adopt their own packages

CHAPTER - II

2. OBJECTIVES OF THE POLICY

2.1 The objectives of the Policy are as follows:-

- (a) To minimize displacement and to identify non-displacing or least-displacing alternatives, (b) To plan the resettlement and rehabilitation of Project Affected Families, (PAFs) including special needs of Tribals and vulnerable sections; (c) To provide better standard of living to PAFs, and (d) To facilitate harmonious relationship between the Requiring Body and PAFs through mutual cooperation

CHAPTER - III

3. DEFINITIONS

3.1 The Definition of various terms used in this Policy Document are as follows:

- (a) Administrator for Resettlement and Rehabilitation means an officer not below the rank of District Collector of the State Government appointed by it for the purpose of resettlement and rehabilitation of the Project Affected Families of the Project concerned provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Govt.
- (b) “affected zone”, in relation to a project, means declaration under para 5.1 of this Policy by the appropriate Government area of villages or locality under a project for which the land is being acquired under Land Acquisition Act, 1894 or any other Act in force or an area that comes under submergence due to impounding of water in the reservoir of the project;
- (c) “agricultural family” means a family whose primary mode of livelihood is agriculture and includes family of owners as well as sub-tenants of agricultural land, agricultural labourers, occupiers of forest lands and of collectors of minor forest produce;
- (d) “agricultural labourer” means a person normally resident in the affected zone for a period of not less than three years immediately before the declaration of the affected zone who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;

- (e) "agricultural land" includes lands used or capable of being used for the purpose of-(i) agriculture or horticulture; (ii) dairy farming, poultry farming, pisciculture, breeding or livestock and nursery growing medical herbs; (iii) raising of crops, grass or garden produce; and (iv) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;
- (f) "appropriate Government" means, -(i) In relation to acquisition of land for the purposes of the Union, the Central Government; (ii) In relation to a project which is executed by Central Government agency/Central Government undertaking or by any other agency on the orders/directions of Central Government, the Central Government, otherwise the State Government and (iii) In relation to acquisition of land for other purpose, the State Government
- (g) 'BPL Family' The Below Poverty Line Families shall be those as defined by the Planning Commission of India from time to time. (h) "Commissioner for Resettlement and Rehabilitation", in relation to a project, means; the Commissioner for Resettlement and Rehabilitation appointed by the State Government not below the rank of Commissioner/Secretary of that Government.
- (i) Displaced family means any tenure holder, tenant, Government lessee-or owner of other, property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project, has been displaced from such land or other property;
- (j) "family" means Project Affected Family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father/mother and other members residing with him and dependent on him for their livelihood;.
- (k) "holding" means the total land held by a person as an occupant or tenant or as both;
- (l) "marginal farmer" means "a cultivator with an unirrigated land holding upto one hectare or irrigated land holding upto half hectare;
- (m) "non-agricultural labourer"; means a person who is not an agricultural labourer but is normally residing in the affected zone for/a period of not less than three years immediately before the declaration of the affected zone and who does not hold any land, under the affected zone but who earns his livelihood principally by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning

his livelihood principally by manual labour or as such artisan in the affected zone

- (n) “notification” means a notification published in the Official Gazette,
- (o) “occupiers” means members of Scheduled Tribe community in possession of forest land prior to 25th October, 1980;
- (p) “project” means a project” displacing “ 500 families or more enmasse in plain areas and 250 families or more enmasse in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India as a result of acquisition of land for any project,
- (q) “project affected family” means a family person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of the affected zone of practicing any trade, occupation or vocation continuously for a period of not less than three years in the affected zone, preceding the date of declaration of the affected zone.
- (r) “Resettlement zone”, in relation to a project; means the declaration of any area under Para 5.12 of this Policy by the appropriate Government acquired or proposed to be acquired for resettlement and rehabilitation of Project Affected Families as a resettlement zone;
- (s) “Requiring Body” shall mean any company, a body corporate, an institution, or any other organization for whom land is to be acquired by the appropriate Government, and includes the appropriate Government if the acquisition of land is for such Government either for its own use or for subsequent allotment of such land in public interest, to a body corporate, institution, or any other organization or to any company under lease, license or through any other system of transfer of land to such company, as the case may be;
- (t) “small farmer” means a cultivator with an unirrigated land holding up to two hectares or with an irrigated land holding up to one hectare.

