

India: Legacies and Challenges of the Land & Forest Rights Movement



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All India Union of Forest Working People
Citizens for Justice and Peace



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*“Kabhi vo din bhiaayega jab hum swaraj dekhenge
Jab apni hi zameen hogi aur apna aasma hoga
Uruj e kamyabi par kabhi Hindosta hoga...”*

— Shaheed Ram Prasad Bismil

(Translation: A day shall come when we will have self-rule
The land will be ours and so will be the sky
One day India will be at the peak of success)

India: Legacies and Challenges of the Land & Forest Rights Movement

Introduction

India is an agrarian society. The issue of land rights and forest rights is a basic democratic rights issue here because, in one way or the other, about 70% of the people are engaged in production processes, based on natural resources i.e. land, water, forests and minerals. This is where basic production activities, required to fulfil the needs of all Indians commence, and other production processes depend on these activities. This is the foundation of the economic structure of the country.

Today, landless and poor marginal cultivators/farmers account for 66% of the country's agricultural produce, and are the primary productive forces. Yet, they remain economically weak because they have very small or no land holdings. Since they do not have adequate access to other production resources either, they are unable to control the production processes, leading to their exploitation and deprivation. Not only does this exploitation needs to end, we also need a genuine democratisation of economic, social and political resources to take place. For this to happen, re-distribution of land is key.

To understand India's agrarian structure and society, is to comprehend the extent and depth of the disenfranchisement of vast segments of the country's population from control, ownership and the decision-making processes over the land they till. While as many as 70 per cent of India's people are engaged in production processes around natural resources i.e. land, water, forests and minerals and as much as 66% of agricultural produce is cultivated by these very landless,

marginal cultivators, the fact that they, the actual producers have no ownership of the land, renders them open to primitive levels of exploitation. For this exploitation to not just end but a genuine democratisation of economic, social and political resources to take place, re-distribution of land is key.

Freeing a large section of the Indian people from captive labour and landlessness, and returning to them control over production processes is also crucial to ending starvation and unemployment in the country. Agricultural production activities are controlled by landlords and farm owners, capitalists, traders and the government bureaucracy today. Basically, there are four aspects related to agricultural production, namely - land, labour, credit and technology. All of them are controlled by the aforementioned rich and powerful people, who make decisions with little regard for interests of others.

The primitive accumulation of capital starts from this point onwards. Socially too, the big land-owning class is in a stronger position as compared to the toiling class. Since it is socially and financially powerful, its political interventions also become more dominant. Unless control of these shifts dramatically, real change cannot occur.

In rural areas, this fundamental change can be brought about only through a comprehensive land reform movement. The primary aim of this movement will be to end landlessness. By freeing the toiling class from feudal exploitation and augmenting its productive capability to place it in decision-making roles, it enables an end to starvation and unemployment in the country.

“The history of all hitherto existing society is the history of class struggles”

– Karl Marx

India’s transformation into an equitable society is incomplete; its productive forces remain tied down, due to which there has been a systemic increase in starvation and unemployment within the labour force which, instead of controlling land and the forces of production, is today forced to migrate. The total area of the country is about 33 crore hectares, and about one fourth (24%) of this land area (7.5 crore hectares) is forest land which remains mainly under the control of the government through the forest department, a creature within the bureaucracy legitimised by British rule and weaponised ever since. About 20 crores of India’s population (comprising scheduled tribes, scheduled castes, backward castes and nomadic cattle herders) are today dependent on forest land and forest produce but have been historically deprived of their rights over forest resources – hence, the issue of forest rights is closely linked to the issue of land rights.

This booklet will primarily focus on the chequered history of India’s land reform movement, and demonstrate how this effort has been rendered incomplete by an absence of political will, epitomised in the class and caste composition of India’s rulers under democratic rule.

Before Colonial Rule

The traditional economic structure of the country, before British rule, was significantly different. The rural economy, largely

dependent on agriculture and other traditional professions like artisanship (weaving, blacksmith, carpentry etc.) and other non-agriculture work was in consonance with the agriculture-based economy. All these used the barter system. Although even then, due to the prevalence of the caste system, there was no social or economic equality in land ownership. ¹

They were the labourers attached to the land-owning classes who received enough just to survive. Even then, the landlords exploited the land. Yet, no evidence of famine and starvation in India during pre-colonial times can be found.

Crucially, the entire system of forest management, like conservation, forest produce, land and water management, was managed collectively by rules and norms set by indigenous communities. Some space then was made available for traditional social equality and justice within tribal (Indigenous, traditional forest dwellers, *Adivasi*) societies. They treated their assets as their heritage, passed down by ancestors. The *Adivasi* community was never under any subjugation. Even the kings in the area rarely interfered in their matters, although at a certain level, at some times, these communities did experience dissonance with these kingdoms. Even the non-tribal villages had village forests to cater to their everyday needs and these forests were looked after by the labouring class and women folk of the village.²

The Indian rural economy, before British Raj, was largely decentralised and self-reliant. There were conflicts between the land-owning class and the labouring class but a degree of autonomy for the indigenous peoples and rural dwellers did exist.^{3 4} A change of ruler at the capital did not affect the general or economic lives of the villagers significantly. Some of

these kingdoms were more prosperous and hence, more famous, thus attracting the attention of foreign traders.

Arrival of East India Company, a systemic change

In India, the infiltration of foreign companies, lured by India's agriculture, forest wealth and skilled handicrafts, started primarily in the 17th century through the British-owned East India Company. India was divided into a number of kingdoms, each governed by rules and regulations. The Mughal Empire was the largest and most influential. The history of the East India Company and its eventual political control after initially befriending kings and nawabs – with large Indian merchants financially supporting it – has been documented.

It is worth recalling the process here. In the 16th century, pirates from Portugal, the Netherlands, France, Britain and Spain used to plunder commercial ships of other countries and lived in settlements along the sea-shore, which were called 'Company'. This is the origin of the word 'Company'. They also enjoyed the patronage of their respective ruling families. In India, the infiltration of foreign companies, lured by India's agriculture, forest wealth and skilled handicrafts, started in the 17th century through the British company, the East India Company.

Although some Portuguese and French companies had established themselves in certain areas before the British came, the British remained dominant in the larger part of the country. At that time, India did not exist as a nation, nor was there any concept of a nation-state. Instead, India was divided into a number of kingdoms, each governed by its own rules and regulations. Mughal Empire was the largest and the most influential among these kingdoms.

The Company gained entry to the courts of Indian rulers through trading and befriended the kings, nawabs and other members of the elite class. Gradually, by the mid-18th century, it started interfering in the political matters of the country. The East India Company (established in Britain), first started interfering in the affairs of the prosperous Bengal province. At that time, the province of Bengal also included present-day areas of Odisha and Bihar. In the Battle of Plassey, 1757, the British killed Siraj-ud-Daula, the Nawab of Bengal, with the help of his minister, Mir Jaffar. Later, they made Mir Jaffar the puppet ruler of Bengal and institutionalised their interference in matters of the state. It is worth recalling that, during the Battle of Plassey, the big merchants of the time in Bengal gave financial help to the British, for their own narrow gains.

What is now slowly being grasped is how, before the British, there was no trade *in land* in India i.e. there was no buying or selling of land. Taxes were paid in kind, a percentage of the agricultural produce, not in cash. It was under British rule that land began to be viewed as an exchangeable commodity.^{5 6} This gave rise to a new type of landownership. Officials of the East India Company, with the help of middlemen (belonging to the influential, elite class), started selling and buying land and also started collecting taxes in cash.⁷ This was the first step towards both disempowerment and impoverishment of the Indian peasantry: peasants were unable to pay taxes due to insufficient cash, and their condition deteriorated. Flunkies of the British also indulged in usury, compelling indebtedness. This is how they became 'land-owners'. They started controlling the land and the production processes while most peasant cultivators suffered enforced alienation from their lands. These new landowners did not live in the villages, hence were called "absentee landlords".

Simultaneously, contractors and landowners started interfering within forest areas also. For the first time in centuries, during colonial rule, agriculture and forest land moved out of the control of producers and into the hands of a few influential people, who were in direct contact with the “Company Bahadur” (associates of East India Company). These were also first steps towards the rapacious extraction of produce from land and forests for commercial gain while ordinary citizens were pushed towards destitution eventually becoming victims of starvation, famine, environmental destruction and displacement. ⁸

After the Battle of Plassey in Bengal in 1757, the British installed Mir Jaffer as their puppet ruler and started ruling through him. Among the other kingdoms, those that surrendered to the British started functioning according to their system while those, that did not bow before them, were either killed and dispossessed or were stuffed in prisons. In this manner, by mid-19th century, the Mughal -era ended and, through the East India Company, the British rule was established in the whole country, enslaving a once prosperous nation.

