

LAND & PEOPLE

A PRIA Newsletter on Land Ownership and Alienation

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THE STRUGGLE IS ON

The struggle against the Sardar Sarovar dam on the Narmada river reached at its peak when the Sangharsh Yatra was launched on December 25, 1990. The sangharsh Yatra consisted of a 5000 strong population faced with displacement, along with a large number of social activists, environmentalists and human rights activists and groups. This non-violent protest was meant to raise awareness and mobilisation among the people of Gujarat about the social and environmental effects of this dam. After travelling 200 kms, the Yatra was stopped at the Madhya Pradesh - Gujarat border by the Gujarat Government.

The Gujarat authorities adopted aggressive and inflexible postures towards the Yatra. They declared that there was no need to negotiate with the agitators either on the question of reducing the height of the proposed dam or even temporarily halting the on-going construction activities, leave aside reviewing the project altogether.

Andolan people have consistently and categorically persisted that the project be reviewed altogether. The activists are questioning everything about the project - the scale, the design, the officially stated cost-benefit ratio, the schemes for rehabilitation of 3,00,000 people (hereby half of whom being tribals), submergence of 1,45,000 hectares of land (much of it being valuable forests) and the plants for compensatory afforestation.

The struggle against this dam project is being fought on many fronts, involving a variety of groups and individuals seeking diverse forums and forms of dissent — from villages in the Narmada Valley, facing displacement, to the headquarters of the World Bank and Japanese Overseas Development Aid (World Bank and Japan are major funders of this project). The struggle is not only limited to the concerned state and national capitals but also spreading across many countries around the world.

Thus, when this non-violent protest ended after many of the activists went on a hunger-strike, the World Bank agreed to initiate the review of this project from social and environmental angles and Japan withdrew its funding from the project. But still at the national level, there seems no apparent change in the attitude of state and national governments as the construction work is still on.

Yet, we have learnt a few lessons from the Sangharsh Yatra. Firstly, the negative role of local media in the popular movements like Narmada. Throughout Yatra, the media launched a disinformation campaign to discredit and divide the marchers and create a state of hysteria amongst supporters of the dam. This was carried out on a 'self-censorship' principle, supported by local politicians, authorities and contractors. Secondly, when true nature of the State (with its vested clandestine interests) was exposed and threatened, it used force to stop the non-violent march. These experiences coupled with other such environment-preservation ventures would be valuable and meaningful to similar popular movements against other destructive developmental colossals like the Narmada Sarovar Dam. □

SOCIETY FOR PARTICIPATORY RESEARCH IN ASIA



ARREST OF AN ENVIRONMENTALIST ?



(Nothing needs to be said about the crimes committed by the forest department against the forest dwellers and poor people. The arrest of Mr. Sitaram Sonwani, an environmentalist, who has been organising the tribals of Gariaband tehsil of Raipur district, Madhya Pradesh against the illegal felling of Trees by contractors, forests and police officials is an example of this. Here is an extract from the report of a fact-finding team published by P.U.C.L. Raipur. This report is available for Rs.5 from A-38, Shanker Nagar, Raipur, Madhya Pradesh - 492 007.)

Sitaram Sonwani, a social worker from Gariaband Tahsil of Raipur District in Madhya Pradesh was taken for interrogation by the Police and Forest Ranger on September 10, 1990 around 3 p.m. from Village Piparcheri, where Sonwani has been living for the past five years. His colleagues were assured by these officials that they were taking Sonwani only for discussions; and that he would be brought back by them on time for participation in the celebrations for Acharya Vinoba Bhave Jayanti on 11th September - for which preparations were being made by village-folks and social workers of the area.

It was only when Sonwani did not turn up that an exten-

sive search began for him. The obvious place to enquire about him was the Police Station. Arjun Singh Sidar - a co-worker of Sonvani - had to swim across the flooded river to reach Gariaband; only to be told by the Thanedar that the police was not the keeper of Sonvani and that he would be put behind the bars if he did not stop asking embarrassing questions to the police.

It was, however, with the cooperation of the high officials that Sonvani could be traced to the Raipur Central Jail. It was also informed that Sonvani was arrested under IPC Sections 447 (criminal trespass) and 379 (theft). A team of social activists then met Sonvani in Jail and collected background information.