CHAPTER IV

4. APPOINTMENT OF ADMINISTRATOR AND COMMISSIONER FOR RESETTLEMENT AND REHABILITATION AND THEIR POWERS & FUNCTIONS

4.1 Where the appropriate Government is satisfied that acquisition of land for

any project involves displacement of 500 families or more enmasse in plain areas and 250 families or more enmasse in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India as a result of acquisition of land for any project, it shall, by notification/appoint in respect of that project, an officer not below the rank of District Collector of the State Government to be the Administrator for R&R in respect of that project. Provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Government.

- 4.2 The Administrator for Resettlement & Rehabilitation shall be assisted by such officers and employees as the appropriate Government may provide.

Administrator for Resettlement & Rehabilitation

- 4.3 Subject to the superintendence, directions and control of the appropriate Government and Commissioner for R&R the Administrator for Resettlement & Rehabilitation shall take all measures for the rehabilitation and resettlement of all project affected families (PAF) in respect of that project.
- 4.4 The overall control and superintendence of the formulation of resettlement and rehabilitation plan and execution of the same shall vest in the Administrator, Resettlement & Rehabilitation.

Powers and Functions of Administrator

- 4.5 Subject to any general or special order of the appropriate Government, the Administrator for Resettlement & Rehabilitation shall perform the following functions/duties:
- (i) minimize displacement of persons and identify non-displacing or least displacing alternatives in consultation with the requiring body; (ii) hold consultation with the project affected families while preparing a resettlement and rehabilitation scheme/ plan; (iii) ensure that interest of the adversely project affected families of Scheduled Tribes and weaker sections are protected. (iv) prepare a draft plan/ scheme of resettlement and rehabilitation as required under Chapter V of this Policy; (v) prepare a budget including estimated expenditure of various, components of acquisition of land, resettlement and rehabilitation activities or programmes in consultation with representatives of the project affected families, and requiring body for whom the land is acquired. (vi) adequate land for the project and also for setting the project affected families; (vii) allot land and sanction benefits to project affected families; (viii) perform such other functions as the appropriate Government may from time to time by order in writing, assign.

Delegation of powers of Administrator

- 4.6 Administrator for Resettlement & Rehabilitation may, by order in writing, delegate such of the administrative powers conferred and duties imposed on him by or under this Policy to any officer not below the rank of Tehsildar or equivalent.
- 4.7 All officers and staff appointed by the appropriate Government under this Policy shall be subordinate to the Administrator for Resettlement & Rehabilitation.

Commissioner for R&R

- 4.8 The State Government shall appoint an officer of the rank of Commissioner/ Secretary of that Government for resettlement and rehabilitation in respect of such projects to which this Policy applies to be called the Commissioner for Resettlement & Rehabilitation.
- 4.9 For the purpose of this Policy, the Administrator for Resettlement & Rehabilitation and other officers and employees appointed for the purposes for resettlement and rehabilitation of PAF shall be subordinate to the Commissioner for Resettlement and Rehabilitation.

Functions of Commissioner for R&R

- 4.10 The Commissioner shall be responsible for supervising the formulation of resettlement and rehabilitation plans/ schemes, proper implementation of such plans/ schemes and redressal of grievances as mentioned in Chapter VII of this Policy.

CHAPTER V

5. SCHEMES/PLANS FOR RESETTLEMENT AND REHABILITATION The procedure mentioned in this Chapter shall be followed for declaration of Affected Zone, carrying out survey & census of Project Affected Families, Assessment of Government land available and land to be acquired for the purpose of Resettlement and Rehabilitation, preparation of draft scheme/ plan for R&R and its final publication.

Declaration of Affected Zone.

- 5.1 The appropriate Government may if it is of the opinion that acquisition of land for a project is likely to displace 500 families or more enmasse in plain

areas and 250 families or more, in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India declared by notification in the Official Gazette, area of villages or localities as an affected zone of the project and thereupon the contents of this Policy shall apply to the project involved.