Within India, the British established three land tenure systems - The Permanent Settlement, The Ryotwari System and the Mahalwari System. The changes brought about in the land revenue system by the British had negative implications for the Indian economy. Traditional peasant cultivators were dispossessed and on the brink of starvation while British flunkies, largely moneylenders and profiteers, became the new land-owning landlord class. There are no records of starvation or famines before the arrival of the British, but with their plunder and exploitation, by the time they left, these calamities

had spread throughout the country, taken precious lives, and also caused grave damage to the environment.

From the very beginning, forest resources were also plundered by the British in a similar manner. By 1840-50, the British, sourced and used raw material from forests for British industry and to enrich British coffers.^{9 10 11} The process required ease of transportation and export to the ports and led to the building of the railway in 1855.¹² This intensified the colonial encroachment of land; to lay sleepers for these railway tracks and for other industrial purposes, the precious Himalayan and sub-Himalayan forests, and other large forests of the country were also cut down. These railway lines were linked to the ports.

At this time, industries started coming up in India as well, so in arrangement with the British rulers, the raw material plundered from the forests started being consumed by domestic industry also. In this way, the plunder of the forest resources led to the birth of the big industrialists of India, like the Tatas and the Birlas, who, prior to this, were involved with some other trade.

Company Consumes India's Forests

A reading into the history of India's 'Forest Department'¹³ reveals that it was established as a bureaucratic mechanism not to protect natural resources and forest cover, its goal was to aid the colonial power's systemic access and plunder of forests. Forests were not only exploited but traditionally and rich mixed forests were replaced with single species forests.¹⁴ Faced with multiple organised *Adivasi* rebellions from the start of the mid-1700s, laws were thereafter enacted to legitimise this control and plunder.

Just like it used three kinds of land revenue systems to alter (read snatch) control over agrarian lands, to exercise its right of 'eminent domain' over the Indian forest resources, the British government set up the Forest Department in Britain in 1864 and passed the first Indian Forest Law the same year. This law effectively made the Department the *legal* owner of the land that had been held for centuries by the *Adivasis and Forest Dwellers*. Mass Enforced Displacement resulted.

Soon after this, in 1894, the British also introduced the Land Acquisition Act. In order to use the forest resources to augment their treasury and to strengthen monopoly over the forests, the British authorities thereafter passed the Indian Forest Law in 1927. Under this law, forests were divided into three categories reserve forests, protected forests, sanctuaries etc. All traditional rights of the communities who lived within –India's indigenous people – were struck down and instead, their right over the forest resources were treated as concessions i.e. now, these people were dependent on the Forest officials for their day-to-day requirement. This law had nothing to do with the conservation of forests. ¹⁵ It in a sense criminalised the very lives of India's Adivasis and Forest Dwellers.

Taungya System and Bonded Labour

Under colonial rule India's natural forest cover shrank rapidly and the British while responsible for the depletion, needed more wood, for fighting the First World War. They needed to augment India's depleted forest cover. Unsuccessful in achieving this through contractors, they turned to a method that combined forestry with agriculture. ¹⁶Therefore, they introduced the '*Taungya system*', -that linked forestry to

agriculture and was a traditional shifting cultivation practice borrowed from Burma. *Taungya* workers/cultivators were the captive labour of the department, given an acre each for shifting cultivation of trees and crops and moved out after five years; they were not paid for this labour; instead, were supposed to sustain themselves from the crops grown.

Taungya forest village settlements came up in the Terai and Shivalik regions of the Himalayas. Bonded labourers, affected by the zamindari system, farmers dispossessed from their lands, Dalits and Muslims were lured with the promise of land and settled on forest land where they were employed in the work of tree plantation so that the plants could be well nurtured. Thousands of Taungya villages, mushroomed from Assam to Uttar Pradesh, where displaced dwellers were settled. These Taungya villages had no official recognition and were deprived of civic rights like education, health, housing and drinking water facilities etc. Even after Independence, the governments of independent India ignored the constitutional rights of these villages right until 1976 when the slow process of re-enfranchisement began.¹⁷

As these villages were not recognised as regular revenue villages by the revenue department/civil authorities, these were considered as temporary settlements, under the Forest Department. Hence were not included in the legislative system and were not even included in Census. The forest villagers were living in a precarious situation without any proper citizenship status.

In 1976 the Planning Commission, in rectifying this serious flaw in governance, strongly recommended regularisation of all forest villages. But still GOI did not passed any rules/order for

permanent settlements of rights for forest villages. However, since the 1980's, the forest villagers were included in the voters' lists for State Assembly and Parliament elections, but again surprisingly not included in Village Panchayat election's voters lists. Later, they were included in the Gram Panchayat election list.

But as most of the Taungya villages were situated in the Reserve Forest (RF) Area these villages/settlements were denied of any developmental activities (as ensured by 73rd Amendment of Panchayati Raj Act) as according to FCA 1980 Rules, no developmental activities can be done in RF areas. It was a contradiction between Civil law and Forest laws and the villagers were caught in this unconstitutional conflict. Finally, in 2006, 60 years after Independence, these deprived communities of all types of forest and Taungya villages were granted recognition for the first time under the Forest Rights Act passed by the Parliament. Presently, process of regularisation of forest villages are going on through survey work by revenue officials but it is going on very unevenly and at a snail pace.

Similarly, a number of pastoralist communities in the forests, which travel seasonally with milch and domestic animals, and who had disappeared from the map of India, received space and recognition for the first time only after the enactment of the Forest Rights Act, 2006¹⁸. However, Census will be done here only after the completion of regularisation process by the Revenue Department.

Despite India attaining Independence in 1947 and becoming a sovereign democratic republic in 1950 it was only in 2006 that a land rights law for India's forest workers, *Adivasis and forest*

dwelling communities was passed and only in 2013 that the British introduce Land Acquisition Law was amended! Post 2014, there has been a systemic counter reversal of both.

First Challenge to Colonial Rule: Adivasi (Tribal) & Peasant Revolts



The *Adivasis* or tribals of India, along with cultivators and peasants¹⁹ were the first to rebel against this plunder of resources by the British. This history imbibed deep within popular movements and cultures is still uncelebrated within India's caste and class ridden citizenry, not finding any critical mention in India's textbooks that deal with social sciences.²⁰

From the Chuar rebellion (1769-1805) in Jharkand, in resource rich central India,²¹ to the Sauria Paharia(1784) & Ho Rebellions (1820-21);²² the peasant, Sanyasi Rebellion just after the Battle of Plassey, in the latter half of the 18th century (1770 onwards)²³; the Indigo Farmers Uprising in 1821;²⁴ the Kol Uprising (1829-48) in Bengal in 1831;²⁵ the Santhal Hool Rebellion (1855-56) in east India;²⁶ the Second Indigo Rebellion (1859) against the Dadani system in Bengal;²⁷ the Pabna Uprising (1873-74) in

Chuar rebellion (1769-1805): The first uprising by Adivasis started in 1769 in Jharkhand, under the leadership of Ganga Narayan Singh and Raghunath Mahato. They were protesting the appropriation of their water, jungles and land, and advocating for freedom from all forms of exploitation.

Ho Rebellion (1820-21): The second important rebellion started in the hills of Santhal Pargana (Jharkhand) under the leadership of Baba Tilka Manjhi (1784). It was in the form of an open challenge to the East India Company. As a result, in 1785, without conducting a trial, the British hanged Baba Tilka Manjhi from a mango tree in the Bhagalpur collectorate. Tilka Manjhi's sacrifice led to renewed awareness among the tribals and they came together to start an armed uprising against the plunder of their resources and the oppression carried out by the British, and to re-establish their autonomy. This lasted for about 130 years. Meanwhile, in the British protected kingdom of Singhbhum, when the king Jaggannath tried to oppress the Adivasis, the Ho Adivasis of Chhota Nagpur rebelled strongly and this came to be known as the Ho Rebellion.

Kol Uprising (1829-48): After this came the Kol Uprising. Due to the implementation of the Permanent Settlement in the province of Bengal, a new and empowered class of *zamindars* or land owners and merchants came up. They started exploiting the members of the Kol community physically and financially. Members of the community had to do forced labour and their womenfolk were forced to work in the houses of the *zamindars* and rich merchants. The East India Company distributed their land among the non-*ul* *adivasis*. Therefore, in 1831, the Kols, under the leadership of Budhu Bhagat, Joa

Bhagat and Madara Mahto, rebelled against the non-*adivasis*. They destroyed the property of non-*adivasi* zamindars, merchants and moneylenders, looted the government treasury and attacked the courts and police stations. In the end, realising the seriousness of the situation, a large unit of the Army was sent and the uprising was mercilessly crushed. A large number of Kols were killed.

Santhal Hool (1855-56): The historic Santhal Hool rebellion took place under the leadership of the Santhal *Adivasi*, Sidho Kanha. In this rebellion, 20,000 people were martyred and this was the largest sacrifice of the Freedom Movement. This combative Santhal rebellion shook the British administration to its foundations. Hence, the British enslaved 50,000 Santhals and perforce took them, via the river route, to areas like Assam and Darjeeling, to work as bonded labour on tea plantations. En route, thousands of *Adivasis* died of starvation and cholera. This was the beginning of forced displacement, which only went on increasing in the future. This displacement started under British Rule and continues unabated till today in Independent India. Even today, lakhs of deprived, poor people are forced to go to cities in search of work and return to their villages during the harvest season.