Background

Garjai Pani Reserved Forest Area is located at the borders of Patwari Halka Numbers 17 and 18 between Madanpur and Rampur villages of Gariaband Tahsil. This reserved forest area has been without any plants and trees for the past 25 years. The tribal-peasants (belonging mostly to gond and bhunjia tribes of the area) have been cultivating the land for the past 25 years or so. Even today, the boundaries of the farm-plots are prominently standing four and a half feet high. But, no tribal-peasant has been provided with any legal rights to cultivate this land, as yet.

Shri B.D. Sharma, Chairman, Scheduled Castes and Scheduled Tribes Commission of the Government of India has visited the land in question in

1988-89. There are photographs available showing B.D. Sharma, along with the local officials of Gariaband and Sitaram Sonvani with the Tribals cultivating the land. The officials agree that this was a strong case of allotting the land to these tribal-peasants. Several petitions, memorandums and prayers were submitted in the past five years under the leadership of Sitaram Sonvani from local to district to state level.

In spite of it, the Forest Ranger of Chura Forest Range used the 100 acres of land for Teak Plantation in 1989, covering this piece of land being cultivated by tribal-peasants for the past 25 years. This infuriated the tribal-peasants, who made several representations to the officials and politicians. But, to no avail.

In the meantime, the Chief Minister of Madhya Pradesh, Shri Sunder Lal Patwa declared - after coming to power - that not only the farmers cultivating government vacant land in revenue but forest villages will be provided with land rights. This encouraged the tribal-peasants to reclaim their lost land in Garjai Pani Reserved Forest Area.

It may not be out of place to mention that in 1977 the government had indeed given land rights (Pattas) to the farmers for forest land which they were then cultivating. It is, however, another matter that they were taken back by the next Government in 1980.

The recent declaration of the Chief Minister encouraged many others to reclaim the govern-

ment land, specially in forest areas in the whole of Chattisgarh.

The tribal-peasants of Madanpur and Rampur went to Sitaram Sonvani for further advice, as he was instrumental in awakening them about their rights on the forest. As an environmentalist, Sonvani reiterated his earlier position about the harmful effects of commercialisation of forests over the neglect of tribal life. Sonvani also clarified his position on plantation to Teak, Eucalyptus and Pine. He advised them to take necessary steps, even the path of agitation, to reclaim their ancestral land for the only means of livelihood they were left with.

Coupled with this advice against the back-drop of the Chief Minister's announcement, a group of about fifteen tribal-peasants went to Garjai Pani area, and started clearing it of the teak plants about a year old. In fact, they had removed some 75 plants carefully and kept these aside with the intention to plant these later on the boundary of the land. The plants kept now in the Police Station at Gariaband stand witness to this fact that the tribal-peasants had no intentions to destroy the plants.

It is at this time that the forest officials under the leadership of Forest Ranger reached the spot and caught everyone of them. The agricultural implements and 75 teak plants were also confiscated. The tribal-peasants (of whom five were women) were

dumped in one jeep, and taken to Forest Depot at village Parsuli.

The tribal-peasants were booked under IPC 447 and 379, and produced before the Magistrate at Gariaband. Fourteen out of these 16 were released on bail on 6th August, and the remaining two on August 31, after they languished in Raipur Central Jail for more than 25 days.

Conspiracy

The forest officials kept the arrested at village Parsuli inside the Forest Depot for almost two days and two nights. This time was utilized to torture them, harass them and conspire to implicate Sitaram Sonvani and Sumitra Bai, the two social workers of repute.

The Forest and Police officials at Gariaband have deliberately implicated Sitaram Sonvani and Sumitra Bai because of their past activities in exposing the misdeeds of those

who negate the civil liberties and democratic rights of the people.

Facts & Figures

The fact-finding team has established the following facts :-

- That both Sitaram Sonvani and Sumitra Bai were neither present at the site of the incident on 4.8.1990, nor were, in any way, committing any crime by enabling these tribal-peasants to reclaim their lost land.
- That the tribal-peasants had been cultivating the disputed land for the past 25 years, and are entitled for land rights. Their inherent rights are being forcibly taken away by the forest department through teak plantation on a land, yet to be established as free for forestry.
- That the forest and police officials are using all unethical means at their disposal to create an atmosphere of

fear and insecurity among the tribal peasants to hide their misdeeds.