Procedure to be followed for survey and census of PAFs etc

- 5.2 Every declaration made under Para 5.1 of the Policy shall be published in at least two daily newspapers one of them should be in the local vernacular having circulation in villages or areas which are likely to be affected and also by affixing a copy of the notification on-the Notice-Board of the concerned Gram Panchayats and other prominent place or places in the affected zone.
- 5.3 Once the declaration is made under para 5.1 of the Policy, the Administrator for Resettlement and Rehabilitation shall undertake a survey for identification of the persons and their families likely to be affected by the project.
- 5.4 Every survey shall contain the following village-wise information of, the project affected families:
 - (i) members of families who are permanently residing, practicing any trade, occupation or vocation in the project affected area; (ii) Project Affected Families who are likely to lose their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade occupation or vocation. (iii) Agricultural labourers and non-agriculture labourers. (iv) Project Affected Families who are having possession of forest lands prior to 25th October, 1980, that is, prior to the commencement of the Forest (Conservation) Act, 1980.
- 5.5 Every survey undertaken under Para 5.4 shall be completed within a period of ninety days from the date of declaration made under para 6.1
- 5.6 On the expiry of the period of ninety days as aforesaid, the/ Administrator for Resettlement and Rehabilitation shall, by notification and also in such other manner so as to reach all persons likely to be -affected, publish a draft of the details of the findings of the survey conducted by him for inviting objections and suggestions from all persons likely to be affected thereby.
- 5.7 On the expiry of thirty days from the date of publication of the draft of the

details of survey and after considering the objections and suggestions received by him in this behalf, the Administrator for Resettlement and Rehabilitation shall submit the final details of survey with his recommendations to the State Government.

- 5.8 Within forty-five days from the date of receipt of the recommendations of the Administrator for Resettlement & Rehabilitation, the State Government shall publish the final details of survey in the Official Gazette.
- 5.9 The Administrator for Resettlement & Rehabilitation shall ensure that the Project Affected Families may be settled preferably in group or groups and such sites should form a part of existing gram panchayat as far as possible. However, it has to be ensured that the PAFs may be resettled with the host community on the basis of equality and mutual understanding, consistent with the desire of each group to preserve its own identity and culture.

Assessment of land Available for R&R

- 5.10 For the purposes of para 5.9 above, the Administrator for Resettlement & Rehabilitation shall draw up a list of lands which may be available in any existing Gram Panchayat for resettlement and rehabilitation of project affected families.
- 5.11 The lands drawn up under para 5,10 shall consist of :-
- (a) Government waste lands and any other land vesting in the Government available for allotment to project affected families.
 - (b) If sufficient Government land is not available there, then land to be acquired for the purposes of resettlement and rehabilitation scheme/plan. However, the Administrator for R&R should ensure that 'such acquisition of land should not lead to another list of affected families.

Declaration of Resettlement Zone

- 5.12 The appropriate Government shall, by notification declare any area acquired or proposed to be acquired for resettlement and rehabilitation of project affected families, as a resettlement zone.

Power to acquire land for R&R

- 5.13(a) The Administrator for R&R on behalf of the the appropriate government, may either compulsorily acquire keeping in view the contents of Para

- 5.13(b) above any land under the Land Acquisition Act, 1894 or purchase land from any person through .consent award and may enter into an agreement for this purpose.

Draft Scheme/ Plan for R&R

- 5.14 After completion of; base line survey and census of Project Affected Families and assessment of requirement of land for resettlement as mentioned in Paras 5.3 & 5.11, the Administrator for R&R shall prepare a draft scheme/plan for the Resettlement & Rehabilitation of the Project Affected Families in consultation with representatives of Project Affected Families including women, Chairpersons of elected Panchayati Raj Institutions within which the Project area is situated.