In 1895-1900, the *Adivasi* hero, Birsa Munda led a historic uprising against the British in Chhota Nagpur (Ranchi), which continued for the next five years as a guerrilla war. This revolt helped in making the movement widespread and united all the *Adivasis* in the Chhota Nagpur region. The importance of this revolt lies in the fact that after this, the British Parliament was compelled to bring in a law granting autonomy to the Chhota Nagpur *Adivasi* communities.

East Bengal; ²⁸; the Deccan Rebellion (1875-1879) by farmers against moneylenders;²⁹ led to an uprising. Thereafter in modern day Assam (Kamrup, Dirang) the non-payment of Land Tax Rebellion (1893-1894); ³⁰ the Adivasi revolt, in the Chhotanagpur region (1895-1900) after which British Parliament was compelled to bring in a law granting autonomy to the Chhota Nagpur Adivasi communities.³¹

It is important to note other revolts by India's indigenous peoples (*Adivasis*) against the British, all demanding a return to self-rule: the Paligaro rebellion (Tamil Nadu, 1801); Khod rebellion (Orissa, 1836-57); Khanti Rebellion (Assam, 1839-42); Bhil Movement (Gujarat, Maharashtra, Western India, 1812); Ahom Rebellion (Assam, 1828); Sinhpo Rebellion (Assam, 1830); Dakkani Uprising (in areas in the Deccan Plateau, against the moneylenders, 1874); Naga Rebellion (areas in the North East, 1879); Koya Rebellion led by Tamman Dora in Malkangiri, Orissa, 1880); Rampa Agitation (led by Sitaramaiyya Raju along the banks of the Godavari river in the south, 1882); Pakhtoon Rebellion (Andhra Pradesh, Orissa and the North West Frontier Province, 1897); Chenchu Uprising (Karnataka, 1898) etc. Almost every decade saw a revolt erupt in different parts of India.

It is India's *Adivasis* and Peasants who were the first to protest the loot and plunder of our natural resources by the British colonial regime. Women played an important role in these *Adivasi* rebellions, and worked alongside their male colleagues in every area. The articulation behind these movements was for political and economic sovereignty (self-rule). The decisive movement was the one led by Birsa Munda. While the "mainstream national movement" passed a resolution asking for political sovereignty only 17 years later, theirs has been the

first Struggle for Indian Independence. It is a part history that still remains to be thoroughly documented and celebrated. ³²

Acts and Laws passed by the British Government under pressure from Adivasi & Peasant movements

While the British, on the one hand, used the law to control resources and land and weaponised the forest department, British Parliament was also compelled, under pressure from these organised rebellions, to enact laws restoring autonomy to tribal areas. The decisive rebellion against the British, led by Birsa Munda from 1895-1900 in Chhota Nagpur (Ranchi), shook the British Administration to its roots. This rebellion was discussed even in the social circles of London.

Under pressure from the progressives, the British Parliament was compelled, for the first time, to pass the Chhota Nagpur Tenancy Act, 1908 (CNTA), to provide security for the *Adivasis* by recognising their sovereignty over their lands and forests. Under this law, the forest and village land records of Chhota Nagpur (Ranchi and its surrounding areas) were under the *Munda Manaki* or *Panchayat* i.e the community. These records were kept according to the traditional Adivasi system and the *tehsil* or the administration had no direct say in it. The district collector, as a representative of the British Administration, used to be in direct contact with the *Munda Maanakior Panchayat*. This chapter proved to be a milestone in the history of forest and land rights movement. Following this historic Act, the Santhal Pargana Tenancy Act was passed in 1912 which was later amended in 1949. In 1931, the British applied the *Van Panchayat Rules* or the Forest Council Manual, under which the ancestral rights of the community were recognised. ³³

Similarly, after a prolonged and widespread *Adivasi* movement stretching over more than 150 years, the *Adivasi* community of Jharkhand reached an important stage in their battle for sovereignty. Whereas the mainstream national movement passed a resolution asking for political sovereignty 17 years later, i.e. in the Lahore session of the Congress Party in 1929.

In other areas of the country, like Kumaun in Uttarakhand, after a long struggle, in 1931, the British applied the *Van Panchayat Rules* or the Forest Council Manual, under which the ancestral rights of the community were recognised. There was no separate law for this but this was governed by the Civil Act and these *van panchayats* were directly under the district collectorate, with no interference from the Forest Department in their working. But ironically, in independent India, in 1976, these *van panchayats* were placed under the Forest Department. As a result, the ancestral rights were given the go-by and everything was run on the whims and fancies of the forest officials. Prior to this, in 1964, the main forests in the Kumaon area of Uttarakhand were placed under the Forest Department and declared as Reserve Forests.

It must be noted that the British established the Forest Department in order to plunder the forests. In order to exercise eminent domain over the Indian forest resources, the British government set up the Forest Department in Britain in 1864, and the first Indian Forest Law was also passed in 1864 itself. When, after plundering the Indian forests extensively for 100 years without any laws or procedures, the *Adivasi* rebellions cropped up and grew in strength, the British decided to continue the loot in a legal manner and hence, set up the Forest Department. And after a short while, in 1894, the British also introduced the Land Acquisition Act. In this way, the Forest

Laws were passed to exploit the forests and the land Acquisition Act was introduced to exploit the land of the peasant cultivators.

Just as, with the help of the British Administration, the outsider *zamindar* class evicted the peasant from their agricultural land and became the new owners, similarly, the Forest Department came from outside and became the owner of Indian forests established its occupation of the forests of the *adivasis*. As a result, displacement became widespread. Later, when the industries needed cheap labour, the demand was met by these landless and deprived poor people.

What becomes clear then, as we enter the 20th century, is that British hold over its dominion is faltering leading also to colonial power becoming more repressive. If the British are compelled to pass two laws whereby restoring some autonomy to *Adivasi* and forest dwellers in 1908 and 1912, these steps are near nullified by the enactment of the overarching 1927 Indian Forest Act that restricts, even criminalises their access to traditional forests and produce. Similarly, other draconian laws like the 1915 *Defence of India Act* and the 1919 *Rowlatt Act*, that infringed seriously upon civil and political liberties of Indians, turned out to be pivotal in spreading discontent against colonial rule.

Resistance continued to build, however, by the 20th century, the Peasants' movement became politically stronger and spread throughout the country, and there are many examples to prove this. Of the many inspiring examples is the ha:*Pagri Sambhal Jatta* (Mind your turban) movement in the Punjab in 1907, which was led by the Gadar party leader, Sardar Ajit Singh (paternal uncle of Bhagat Singh).³⁴ Similarly, there was also a

movement in Champaran, Bihar in 1917, to protest against the British Administration compelling the cultivators –again– to grow Indigo, and this movement came to be known as the Champaran Satyagraha. In Awadh in 1920, under the leadership of Madari Pasi and Sahdev and the Bardoli Satyagrah in Gujarat in 1927, etc. were two other important agitations against the British administration and the *zamindari* system. The Awadh Peasants' agitation was in a sense unique because it was fought under the leadership of both Dalits and backward castes and around this time, a women's organisation, the Awadhi Kisan Sangathan, was also formed. 'Land to the Tiller' was among the powerful slogans that emerged from these resistances.

All these farmers' agitations were dubbed "militant" agitations as they were challenging the British Authority. Afraid that these mass agitations, that were getting stronger by the day and would become a widespread people's movement, the British Government wanted to suppress them forcefully, the way it did in the Jallianwala Bagh massacre. By carrying out these well-planned massacres, the British government was trying to create political anarchy, so that there is no strong mass resistance against them.

Confronting an imperial power and the *zamindari/jagirdari* system, the peasant rebellions gave us the slogan 'Land to the Tiller' which means that the one who ploughs the land will own it. At the same time, the great martyr, Bhagat Singh-led Hindustani Samajwadi Prajatantrik Association (Indian Socialist Democratic Association) issued a Declaration in which there was a convincing elucidation on this important topic. Demand for political Independence and demand to end all forms of social and economic exploitation were also made in the same manifesto.

The period after the First World War was a very important period for our independence. Because it was only during this period that serious discussions took place in political circles about the political nature and course of India after Independence. As discussions arose within Indian political circles after the First World War about the political nature and course of India after Independence, internal schisms and contradictions also surfaced.