- That the present government and some of its Ministers are prejudiced against the voluntary organisation by the name of PRAYOG, to which Sitaram Sonvani has been associated. Therefore, this incident is being used to vindicate the social workers.
- That the Government has not been sensitive enough to take immediate and appropriate action on this matter, when the complaints were first made to them.



LAND RECORDS MANUAL

Demystification of land records has been on the back of the minds of many individuals concerned and involved with people's right over natural resources for a long time.

PRIA organised a workshop on 'Land Records' during November 26- 28, 1988 in which activists from Maharashtra, Gujarat, Andhra Pradesh, Uttar Pradesh and Orissa took part. The outline of this manual was drawn up as a collective effort of the participants at this workshop. The deliberations of this workshop also helped in identifying generalities and diversities in land-record systems in various provinces. This manual will hopefully be able to provide a broader framework for working at land records and enthuse activists to work for related information at their local levels. Hopefully, it may also trigger off some collaborations among groups to join hands for a demystification campaign at the regional level.

Copies in English are available in with PRIA. (Hindi version is under preparation).

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POLICE ARREST PEACEFUL DEMONSTRATORS

Many environmentalists and action-groups have strongly condemned the arrest of social activist Mr Kumar Chandra Mardi and twenty tribals when they were protesting against the construction of Icha dam, a part of Subarnarekha Multipurpose project, at Icha near Chalbasa, Singhbhum district of Bihar.

On April 5, 1991, the local people, (mostly tribals) sat on an indefinite dharna to stop the construction of Icha dam. The 200 strong non-violent protest was organised by local organisations to stop the ongoing construction of this dam which will displace nearly 30,000 people, majority of whom belong to the Ho tribe, and over 81 villages whose survival and livelihood is at stake. They are up against the project as it violates international laws which state that no tribal can be displaced without proper rehabilitation and resettlement. So far, the project authorities have not come up with any rehabilitation plan to resettle the displaced people. But, the lands of the would-be displaced people are being notified for acquisition and only cash compensation is being offered as the rehabilitation money.

On 6th April, the Deputy Commissioner came with a large police force to evict the protesters. When the protesters refused to stop the dharna until and unless, all their demands were accepted by the project authorities, the police started dragging the people, including women and children, to the police bus and then took them to Saralkala police station. Mr. Kumar Mardi, along with 20 tribal women, was taken into custody.

Instead of arresting and taking legal actions against the corrupt officials and contractors working at the dam site, the project authorities have arrested the peaceful demonstrators.

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WORLD BANK TO REASSESS NARMADA PROJECT

A group of international experts is expected to be named by the World Bank within the next few weeks to carry out an independent assessment of the social, environmental and economic impacts of the Narmada Valley Projects in India.

No clear time table for the formation or implementation of the committee has yet been determined, though the committee is expected to report back within the year directly to the World Bank President. The move has been applauded by critics of the Narmada Project. Sources, both outside and inside the Bank, are already expressing concern that the not yet determined terms of reference for the independent panel could be too narrow. In particular, it is feared that economic aspects may be excluded.

Some of the concerns expressed by the voluntary groups are :

- this independent group must investigate the project as a whole including the economics and the whole question of secured funding, otherwise it will be a useless exercise.
- revised economic analysis completed last year is based on false assumptions of both costs and benefits and neglects the cumulative impacts of cost overruns, construction delays etc. and further more, environmental costs have never been properly assessed.
- unless it is a timely and holistic report available in its entirety to everyone, it simply is a smokescreen to keep critics at bay for another year.

*World Rivers Review
March/April, 1991.*

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Workshop on the Rajasthan Canal

The Rajasthan Canal, one of the largest irrigation systems in the world, has raised a number of controversies ranging from the long delays in its implementation to the social and environmental effects arising from the canal construction like waterlogging, salinity, changes in crop pattern, etc. In order to debate and discuss such issues related to this project a two-day workshop was organised on February 17-18, 1991 by Urmul, voluntary organisation, at Lunkarasar, Rajasthan. In this workshop, social activists, environmentalists, government officials and representatives from voluntary organisations took part.