Management of Funds for R&R

- 5.15 While preparing a draft scheme/Plan, the Administrator for R&R shall ensure that the cost of R&R scheme/Plan should be an integral part of the cost of the Project for which the land is being acquired and the entire expenditure of R&R benefits and other, expenditure for resettlement and rehabilitation of PAFs are to be borne by the requiring body for which the area is being acquired.
- 5.16 It shall be the responsibility of the requiring body to provide sufficient funds to the Administrator for R&R for proper implementation of resettlement & Rehabilitation scheme/plan of Project Affected Families.
- 5.17 The Administrator for R&R shall keep proper books of accounts and records of the funds placed at his disposal and submit' periodical returns to the Appropriate Government in this behalf.
- 5.18 Every-draft scheme/Plan of resettlement and rehabilitation prepared shall contain the following particulars namely:- (a) the extent of area to be acquired for the project and the name(s) of the corresponding village(s). (b) a village-wise list of project affected families and likely number of displaced persons, family-wise and the extent and nature of land and immovable property in their possession indicating the survey numbers thereof held by such persons in the affected zone; (c) a list of agricultural labourers in such area and the names of such persons whose livelihood depend on agricultural activities; (d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been alienated wholly and substantially from their main sources of occupation or vocation consequent

to the acquisition of land for the project; (e) a list of occupiers; if any (f) a list of public utilities and Government buildings which are likely to be affected; (g) a comprehensive list of benefits and packages which are to be provided to project affected families; (h) details of the extent of land available which may be acquired in settlement area for resettling and allotting of land to the project affected families; (i) details of the basic amenities and infrastructure facilities which are to be provided for resettlement; (j) the time schedule for shifting and resettling the displaced families in resettlement zones; (k) such other particulars as the Administrator for Resettlement & Rehabilitation may think fit to include for the information of the displaced persons.

Final Publication of Scheme/Plan of R&R

5.19 The Administrator for Resettlement & Rehabilitation shall, submit the draft scheme/plan for R&R to the State Government for its approval. It will be the responsibility of the State Government to obtain the consent of requiring body before approving the same. The draft scheme/plan may be published in the Official Gazette to give wide publicity to the same in the affected zone.

5.20 Upon notification of a scheme/plan, the same shall come into force.

CHAPTER - VI

R&R BENEFITS FOR PROJECT AFFECTED FAMILIES

- 6.1 the resettlement and rehabilitation (R&R) benefits shall be extended to all the Project Affected Families (PAF) whether belonging to below poverty line (BPL) or non-BPL
- 6.2 Any project Affected Family (PAF) owning house and whose house has been acquired may be allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than 150 sq.m. of land in rural areas and 75 sq. meter, of land in urban areas,
- 6.3 Each PAF of BPL category shall get a one-time financial assistance of Rs. 25,000/-for house construction. Non-BPL families shall not be entitled to receive this assistance.
- 6.4 Each PAF owning agricultural land in the affected zone and whose entire land has been acquired may be allotted agricultural, land, or cultivable waste, land to the extent of actual land loss subject to a maximum of one

hectare of irrigated, land or two hectares of un-irrigated land/cultivable waste land subject to availability of Government land in the district.

- 6.5 Stamp duty and other fees payable for registration shall be borne by the/ requiring body.
- 6.6 The Land allotted under para 6.4 shall be free from all encumbrances. The Land allotted may be in the joint names of wife and husband of PAF.
- 6.7 In case of allotment of wasteland/degraded land, in lieu of acquired land, each PAF shall get financial assistance of Rs. 10,000/- per hectare for land development. In case of allotment of agricultural land, a one-time financial assistance of Rs. 5,000/- per PAF for agricultural production shall be given.
- 6.8 Each PAF having cattle shall get financial assistance of Rs. 3,000/- for construction of cattle shed.
- 6.9 Each PAF shall get financial assistance of Rs. 5,000/- as transportation cost for shifting of building materials, belongings and cattle etc. from the affected zone to the resettlement zone.
- 6.10 Each PAF comprising of rural artisan/small trader and self employed person shall get one-time financial assistance of Rs. 10,000/- for construction of working shed/shop.
- 6.11 Each PAF owning agricultural land in the affected zone and whose entire land has been acquired shall get one-time financial assistance equivalent to 750 days minimum agricultural wages for loss of livelihood where neither agricultural land nor regular employment to one member of the PAF has been provided.
- 6.12 Each PAF owning agricultural land in the affected zone and whose entire land has not been acquired and consequently he becomes a marginal farmer shall get one time financial assistance equivalent to 500 days minimum agricultural wages.
- 6.13 Each PAF owning agriculture land in the affected zone and who consequently becomes a small farmer shall get one time financial assistance equivalent to 375 days minimum agricultural wages.
- 6.14 Each PAF belonging to the category of 'agricultural labourer', or 'non-agricultural labourer' shall be provided a one time financial assistance equivalent to 625 days of the minimum agricultural wages.
- 6.15 Each displaced PAF shall get a monthly subsistence allowance equivalent

to 20 days of minimum agricultural wages per month for a period of one year upto 250 days of MAW.