At the 1931 Round Table Conference in London where discussions were initiated with the British regarding the transfer of power to Indians, i.e. political freedom, Dr. Bhim Rao Ambedkar also raised the ticklish issue of the freedom of exploited classes from *within* – that is freedom from the higher castes. He also raised the issue of the social and economic independence of the Indian exploited castes from the dominant elites. His demands arose out of his leadership of India's vast working and toiling millions, large sections of whom were especially disenfranchised because of a brutal and iniquitous caste system.³⁵

While widely known for Dalit identity-based struggles like the Mahad Satyagraha, Ambedkar's leadership and alignment of the Dalit peasants with other peasant and land rights struggles, has been largely ignored. Establishing organisations such as Bahishkrit Hitkarni Sabha and Konkan Praant Shetkari Sangh (KPSS, 1931) led him to instrumentally shape the peasant movement in the Konkan region in the decade of the 1930s. As a consequence, he was able to build a formidable organisation of peasants here that not only mobilised farmers across various caste groups, but also tried to emphasise that long-lasting peasants' solidarity in India could only be achieved if and when other social questions (of discrimination) are taken up seriously.³⁶

Behind this understanding lay an incontrovertible belief held by Ambedkar that ownership over land and produce (modes of production) was key to a final disintegration of the caste system that, apart from other indignities and structural denials, was a crude expression of exploitation of segregated labour.

Similar issues had also been raised by him two years earlier, in 1929 in the declaration released by the Bhagat-Singh-led Hindustan Samajwadi Prajatantrik Association. Finally, this issue reached the Constituent Assembly, where representatives from different strata of the Indian society deliberated. After about three years of wide-ranging discussions, heated debates and compromises, the Constituent Assembly finally adopted the Constitution of India on November 26, 1949 that came into effect across the country from January 26, 1950.

The build up to Indian Independence was thus forged through the articulated struggles of India's indigenous peoples and peasantry, who strove to end the control of British colonial powers over natural resources (land-water-forests) and establish the political rights of *all* communities. India's elite and urban dwellers undoubtedly joined and later dominated articulations at the penultimate stage but did not appreciate the depth and expanse of the responsibilities they carried and had hidden interests which they sought to protect.³⁷ While the devolution of political, economic and social rights of all sections should have become the principal basis for nation-building in the future, the reality has been far from this.

The words of Dr. Ambedkar, while dedicating the Constitution on November 26, 1949 to the nation, display a haunting prescience:

“On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.””¹⁷

POST COLONIAL PERIOD (AFTER 1947)

Transition: Between Independence and the Adoption of the Constitution

Peasants’ movements against feudalism

The period of transition between when India attained Independence and when the Constitution came into effect also saw widespread protests, and assertions of peasants and people at large. One such, led by the Communist Party of India was an armed rebellion under the *Kisan Parishad* (Peasants Council) against the Nizam-ruled Telangana and the *Razzakars*, between 1946-51.³⁸ The rebellion was against the atrocities of the fanatical *Razzakars* and the Nizam ruled Jagirdari system and in favour of re-distribution of land and their land rights. They also formed a *Kisan Parishad* (Peasants’ Council) where all the representatives came together to take decisions. While the newly formed Indian government intervened to take over the Nizam state and crush the *Razzakars*, Indian forces also simultaneously crushed the farmers’ movement and the *Kisan Parishad*.

In Bengal, it was the 1946-47 Tibhaga movement, an agitation to secure two-thirds of the produce for the exploited sharecropper (*bargadar*, tiller) that was the harbinger of lasting change. It spread to 15 districts out of a total of 28 districts of West Bengal, especially in the North and coastal Sundarban regions. About 50 lakh peasant-cultivators participated in this rebellion, called by the *Kisan Sabha*, there was widespread support among agricultural labourers too.³⁹ During this agitation, hundreds of sharecroppers used to harvest the crops and bring them back to their own storages.

On January 4, 1947, in village Talpukur of Chirirbandar area, district Dinajpur, the police fired upon a peaceful protest by farmers, killing a landless labourer, Sameeruddin and a Santhal, Shivram. When the police arrived in large numbers to arrest leaders, they were met with crowds of 400-500 people who came together to resist this raid. Agitated *Adivasis* managed to capture a policeman, and shot him with arrows, killing him. The leaders, for whom the police came, escaped unhurt. People set up relief committees in the area to help the needy in the affected areas. This incident is known as the 'Chirirbandar Incident'.

During this period, the incident at Khanpur occurred. Early in the morning on February 20, a posse of policemen reached the Khanpur village in Dinajpur district to arrest some leaders. They faced severe opposition from the peasants and workers. The police fired mercilessly and 22 farmers were martyred. This is known as the 'Khanpur Incident'.

Only after this did the government propose to bring in the Bargadar Law as an attempt to quell the protests. Finally, in 1950, a Bill was passed and in 1955, the principles included in

the Bengal Land Reforms Act.⁴⁰ Under the Act, sharecroppers had to be given 50% of the produce. Later, in 1978, the Left Government in Bengal launched 'Operation Barga', under which the sharecroppers were given permanent rights over the land, the sharecropper could not be evicted from the land and this system was to continue in perpetuity generation after generation.⁴¹

Truth Tells: Post-Independence Land Reform

Zamindari Abolition Act, 1950, Forest Land out of the purview of 'Land Reform'

To reverse the hunger and impoverishment caused by the exploitative system of agrarian production in colonial India, that essentially squeezed labour at unproductive rates for the profit of land-owners and contractors, and to increase the productivity of land, it was necessary to increase the productivity of labour. This could only have happened if inequalities had been reduced and enforced practices of indebtedness through usury curtailed.

The first legislative enactment to this end was the proposed Zamindari Abolition Act, 1950.⁴² The main objective of this Act was the abolition of the *zamindari* system and the redistribution of land among the landless cultivators so that the purchasing capacity of labourers could be increased. Along with all this, the Law also gave the *zamindars* some rights, who would now get compensated for the land taken from them. Following these guidelines, each state had to pass laws for the abolition of the *zamindari* system and the redistribution of land. These laws were made in different states at different times.

Ironically, while the issue of land redistribution was a crucially contested issue after independence –and while, historically, India’s *Adivasis* and traditional forest dwelling communities had led militant struggles against colonial power and authority, forest land over which *Adivasis* had traditional control was simply not included within the purview of the *Zamindari Abolition Act, 1950*. As a result, the land rights of hundreds of thousands of *Adivasis* and other traditional forest dwelling communities occupying those lands were never recognised. During the heated Constituent Assembly debates the presence of voices like Jaipal Singh Munda and, of course, Dr BR Ambedkar ensured guarantors of autonomy like the special provisions in the Vth and VIth Schedules of the Constitution for the protection of the Forest and Land rights of the scheduled tribes under the Constitution. ⁴³ However, in spite of the rights of the scheduled tribes being constantly violated in these states, Governors entrusted with enforcing the rights under these Schedules but actually representing the interests of ruling elites, have never exercised their power to step in when infringements have taken place.

Leaving vast tracts of forest land out of the purview of land reform meant that the ownership over 7.5 crore hectares of forest land by the Forest Department, a colonial construct of oppression, continued unchallenged. Illustrative of how dominating sections manipulated the system post-Independence is how, in 1948 – even as the Constitution was being deliberated upon – top officials in the forest departments of Uttar Pradesh and Bihar (including present day Jharkhand) colluded with the “upper castes” and ensured the passage of a new law, a ‘Private Forest Bill’ passed by the then Governor General of India. Under this Bill, all non-government forest areas (like forests controlled by *zamindars* and princely states),

which are in fact the traditional forests under the *Adivasis* and village woods) were declared government forest areas and brought under the control of the forest department. ⁴⁴ Today, the forest department owns 24% of the country's land, more than any entity in the world, of which 9% is forest land and the rest consists of water bodies, grass lands, grazing grounds, agricultural lands etc. All this forest land has been encroached upon by the Forest Department and brought it under its control *only after* Independence. A process of historical injustice, launched under a foreign colonial dispensation has been perpetuated and continued in independent India.

During the same period, under Article 370, the Big Landed Estates Abolition Act, 1950 (for the abolition of *Jagirdari* system) was passed in the state of Jammu and Kashmir, which had no provision for compensation to the *Jagirdars* for the land taken away from them. The land was taken away from the *Jagirdars* by the government and redistributed among the peasant-cultivators there. As a result, the land was not concentrated in the hands of a few but was redistributed among the landless labourers on a large scale, which helped to end landlessness there. In addition to this, the Act prohibited outsiders from buying land there, so that the land could remain safely in the possession of the locals. It was possible to do this in Jammu and Kashmir because the people there were already fighting against the Dogra rulers and the *Jagirdars* for their independence and were aware of their land rights and agitating for them to be implemented. The Freedom Movement in Jammu and Kashmir was different from the Indian Freedom Movement because it was directed only against their king and hence, there was a strong political will power among the political leadership to end the *Jagirdari* system. Such a will power was lacking in the mainstream Indian leadership, which

is why proper redistribution of land could not take place here. After the ruthless crushing of the Tibhaga and Telangana rebellions, the Communist Party of India started backing out from such militant peasant-mass rebellions. By 1955-56, there was a sense that the process of land redistribution should be attempted through the administrative system. However, inspired by the Telangana Uprising, Kisan Sabhas in some parts of the country kept on preparing for a militant rebellion. In this process, the associates of the Kisan Sabha of Darjeeling-Jalpaiguri districts in Northern Bengal started the organisational process for a militant peasant movement. That area has many tea gardens and a lot of government land, where mainly *Adivasis* are employed as workers. However, the *Adivasis* did not have ownership of the government land, which was owned by many high officials and owners of the tea gardens. Apart from this, there was a lot of *benaami* land too.