For further details, contact :
Sanjay Ghose, URMUL,
Lunkarasar - 334 603, Bikaner, Rajasthan.

Workshop on Mansi-Wakal Project

PRIA along with ASTHA, Ubeswar Vikas Mandal, Chandeswar Kisan Sangharsh Samity and other organisations, organised a three day workshop on the theme 'Mansi Wakal Project : Development of Destruction' at Udaipur during 25-27 March 1991. Over 50 participants from 20 Non-Governmental organisations from Rajasthan and other states participated in the deliberations. This 218 metre long dam is proposed on the Mansi river, 60 kms South-West of Udaipur city. The foundation stone was laid in June 1989. The purpose of the dam will be to meet the growing demand of Udaipur City as well as for industrial purposes. The Detailed Project Report (DPR) prepared by the irrigation department does not even have a list of the villages to be displaced, leave alone any compensation for them. A study done by Chandeswar Kisan Sangharsh Samity shows that 23 villages will be submerged by the Mansi-Wakal project.

For further details write to :
Anita Mathur, Astha, Plot No. 4,
Bedla Road, Udaipur - 313 001.

Anti-Nuclear Convention, Kerala.

Strong mass protest against the decision of installing a nuclear power plant in Kerala is building up. The attempt to start a nuclear plant at Kothamangalam had to be abandoned in 1983, owing to strong organised protest from the local people. The state government has renewed its efforts more intensely now under the

cover of producing more electricity to meet the shortage of power experienced all over the state. The state government has categorically said that it would start a nuclear power plant at Kasargode district. The anti-nuclear convention of 6th August at Calicut was just an expression of the anti-nuclear feeling that is being built up all over the state. In this convention, it was decided that people should write to the Chief Minister, demanding the withdrawal of the anti-people project, conscientisation programme on nuclear danger through meetings, exhibitions, publications etc.

For more details, write to :
P.J. Sebastian, Convenor,
Kozhikode Town Hall,
Cherooty Road, Calicut, Kerala.

Workshop on Paharia Tribe

PRIA, in collaboration with local groups, organised a three day workshop during 18-20 February at Chandna, Godda district, Bihar on Paharia tribe and role of voluntary agencies for their development. Over 30 participants from local groups and activists participated in the deliberations. A report of the workshop is prepared.

For details contact :
Ghanshyam, Lok Jagriti Kendra,
Madhupur, Dist. Deoghar, Bihar - 815 353.

Seminar on Traditional Water Harvesting Systems of India

Centre for Science and Environment, organised a seminar on Traditional Water Harvesting Systems of India from October 9-10, 1990. The objective was to bring together academicians, officials, NGOs and journalists to discuss and document various indigenous water harvesting structures and their management systems. The emphasis was to document both the existing structures and those which have disintegrated over time, their management systems and their relevance to modern water management. CSE is preparing a proceedings of this seminar.

For further information, write to :
Centre for Science and Environment,
F-6, Kailash Colony, New Delhi - 110 048.

Manya Prantha Chaitanya Yatra

A 'padyatra' is being organised between February 14th and April 6th, 1991 passing through 6 districts of Andhra Pradesh and one in Orissa. About 50 groups from Andhra Pradesh and Orissa have come together to join this foot march. The main purpose behind this footmarch is to document (with first hand experience) the hidden issues involved in environmental degradation and to mobilise local people to articulate their view points.

Booklet on Narmada Dams

In response to growing awareness among the activists and general public on the Narmada Dams and issue, we have brought out a booklet in Hindi on the Narmada dam controversy for wider dissemination among the activists and groups in Hindi-speaking areas of the country. The booklet based on Baba Amte's English article is being distributed among the groups.

For copies, write to PRIA.

Green Film Guide

Centre for Science and Environment brought out a catalogue of video films on environment. These films are divided into 13 sub-themes. A brief description of each film (with producer, director and distributor's names and addresses) is given.