6.16 In the case of acquisition of land in emergent situation such as under Section 17 of the Land Acquisition Act 1894 or similar provision of other Act in force, each PAF shall be provided' with transit accommodation, pending resettlement and rehabilitation scheme. Such families shall also get R&R benefits as mentioned in above paras under the Policy.

6.17 Acquisition of Long Stretches of Land: In case of projects relating to Railway Lines, Highways, Transmission Lines and laying pipelines wherein only a narrow stretch of land extending over several kilometres is being acquired, the Project Affected Families will be offered an ex-gratia amount of Rs. 10,000/- per family, and no other Resettlement & Rehabilitation benefits, shall be available to them.

6.18 The Project Affected Families shall be provided necessary training facilities for development of entrepreneurship to take up self-employment projects at the resettlement zone as part of R&R benefits.

6.19 The Project Affected Families who were in possession of forest lands prior to 25th October, 1980 shall get all the benefits of R&R as given in above paras under the Policy.

6.20 The PAFs of Scheduled-Caste, category enjoying reservation benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.

6.21 R&R BENEFITS FOR PROJECT AFFECTED FAMILIES OF SCHEDULED TRIBES.

6.21.1 Each Project Affected Family of ST category shall be given preference in allotment of land.

6.21.2 Each tribal PAF shall be entitled to get R&R benefits mentioned in above Paras under the Policy

6.21.3 Each Tribal PAF shall get additional financial assistance equivalent to 500 days minimum agriculture wages for loss of customary rights/ usages of forest produce.

6.21.4 Tribal PAFs will be re-settled close to their natural habitat in a compact block so that they can retain their ethnic .linguistic and cultural identity

6.21.5 Tribal PAFs shall get land free of cost for community religious gathering.

- 6.21.6 Tribal PAFs resettled out of the district taluk & will get 25% higher R&R benefits in monetary terms.
- 6.21.7 The Tribal Land Alienated in violation of the laws and regulations in force on the subject would be treated as null and void and the R&R benefits would be available only to the original tribal land owner.
- 6.21.8 The Tribals families residing in the Project Affected Areas having fishing rights in the river/pond/dam shall be given fishing rights in the reservoir area.
- 6.21.9 Tribal PAFs enjoying reservation benefits in the affected zone VC shall be entitled to get the reservation benefits at the resettlement zone.
- 6.22 BASIC AMENITIES TO BE PROVIDED AT RESETTLEMENT ZONE
- 6.22.1 While shifting the population of the Affected Zone to the Resettlement Zone, the Administrator for R&R may as far as possible ensure that:
- a) In case the entire population of the village/area to be shifted belongs to a particular community, such population/families may be resettled enmasse in a compact area so that socio-cultural relations (social harmony) amongst shifted families are not disturbed
 - b) In case of resettlement of Scheduled Castes PAFs it may be ensured that they are resettled in sites close to the villages.
- 6.22.2 The Project Affected Families shall be provided the basic amenities and infrastructural facilities at the resettlement site as per norms specified by the Appropriate Govt. It is desirable that provision of drinking water, electricity, schools, dispensaries and access to the resettlement sites amongst others be included in the resettlement plan formulated by the Administrator for R&R.

CHAPER-VII

7. DISPUTE REDRESSAL MECHANISM
- 7.1 R&R COMMITTEE AT PROJECT LEVEL

Dispute Redressal Mechanism

- 7.1.1 In respect of every project to which this Policy applies, the State Government shall constitute a Committee under the Chairmanship of

the -Administrator of that Project to be called the ' Resettlement and ' Rehabilitation Committee to monitor and review¹ the progress of implementation of scheme/ plan of resettlement and rehabilitation of the Project Affected Families.