How could such an important issue be ignored at the time of the drafting of the Zamindari Abolition Act in 1950? While there is no legal provision under any of the revenue laws of the country for handing over lands to the forest department, how was this allowed to take place? This acquisition is and was illegal because, under the Zamindari Abolition Act, 1950 the village land cannot belong to anyone other than the village *panchayat*. The forest department literally grabbed all this land through announcements in the Official Gazette, steps which are contrary to both the Zamindari Abolition Act and to the Constitution. In the same way, the *Gram Sabha* (village council) land and forest land was transferred to big companies for a pittance. Conflicts between *Adivasis*, traditional forest dwellers and the administration only grew. ⁴⁵

The 1970s saw the use of 'environmental protection' and 'conservation', even in statutes like the Wildlife Conservation Act (1972) and the Forest Conservation Act (1980) to further alienate traditional forest dwellers and the indigenous from their habitats and autonomous control over forest produce. This misplaced notion of 'environmental control' resulted in mass displacement, made worse by large projects. ⁴⁶The issue was misrepresented as "Wildlife-People conflict". After a decade and a half, as movements among the indigenous peoples grew and international attitudes changed, another vocal section of environmentalists more effectively articulated the fact that that it was impossible to conserve forests without securing the traditional land and other rights of traditional forest dwellers.

In terms of agrarian land, the first pushback from India's privileged elite was witnessed with the passage of state laws often in contravention of the central 1950 Zamindari Abolition Act. Some states particularly took decades to get laws enacted and the interim period saw huge tampering with land records. ⁴⁷This resulted in neither a narrowing of gap between the rich and the poor nor an end to starvation.

After the ruthless crushing of the Tibhaga and Telangana rebellions by the Indian state even the Communist Party of India backed away from such militant peasant-mass rebellions. By 1955-56, there was a sense that the process of land redistribution should be attempted only through the administrative system. ^{48 49}

It was also during this period, on March 18, 1956, speaking on the issue of land redistribution at a seminar for the backward classes, that Dr. Ambedkar had raised a seminal point: in order

to give the landless their land right, the government should nationalise land. To counter the problem of the landless being denied land, he authored the rousing slogan, “*Joh zameen sarkari hai, who zameen hamaaree hai,*” (Translation: The so called Public (*sarkari*) land is our land.) This conveyed the political sense of the unfinished agenda before the Indian people, if not the State (which appeared to have deserted its pre-1947 commitment). The slogan was an affirmative assertion that the primary tiller, the landless agricultural labourer – also the most deprived class – had *first right* and claim over the vast tracts of common/public land and that a movement should be launched to claim this right. Neither the government, nor any political party picked up the gauntlet. The result: most public land was grabbed illegally on a large scale by various companies and the powerful, as also by government departments and agencies.

In 1967, in West Bengal, for the first time, under the United Front Government assumed power in the state consisting of opposition parties (in which the Left parties were dominant). *Adivasis* grew hopeful about getting their land. Led by the Kisan Sabha, they started taking possession of land in a village named Naxalbari, hopeful of a sensitive ear from the new government. A violent push back and discrediting of this move led to police firing upon a large crowd of peaceful farmer activists. Leading to the martyrdom of seven protesting women. An armed revolt that known as the ‘Naxalbari Movement’ was born. The traditional Left was divided on this development especially when armed rebellions also arose in other parts of the country like Andhra Pradesh, Bihar, Assam, Punjab, Uttar Pradesh, Maharashtra and Madhya Pradesh (modern day Chhattisgarh). Though these articulations reflected the aspirations of the Telangana Uprising, the demands raised by these movements, regrettably, threw up no

serious political deliberations; instead, the Naxalbari Farmers' Movement was merely seen (and discarded) as divorced from mainstream Left politics. What resulted was a dispersal of the Kisan Andolan/Movement.

Naxalbari Movement

The *Kisan Sabhas* in that area had been agitating since 1954 to secure land rights for the *Adivasis*. Apart from organising the *Adivasis*, they also provided legal intervention. This issue reached the Calcutta High Court. The High Court ruled in favour of the *Adivasis*, but due to the lack of political will on the part of the government, the *Adivasis* were never able to get possession of the land.

Finally, in 1967, when, for the first time, a United Front Government of the opposition parties (in which the Leftist parties were dominant) formed a government, the *Adivasis* became hopeful about getting the land. They thought that with their government in place, they would get the possession a piece of land for themselves. With this hope, led by the Kisan Sabha, the *Adivasis* started taking possession of land in a village, Naxalbari. In return, the officials and the *benaami* owners of the lands teamed up with other leaders of the United Front in Calcutta to create a ruckus against this move and to put pressure on the government.

In the media too, in an effort to discredit the leaders of the agitation, they were called anarchists. Buckling under this pressure, the government was forced to take strict action and ordered police firing on a large crowd of peaceful farmer activists in order to strike terror among them. Seven women were martyred in this incident. As a reaction to this, the *Adivasi* farmers took up arms against the government and an armed

revolt was born. This is what came to be known as the 'Naxalbari Movement'.

The leaders of the Leftist Government were divided into two factions over this issue. Those supporting the *Adivasi* movement were defamed as Naxalites and their prominent leaders like Kanu Sanyal, Jungal Santal etc., were arrested. Throughout the country, this debate led to divisions within the Communist Party (Marxist). Many comrades, who supported the revolutionary movement split from the party and started working in different groups. During that period, such armed farmers' rebellions in Bengal and other parts of the country, like Andhra Pradesh, Bihar, Assam, Punjab, Uttar Pradesh, Maharashtra, Chhattisgarh etc.

At a fundamental level, all these rebellions were an extension of the Telangana Uprising. It is regrettable that there was no extensive discussion on this fact, and the Naxalbari Farmers' Movement was seen as separate from the Leftist politics. In reality, there was no effective ideological or political synergy between these rebellions and the general Leftist circles. As a result, the Leftist Kisan movement got dispersed and the Kisan Movement was also weakened.

Some more efforts by the Indian State to attempt land redistribution included the passage of the Land Ceiling act in the 1970s. Again, landowners put legal obstacles on its implementation.⁵⁰ Another scheme for distribution of land leases to Dalits and *Adivasis* during the Emergency (1975-77), failed.⁵¹

Under this scheme, people got the lease on paper but about 50% of the lessees did not get possession of the land: those who had the lease did not have possession of the land and those who possessed the land did not have the lease! Without an

effective political programme of action, such schemes were and were bound to fail.

The government launched the *Bhoo-Daan Andolan* (Land Donation Movement) to distribute land to the landless. Under this scheme, the *zamindars* were encouraged to donate the extra land. However, this programme was not successful because a majority of the members of the various committees set up to coordinate and implement this programme belonged to the landowning class. In this way, through foul play, land remained in the hands of the *zamindars* and all the government schemes vanished in thin air.

We see therefore how, landlessness in the agriculture did not lessen but actually increased in most states after independence. Although there was some decrease in landlessness in the 1960s and 1970s, largely due to agitations by landless farmers who forcefully took possession of government lands compelling state governments to validate these later. After 1980 however, the Indian government gave up on any efforts at land redistribution, stressing 'poverty eradication' programmes instead. In some exceptional states, like West Bengal and Tripura where the Left Front was in power, land distribution efforts continued for some decades.

The Dalit struggle for land

Babasaheb Ambedkar, who understood the economics of caste discrimination, had argued ⁵² that rural Dalits should be given cultivable land controlled by the government and commons, such as grazing land. At a rally at Marathwada in 1941, he had urged Dalits to capture public land in villages and cultivate these. By doing so, he said, they could become self-sufficient

farmers. 72 years later, in 2013, his demands were to prove prophetic. India's failed land rights and re-distribution programme post-Independence paints a grim picture: Almost 60% of Dalit households did not own any farmland in 2013, the latest year for which figures are available, according to the India Land and Livestock Holding Survey.⁵³ Nearly 70% of Dalit farmers are labourers on farms owned by others, according to the 2011 Census.⁵⁴

Today, across 13 Indian states, there are 31 conflicts involving 92,000 Dalits who are fighting to claim land the wilful occupying of government land in Maharashtra has spread to Punjab, Kerala and Tamil Nadu. In Bihar, Gujarat and Madhya Pradesh, land titles given to Dalits over the years in land-redistribution programmes are useless because higher castes, who originally owned the land, never ceded control.⁵⁵

Ten years after the *Zamindari* Abolition Act, in 1960, the government introduced the Land Ceiling (Ceiling on Landholding) Act so that a limit on landholding could be set and the excess land be redistributed among the landless. Under the Land Ceiling Acts, the process of redistribution of land started all over again. But right from the start, the landowners put legal obstacles, at the district and tehsil levels, in its implementation. As a result, land was re-allotted in the names of the landless labourers but they did not get possession of the land. Even in a large state like Uttar Pradesh, the landless people got full ownership right over only 1.66% of the expected redistributed land i.e. less than 2% of the redistributed land, the rest were mired in endless litigation. Later, all these cases were transferred to the High Court. Even today, there are several lakh cases pending in the High Courts, where the government, and not the people, is a party. Under political

pressure from the landowners, the government is unable to take any initiative to allow the affected people to either fight the case or apply for a new lease deed.