*For copies write to : Audio-visual Unit,
Centre for Science and Environment,
F-6, Kailash Colony, New Delhi - 110 048
Telephone : 6433394.*

Bhoo Sarvekshan Gyan Jyoti (Hindi)

Krishi Vikas Kendra, Chandva, Palamau brought out this document on Land Survey guide. This is written in a very simple language.

*For copy write to :
Krishi Vikas Kendra, Busad,
Chandva, Palamau (Bihar).*

The Land Acquisition Act and You

Multiple Action Research Group brought out this manual especially for those facing the problems of displacement and activists who are working with them.

*For copy, write to :
MARG, 113/A, Shahpur Jat,
Near Asiad Village, New Delhi - 110 016.*



Damming the Three Gorges

This is a critique on the Three Gorges Dam on the Yangtze River in China by Probe International. This project will displace 1.2 million people, acquire 32000 hectares of good agricultural land. The project is financed by CIDA and supervised by the World Bank. The Probe International reviewed the 13 volume official feasibility study with the help of nine experts from around the world.

*For details write to :
Probe International,
225 Brunswick Avenue,
Toronto, Ontario, Canada.*

The WWF-India-Quarterly

This is a quarterly newsletter of World Wide Fund for Nature. The Various sections of this newsletter like Earth Watch, Action Plus, Nature-scope, World Scan, India Scan, Cross-roads etc. give an excellent coverage of a wide variety of issues related to how communities interact with their environments.

*For details write to :
WWF (India)
172-B, Lodi Estate,
New Delhi - 110 003.*

Citizens' Report on Environment

Academy of Gandhian Studies, Hyderabad brought out a "Status of Environment in Andhra Pradesh, Citizens' Report - 1990" in Telegu language. An abridged version in English is also available.

*For copies, write to :
Gandhi Peace Centre,
A-260, Sector 15 A, Noida,
Ghaziabad - 201 001, Uttar Pradesh.*





RECORD OF RIGHTS AND INVESTIGATION OF TITLE

Shri R.V. Bhuskute
Retired Tahsildar

Published by :
Mukund Prakashan
Ashriwad Apartments
Lohar Ali, Chendall
Thane (W) - 400 601
Price Rs. 125/-.

Laws relating to Land are many in the country. Since land is a state subject, these laws vary from state to state. Many laws enacted more than 100 years ago are still applicable. And many of these have been amended several times.

There is no denying that the language and style in which the law is written and presented creates complications for ordinary people to un-

derstand it. They are generally shrouded in secrecy or mystified. This has serious implications for a poor peasant. Because of lack of knowledge, he needs a middle man to help him or gives bribe to the concerned officials to get relevant documents to present his case to the court.

In the past few years, action groups and social activists involved in the struggles related to land issues are dealing with problems of mystified land laws and procedures, especially land records. At the same time, many activists are also making efforts to demystify such laws and procedures so that ordinary people can understand and use them. The Book "Record of Rights and Investigation of Title" is an attempt by a retired Tahsildar (turned activist) in this direction.

It is rightly mentioned in the preface of the book that "mere possession of a property by a person is not the exclusive proof of the legal ownership". Knowledge of law-specially regarding ownership of property-facilitated the process of investigation of title. Very few people know the process and those who know have monopolised. The book under review is an attempt to demystify some of the Laws, rules and other

related provisions, village forms, transfer rights and how rights are acquired, statutory restrictions on transfer under different acts, at the same time loopholes, defects and irregularities experienced in the Maharashtra State.

The book is an outcome of author's long association with the revenue department as well as social action groups in Maharashtra. During the last span of his service as Tahsildar, he was associated with a social organisation "Vidhayak Sansad". This group organised several 'Law Shitbirs' at different places to give preliminary knowledge of record of rights and the salient provisions of the Land reform enactments, to train the activists of the organisation and to solve land problems of the small and marginal farmers and also encroachers of government land.

The book is divided into two sections. In the first section, there are five parts which deal with legal provisions and in the second section there are two parts which contain the land problems - suggestions and the loopholes, defects and irregularities experienced. This book will be very helpful for the activists and groups who are working on land issues.



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