7.1.2 The Resettlement & Rehabilitation Committee constituted as above shall inter-alia include as one of its members:

(i) a representative of women residing in the affected zone; (ii) a representative each of the Scheduled Castes and Scheduled Tribes residing in the affected zone (iii) a representative of a voluntary organization; (iv) a representative of the lead bank; (v) Chairman or his nominee of the PRIs located in the affected zone (vi) MPs/MLAs of the area included in the affected zone

7.2.3 Procedure'' regulating the business of the Resettlement & Rehabilitation Committee, its meeting and other matters connected thereto shall be prescribed by the Appropriate Government.

7.2 GRIEVANCE REDRESSAL CELL

Grievance Redressal Cell

7.2.1 In respect of ever/project to which this Policy applies, the State Government shall constitute a Grievance Redressal Cell under the Chairmanship of the Commissioner for Resettlement and Rehabilitation for redressal of grievances of the PAFs.

7.2.2 The composition, powers, functions and other matters relating to the functioning of the Grievance Redressal Cell shall be such as may be prescribed by the Appropriate Government.

7.2.3 Any Project Affected Family, if aggrieved, for not being offered the admissible R&R benefits as provided under this Policy, may move an appropriate petition for, redressal of his grievances to the Grievance Redressal Cell.

7.2.4 The form and manner in which and the time within which complaints may be made to the Grievance Redressal Cell and disposed of shall be such as may be prescribed by the appropriate Government.

7.2.5 The Grievance Redressal Cell shall have the power to consider and dispose of all complaints relating to resettlement and rehabilitation against the decision of the Administrator/R&R Committee at Project

level for Resettlement & Rehabilitation and issue such directions to the Administrator for Resettlement & Rehabilitation as it may deem proper for the Redressal of such grievances.

7.3 INTER-STATE PROJECTS:

Inter State Projects

7.3.1 In case a project covers an area in more than one State or States or a Union territory where the project affected families are or had been residing, or proposed to be resettled, the Central Government in the Ministry of Rural Development (Department of Land Resources) shall in "consultation with concerned States or Union territory, as the case may be, appoint the Administrator for Resettlement & Rehabilitation and the Commissioner for Resettlement and Rehabilitation for the purposes of this Policy.

7.3.2 The method of implementation of plans/ schemes for resettlement and rehabilitation shall be mutually discussed by the State Governments and the Union territory administration' and the common plan/scheme shall be notified by the Administrator for Resettlement & Rehabilitation in the State or Union territory administration, as agreed to, in accordance with the procedure laid down in this Policy.

7.3.3 If any difficulty arises in the implementation of the schemes/ plans, the matter shall be referred to the Central Government in the Ministry of Rural Development (Department of Land Resources) for its decision and the decision of the Central Government shall be binding on the concerned States and Union territory.

CHAPTER - VIII

MONITORING MECHANISM

8. NATIONAL MONITORING COMMITTEE

National Monitoring Committee

8.1 The Central Government, Ministry of Rural Development, Department of Land Resource shall constitute a National Monitoring Committee, to be chaired by the Secretary, Department of Land Resources for reviewing and monitoring the progress of Implementation of resettlement and rehabilitation scheme/plan relating to all projects to

which this Policy applies. The Committee will have the following or his nominee not below the rank of Joint Secretary .as its members: Secretary, Planning Commission Secretary, M/o Social Justice and Empowerment Secretary, M/o Water Resources Secretary, M/o Tribal Affairs Secretary, M/o Railways Secretary, M/o Power Secretary, M/o Coal

Besides, the Secretary of the administrative Ministry/Department of the project for which the land is to be acquired shall be invited as one of the Members. The functions and duties of this Committee shall be prescribed by this Ministry.

- 8.2 The National Monitoring Committee shall be serviced by the National Monitoring Cell to be constituted by the Department of Land Resources for reviewing and monitoring the progress of implementation of Resettlement and Rehabilitation scheme/plan relating to all projects to which this Policy applies.