Green Revolution

During this period (1963-64), a large part of the country experienced drought and there was a severe shortage of foodgrains. Aid from USA had to be taken to overcome this shortfall. The US government did help, along with a few conditions under the PL- 480 contract, but the quality of this grain was very poor. This inferior quality grain was distributed among the farm labour under the Food-for-Work programme, which proved to be harmful to their health. Under this contract, in order to increase its food grain productivity, India was bound to purchase High Yield Variety (HYV) hybrid seeds from the US. With the aim of achieving self-sufficiency in food grain production, The Green Revolution Plan was started in Punjab and Haryana, which later spread to the other states of the country. HYV seeds started being used in the Green Revolution for crop production. This production requires large quantities of water, chemical fertilizers, pesticides, besides 'mono-culture' farming, which requires large land holdings. In this way, in order to increase productivity under the Green Revolution, the input costs increased many times over.

Poor, small, marginal farmers were not able to make this type of investment due to small land holdings and a paucity of funds. As a result, they became increasingly indebted to the government and private money lenders. Unable to get appropriate price for their crop, it became difficult to repay the loan. Unable to repay the loans, the marginal farmers were

forced to sell large portions of their lands. In this way, under the new system, they became increasingly removed from production.

In this phase of the Green Revolution, the traditional farming changed into commercial farming, where large capital, along with machines and tools were being used. This led to the rise of a new, privileged class (that class or group of powerful people, which was taking advantage of the intellectual or social or economic status). Due to the increasing use of machines and other farming implements in agriculture, the demand for farm labour fell sharply, leading to a reduction in the employment opportunities in the field of agriculture. People associated with agriculture became unemployed on a large scale and went out in search of employment, leading to displacement.

The large-scale use of chemical fertilisers, exploitation of underground water and mono-culture farming in the Green Revolution have affected the environment very seriously. Within a few years, there has been a sharp decline in soil fertility, fertile land has turned barren, a sharp fall in the underground water table has led to scanty rainfall and droughts and other environmental problems, rivers, wells and lakes have started drying up, leading to scarcity of safe drinking water in cities and villages. The new kulak or peasant class, which came up in rural India after the Green Revolution, is involved in other activities too, apart from farming, and invest a large part of their capital in non-farming areas (like investment in transport, other professional institutes). Social and political leaders also come from this class. Thus, on the basis of its capital clout, this class is able to establish its hegemony in the area of farming, although it has no evident connection with agriculture and, using its financial might, forces poor farm labourers to till its lands.

Condition of Dalit Farm Labourers after the Green Revolution

According to Census 2011, Punjab has the highest percentage of Dalit population as compared to the other states. 32% of the total population of Punjab belongs to the Dalit community but they own only 3% of the land. As they own very little land, they are compelled to work as farm labour on the fields of big landowners or *zamindars**. Dalits belonging to two sub-castes mainly work on the fields of the *zamindars* – Mazhabi Sikhs and Ravidasiya Sikhs. Most of them work as bonded labour even today, and are the victims of feudal exploitation. After the Green Revolution, there was a great influx of migrant labour from UP and Bihar into Punjab, leading to a weakening of the bargaining power of these Dalit farm workers regarding their wage rate. As a result, they are migrating to cities and even abroad in search of work and proper wages.

**(In Punjab/Haryana region landowners are called zamindars. But unlike Zamindars of eastern and central Indian states they are not absentee land owners, rather are very much engaged with the production process.)*

According to the Punjab Village Common Lands Regulation Rules (1964), one-third of the common land under the jurisdiction of a *panchayat* is reserved for use by the Dalits. The upper caste *zamindars* of the village normally encroach on these lands, leading to tense stand-offs between the upper caste *zamindars* and the landless labourers of the village. For example, in 2008, when the Dalits of Benada village in Sangrur district united and demanded their right over the *Panchayati* land, they were strongly opposed by the *zamindars* of Punjab, to the extent that the situation became volatile. It was asked about the Dalit labourers – “*Who are they to practise farming? What*

connection do they have with the land?" But in the end, the labourers' unity won and this victory sparked a wave which spread to more than a hundred villages in the Malwa region.

In Jhalur village of Sangrur district in Punjab, a large part of the land is *panchayati* land. When the Dalits intensified their agitation for their right over the *Panchayati* land, the *zamindars* attacked them. When the leader of Bharatiya Kisan Union Ekta (Ugrahan), Joginder Ugrahan talked of standing with the farm workers in this agitation, the *zamindars* opposed him too. Even today, the *zamindars* or the land-owning class are still on the lookout for an opportunity to tamper the records and acquire possession of the land which has been redistributed according to the land laws made in this respect, post-Independence. That is why the struggle to Dalits for ownership of land continues to this day.

During the Emergency (1975-77), the Indira Gandhi government introduced another scheme for distribution of land leases (aimed mainly at the SC/ST sections) but that too languished at the implementation stage, just as the earlier programmes had done. Under this scheme, people got the lease on paper but about 50% of the lessees did not get possession of the land. It came to such a situation that those who had the lease did not have possession of the land and those who possessed the land, did not have the lease. Without effective political actions, such schemes are bound to fail. In this way, land frauds have continued from the British times to Independent India.

Thus, after independence, in the agriculture sector, landlessness did not come to an end but actually increased in most of the states. Although in the 1960s and 1970s, there was some decrease in landlessness, because in some areas, the

landless farmers agitated and forcefully took possession of government lands, which some state governments were compelled to validate later. But after 1980, the government gave up on land re-distribution altogether and started 'poverty eradication' programmes instead. However, in some exceptional cases, like West Bengal and Tripura where the Left Front was in power, land distribution efforts continued for some time.

Women's Land Rights Movement in Bodhgaya

Some markers of struggle arose in the 1970s and 1980s. The women's movement for land rights in Bodhgaya (Bihar) was one such; it demonstrated how, even under hostile conditions also, women's economic rights can be secured. Women not only participated in large numbers but also played an important role in its leadership.

The slogans were inspiring *Zameen kenka? Jote Oonkar!* (Who owns the land? Those who till!) and *Aurat, Harijan aur Mazdoor, Ab Nahin Rahenge Majboor!* (Women, Dalits and Workers, shall not remain helpless/dependant)⁵⁶ In this movement, the women participated in large numbers and also played an important role in its leadership. In this area of Bodhgaya, Shankar Math, a religious establishment, had illegally expanded the 150 acres of land received from the descendants of Sher Shah Suri to become a *zamindar* or landowner of 1500 acres of agricultural and non-agricultural land. On these lands, Dalits, mainly Bhuiyan (Musahar) Dalits, worked as bonded labour. In order to control these workers, the *Math* had set up its offices in Sherghati, Barachetti, Bodhgaya and Mohanpur blocks. The men and women of this landless Dalit community carried out the struggle for the Bodhgaya Land Rights

Movement. Its last and decisive battle was fought after 1978, under the leadership of the *Sangharsh Vahini*.⁵⁷ And finally, in 1987, during the tenure of the then Chief Minister of Bihar, Shri Bindeshwari Dubey, 35,000 *bighas* of land was distributed among the landless peasants, including women. Women got land rights on a large scale in this distribution, leading to disputes within the families and in society at large. In the end, women were successful in defending their land rights, which set a precedent.

Dalit Land Rights Movement in Tamil Nadu

During British Raj, a rule was passed in the Madras Presidency, reserving a portion of the village *Panchayati* land for use by Dalits.⁵⁸ This reserved plot was called *Panchama Bhoomi*. However, in most villages, Dalits were unable to avail of this right; “upper castes” and the middle class had taken possession of this land. In Northern Tamil Nadu, in the 1990s, Dalits started an aggressive movement to establish their rights over these lands, again with widespread participation of women participated⁵⁹

Women participated in this movement in large numbers and under their leadership, staked their claim over a 1,000 acres plot. This plot is being tilled collectively by a group of women. After the success of this movement, a Dalit Land Rights Federation has been set up at the state level to look into the issue of land rights for Dalits. In Vellupuram district, about 100 women’s groups were formed in 40 villages to start this programme, today there are about 200 such groups. This is precedence for the Dalit Women’s land rights in India. This struggle that speaks of Dalit women’s land rights, resonates today.⁶⁰

Forest Department Hegemony Post-Independence

The exclusion of 7.5 crore hectares of forest land from any area of land reform and the continued control by the Forest Department of this land post-Independence, is contrary to provisions of the 5th and 6th schedules of the Constitution. Besides, it continues a colonial legacy of governance and denial of land and livelihood rights of India's Indigenous peoples. The manner in which the forest department encroached upon and brought more land under its aegis is also controversial. For the Adivasis and Forest Dwellers therefore, the deliberate exclusion of Forest land from the Zamindari Abolition Act should remain a major point of discussion and agitation. This transfer of land post-independence happened while there is no legal provision under any of the revenue laws of the country for handing over lands to the forest department.