National Monitoring Cell

- 8.3 National Monitoring Cell constituted under, this Policy shall be headed by an officer not below the rank of Joint Secretary to the Government of India. The National Monitoring Cell as referred to above shall be assisted by the officers and staff as referred to in Annexure-I.

Applicability

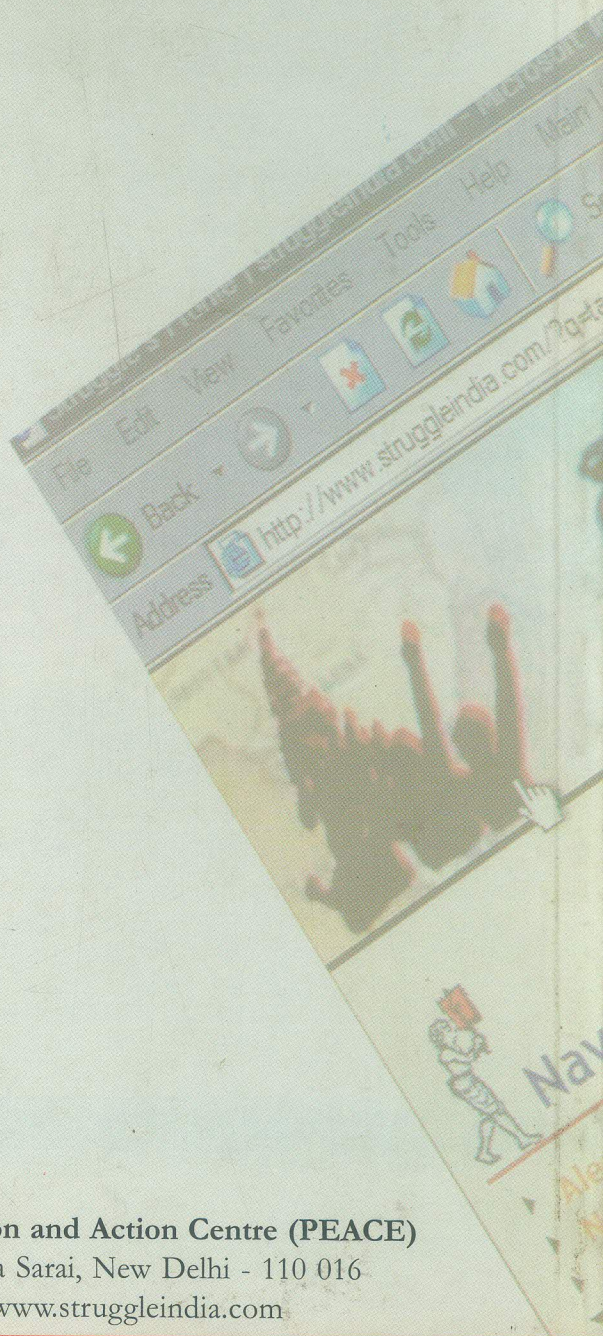
- 8.4 The National Policy on Resettlement and Rehabilitation of Project Affected Families (NPRR 2003) shall come into effect from the date of its publication in the Gazette of India (Extra-ordinary).

ANNEXURE-I

THE COMPOSITION OF THE NATIONAL MONITORING CELL (See Para 8.3)

Sl. No. Name of the Post No. of Post

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------|--|---|---|--|---|---|-----------------|---|---|---------------------|---|---|-------------------------------|---|---|-----------|---|---|-----------------------|---|---|------------------|---|---|--------------|---|----|------|---|----|---------|---|----|--------|---|
| 1 | Joint Secretary, Resettlement and Rehabilitation | 1 | 2 | Zonal Directors/Subject Matter Specialist Consultant | 4 | 3 | Deputy Director | 4 | 4 | Statistical Officer | 1 | 5 | Section Officer/ Desk Officer | 1 | 6 | Assistant | 2 | 7 | Statistical Assistant | 2 | 8 | L.D.C-cum-Typist | 4 | 9 | Stenographer | 9 | 10 | Peon | 4 | 11 | Sweeper | 2 | 12 | Driver | 2 |
| LALITHA KUMAR, Jt. Secy. 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



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