This is a historical injustice, perpetuated against these people since the British times, and it was finally accepted by the Indian Parliament 59 years after Independence in the introduction to the Forest Rights Act, 2006. There were special provisions in the 5th and 6th Schedules of the Constitution for the protection of the Forest and Land rights of the Scheduled Tribes (ST). Under this, trading of the land belonging to a ST with a person of another community was prohibited. Schedule 5 is in operation in the Special Areas of 8 states. Among the North Eastern states, except Arunachal Pradesh, Schedule 6 is operational in different areas of the other states. The Governors of these states have been given special powers to protect these special rights of the tribals. However, in spite of the rights of STs being violated numerous times in these states, the governors have never exercised their power to step in.

In 1996, the PESA ⁶¹Law was passed to secure the rights of the *panchayats* in the Schedule 5 areas. The states had to frame the rules and implement the law but till today, many states have not framed the rules and the implementation has not been proper, too. Even after numerous such laws, the plunder of water, forests and land continues unabated.

Development, Displacement and the Neo-Liberal economic policies of 1991

After independence, in the name of national development, the government acquired land from the jungles and the *Adivasis* for several development projects such as construction of dams on rivers, industrial projects, mining and road construction, setting up of national parks and Project Tiger. This resulted in the displacement of people on a very large scale. After independence till 1990, over about 40 years, more than 7 crore people had been displaced (at present, this figure stands at over 10 crore), most of them being SCs/STs (66%). The government had promised compensation and rehabilitation for these displaced people but in reality, only 27% of them have got any compensation, 73% of them have not received any compensation.

This means that the majority of the displaced *Adivasis* and the deprived communities got no justice and were sacrificed at the altar of national development and left to fend for themselves. This policy of development gave rise to further inequality because only a few received the fruits of this development and the majority of the population is still dealing with poverty, illiteracy, unemployment and the struggle to get two square meals a day. As a result, many protests against such developmental projects have come up all across the country and the companies have had to go on the back foot many times.

A new chapter was added to this chain of progress after 1991, when neo-liberal policies and globalisation, along with commercialisation were promoted and the responsibility of national development was passed on to a few large private companies. Under these neo-liberal policies, all the rules and regulations were brushed aside, as the government handed over public funds to these private companies. Under the garb of neo-liberal policies, which was just an excuse to usurp natural resources, at the start of this century, the government suddenly gave approval to a host of SEZ projects, construction work, energy plants, infrastructural development work, industrial corridors, ports, airports etc.

In the name of PPP (Public Private Partnership) model, private companies started getting promoted at the cost of public sector undertakings. As a result, soon the economic activity started getting concentrated in the hands of a few rich companies and the government started running away from its constitutional duties. The economic and social security of the people was under intense attack and, in the midst of intense disquiet in the country, crores of people got caught in the cycle of poverty and insecurity. In this process, a section of the middle class, which is a big shopper, did benefit but the people at large were exposed to serious economic distress. In the end, the public had to pay the price for the massive profits of a few rich companies. This increasing discontent, inequality and unemployment not only caused a crisis in rural economy but also, people migrated towards cities on a large scale, and are forced to work in brick kilns, construction sites, factories and live in slums on the outskirts of the city.

These labourers, forced to wander in search of work, reached the large commercial centres which have come up in big cities

in the age of globalisation and worked there to the best of their capacity but even after a long time at the job, they do not have a permanent place there. Neither the government nor any other organisation has the true figure for these deprived and unorganised people, who have been displaced due to various developmental projects undertaken after independence. Nor has any government or non-governmental organisation paid any attention to this. During the Corona virus pandemic, when the government, hastily and without any preparation, announced a nationwide lockdown, a number of these commercial enterprises shutdown on a large scale, leaving a large section of this strata homeless and jobless, forcing them to hit the road in desperation and return to their villages and lands which they had left long ago in search of work. A large section of the returning migrants had neither any resources nor any food to fill their stomachs. In this manner, crores of hungry and thirsty masses, along with their little children and aged parents, were once again displaced due to the faulty policies of the government. During the three-month long lockdown, an estimated 1.5 to 2 crore people were forced into displacement once again after losing their jobs, which is many times more than the number of people displaced during the Partition accompanying the independence of India, and has been assessed as the largest displacement in the world. Neo liberal policies and failure of the political class are responsible for this.

There was a lot of mobilisation among the people against the growing inequality in society and the new-liberal policies of the government and hence, many government schemes were not successful. Like over 500 important SEZ projects belonging to Reliance and other companies, covering thousands of acres, had to be cancelled due to protests by the people. New power plants of a total generation capacity of about 500 GW, which

would have led to the destruction of thousands of acres of land, water bodies and forests, had to be called off due to people's protests. Many other basic infrastructure development projects, which were being undertaken only to benefit these companies, had to undergo drastic changes.

Not just this, during this period, people's struggles forced the Parliament to pass many progressive laws like Right to Information Act, MNREGA, Forest Rights Act, Revised Land Acquisition Amendments Act 2013, National Food Security Act, Protection of Women Against Domestic Violence Act. This proves that through any period of history, through powerful people's movements, the government can be forced to pass and implement laws in favour of the exploited masses. Although the current government is increasing its repression to stop such movements, a powerful movement to restore the traditional rights of the communities over land, water and forests is still on and will continue in future too.

While on the one hand, our struggles on many issues were successful, on the other hand, the process of establishing the company raj in the country in a new way has started under the new economic policy, and this is taking root at an increasing pace under the current Modi government. Today, private companies dominate every field like industrial activity, energy sector, banking, insurance and financial institutions, infrastructure construction, education, health and agriculture. Right from the time the Modi government took charge at the Centre in 2014, many laws are being passed at the behest of these companies and many other important laws are being amended. Even though after massive protests, the government had to withdraw the Land Acquisition Ordinance, brought about to nullify the Land Acquisition Act, 2013, it was still

successful, despite hundreds of protests, in converting 44 Labour Laws into 4 Labour Codes. Still, the protests continue.

Among the slew of anti-people measures, many new equations and fronts were established between the various movements, labour organisations and progressive forces. Among these is 'Land Rights Movement' which encompasses all the farmers' organisations, peoples' organisations, organisations of forest dwelling communities and organisations against displacement. Adivasi-Dalit woman power has also played an impressive role in this. This forced the government to take back this anti-people ordinance. Similarly, the government is trying to tinker with laws to neutralise the Forest Rights Act and has brought in other laws like CAMPA (Compensatory Afforestation Management and Planning Authority). The Land rights Movement is engaged in continuous struggle against this evil attitude of the government. After this, many other fronts have been formed like the All India Farmers' Protest Co-ordination Committee, One People One Right Movement, All India Peoples' Forum etc. The member organisations of the Land Rights Movement are active in the on-going historic farmers' protest movement as well.

Conflict between authority and the forest dwelling communities in independent India

The forest department was set up in England during the colonial rule with the purpose of plundering our forest wealth. However, in Independent India too, just like before, the forest department continued to be the owner of the forest areas and continued to extend its power over the forest communities.

After Independence, in 1950, the government formulated a new Forest Policy, which continued with the old law enacted by the

British in 1927 and also continued with the old policies. That is to say that the freedom acquired after Independence never reached the forest areas. As a result, the friction between the communities and the government and its forest department started to grow. Immediately after Independence, the forest department illegally acquired the forest land of the princely states and of *Adivasi* and village forests. It also started the process of taking over the lands of the villagers in the name of afforestation. All this acquisition was illegal because, under the Zamindari Abolition Act, the village land cannot belong to anyone other than the village *panchayat*. The forest department grabbed all this land and other natural resources through the Official Gazette, which is contrary to the Zamindari Abolition Act and to the Constitution.

In the same way, the *Gram Sabha* (village council) land and forest land was transferred to big companies for a pittance. Furthermore, the companies and the bureaucrats, connived to fudge the records and grabbed a plot of land many times larger than the plot that was actually transferred. In this manner, even after independence, the open plunder of village and forest land continued unabated. For the elites there is no restriction on acquiring land. Restrictions are only for the common people who are dependent on natural resources for livelihood.

In 1972, the Wildlife Conservation Act came into being. In the name of wildlife conservation, a large number of wildlife parks and sanctuaries were established. Then, these areas were declared 'Protected Areas', which was an imposition from the top down. It had neither a scientific basis nor a social connect. The movement and economic activities of the local people in these protected areas were severely restricted. Some areas were illegally declared 'core zones' and the villagers living there

were displaced. Whereas there is no provision for core zones in the Wildlife Conservation Act, nor is there any provision for rehabilitation. Instead, all these decisions were taken on an 'ad hoc' basis. In this manner, displacement of people happened on a large scale and, due to cessation of all economic activity, people were forced to leave the village and go. As a result, the conflict between the locals and the forest department increased. But the Forest Department misled the country and the world by calling this conflict a "Wildlife-People conflict". Under the rubric of "Wildlife-People conflict", the forest department and the so-called NGOs are doing good business by looting the country's and foreign funds.

In 1980, the Forest Conservation Act was passed. Under this act, felling of trees, planting of trees, forestry and other economic activities were proscribed in reserved forests. So much so that the traditional forest communities had to depend on the whims of the forest department to collect forest produce even for their daily needs. Although these restrictions were being applied since 1960, they were given a legal sanction in 1980. In 1980, after the law came into force, all social, economic and developmental work in the reserved forest areas was prohibited. Now, obtaining a permission or clearance for any government or non-government project in the reserved forests became mandatory, and high-powered committees were set up for this purpose. It was mandatory to get clearance from these committees for any type of project. Big companies or highways or tourism related projects were cleared but it was difficult to obtain permission for social welfare projects like a school or a small village road or a water resource project. Also, the management of commercial activities related to forest produce was also handed over to the forest department. Through the Forest Corporation, the forest department earned a lot of profit

but accounting and the financial activities of the Forest Corporation relating to this income were kept out of the purview of the Comptroller and Auditor General of India. However, even after the formation of the Forest Corporation, the custom of using contractors was maintained for the disposal certain forest produce like herbs and honey.

In this manner, the traditional right of the communities over the forest produce was brought to an end and the forest dwelling communities were systematically stripped of their traditional rights and indirectly brought under the control of the Forest department. Now, the forest department has the ultimate power over these communities. As a result, the conflict between the *Adivasis* and the traditional forest dwellers on the one hand and the Forest Department on the other has escalated a lot and all over the country, peoples' movements are coming up.

A section of the environmental movements supported these laws, too. They believed that environmental conservation was of prime importance and that the government should make alternative arrangements to reduce the dependence of these communities on forest produce. On the other hand, another section of environmentalists believed that it was impossible to conserve forests without securing the traditional rights over the forest produce. The environment movement was, thus, broadly divided into two factions.

Due to the growing impact of the Forest Rights movements of the '80s, the Indian government came out with a new Forest Policy in 1988. It acknowledged that the participation of the *Adivasis* and the forest dwelling communities was essential for the conservation of forests. Hence, it is mandatory to secure the participation of these communities in the conservation of

forests. In this context, in 1990, the then secretary of the Ministry of Environment, S.R. Shankaran, issued 6 departmental circulars to ensure the participation of the forest dwellers. This was a very important step because for the first time, the active participation of the *Adivasis* and other forest dwelling communities in the management of forests was being officially recognised. However, the officials of the forest department did not accept this. Departing from this, the officials of the forest department, with the help of the World Bank, planned on starting a 10-year Joint Forest Management (JFM) Programme in selected states in 1991-92. A departmental order was issued for this purpose. Under this order, a programme for the plantation of fast-growing trees, for obtaining commercial wood, by the locals in unreserved forest areas and degraded forests was initiated. Forest protection Committees were set up for the upkeep and monitoring of these new plantations. Officials from the forest department were appointed as their secretaries and the forest department was also entrusted with the task of formation of these committees, delineating their programmes and issuing guidelines.

In this entire process, the *Gram Sabha* (Village Council) was not assigned any role. After the tree was ready, 25% of the income from its felling was customarily given to the Committee, which was later increased to 50%. The community members were not paid any wages by the forest department for the plantation of the trees and their upkeep. But after the tree was sold, the forest department deducted the expenses incurred for felling the tree and then, took 50% of the profit. This meant that the communities were not compensated for the time and effort expended for the plantation of trees and their upkeep. Thus, the forest department earned profits without spending

anything and the people got nothing. As a result, the locals had no affection for this programme and began opposing it. This programme failed completely. In 2002, this World Bank programme came to an end.

Once again, the forest department sought to take forward this programme with the help of the Japanese firm, JICA. But, due to the previous experience, the local communities showed no interest and JICA's programme was also unsuccessful. Then, with the help of NGOs, the forest department enlisted the help of the powerful people of the area and set up forest committees under the JFM programme, which were a front for some middlemen, who started misleading the people against the Forest Rights Movement. However, after the implementation of the Forest Rights Act, there was no rationale for running these Forest Protection Committees under the JFM Programme and they were illegal. The World Bank and JICA had invested in the programme in the form of loans. This money was misused by the forest department for its own selfish purposes but the whole country had to repay these loans.

2006: A breakthrough

Finally in a political response to an upsurge of organised demands by India's forest dwellers and *Adivasis*, Indian Parliament finally accepted that a historic injustice committed by the Forest Department needed to be statutorily rectified. Fifty-six years after India gave itself the Constitution, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006' commonly known as the Forest Rights Act was passed. Before this, in baby steps the 1996, PESA Law was passed to secure the rights of the *panchayats* in the Schedule V areas. Some states have however still not passed the rules needed to give this law any teeth.

It was the passage of the 2006 law – a moment of emancipatory victory for India’s indigenous peoples – that was preceded by a policy shift. The growing impact of the Forest Rights movements of the ‘80s had impacted governance and the Indian government came out with a new Forest Policy in 1988. This, for the first time, acknowledged that the *participation* of the *adivasis* and the forest dwelling communities was essential for the conservation of forests. ⁶²

A series of six departmental circulars by the secretary in the ministry of environment, SR Shankaran that recognised the need to enlist this participation was the first official recognition of this need. What then followed is the proverbial ping pong with the forest department that was simply not prepared to accept this. First with the World Bank funded Joint Forest Management Programme in select states from 1991-92, a scheme for plantation of fast growing trees for commercial timber was initiated and failed. Then the FD tried another such programme with the help of the Japanese firm, JICA. But, due to the previous experience, the local communities showed no interest and JICA’s programme was also unsuccessful.

National Forum of Forest People, Forest Workers

The increasing conflicts between the communities and the forest department energised affiliations in social movements to restore the traditional rights of the forest dwelling communities living in forest areas. In 1994, under an initiative of the National Centre for Labour (NCL) – a national organisation for the unorganised labour – efforts were made to launch a national forum for the forest workers. At Dehradun in 1996, a decision was taken to launch a national campaign for the legal

recognition of the traditional rights of the forest workers and a resolution was passed⁶³ to set up a national forum to take this campaign forward. Thereafter, in September 1998, at a 3-day conference organised in Ranchi, a national forum for forest workers, '*Rashtriya Van-Jan Shramjivi Manch'* (National Forum for Forest People & Forest Workers- NFFPFW) was launched.⁶⁴ After extensive discussions on giving a legal framework to the traditional rights of the forest communities, the NFFPFW came out with a detailed declaration. Crucial issues raised were –

1. Rights in a National Parks and Protected Areas
2. Rights of a forest village and a Taungiya village
3. Rights over minor forest produce

These formed the basis of the 2002 Declaration of the NFFPFW at Nagpur attended by 350 delegates from 15 states. A historic proposal was passed to build a membership-based organisation. Later, in the Dehradun session in 2012 and ⁶⁵ in 2013, at the Orissa session, the All India Union of Forest Working Peoples (AIUFWP) was launched. The mobilisations across movements took place at a time of a tectonic shift in the policy of the Indian state, post 1991.^{66 67}

Draconian order from the Forest Department in 2002

A dangerous order issued by the Inspector General of forest department in May 2002 when the NDA I⁶⁸ was in power, is reminiscent of the “eviction” order passed by the Supreme Court, 17 years later when NDA II ruled.⁶⁹ Under the 2002 executive diktat, orders were issued to declare all those people (*Adivasis* and traditional forest dwellers) living without proper documents in the forest areas as “encroachers” and to forcefully evict them. Such people were asked to leave the forest area by September 30, 2002.

Widespread protests against the use of elephants to destroy human settlements and outrage compelled the NDA I government to withdraw the order. Amidst protest and resistance, a process was begun to bring all the peoples' organisations on a common platform at the national level. In September, 2002, at the Nagpur session of NFFPFW, a strong demand was made to end the hegemony of the forest department and to make laws to secure the traditional rights of the *Adivasis* and other traditional forest dwelling communities. Soon, this demand for a law turned into a movement at the national level. Keeping in mind the General Elections and also Assembly Elections in tribal dominated states, in 2003, the NDA government, which was in power then, was compelled to commit itself to giving ownership rights to the forest dwelling *Adivasis* on forest land.

2004 - Foundation for change

In January 2004, World Social Forum was organised in Mumbai, where lakhs of social and political activists from all across the world congregated for the event. NFFPFW was a prominent participant at the event. Forest Rights was a major focus of discussion, which provided the forest dwelling communities hope at a national level. At the General elections held after this event, the issue of Forest Rights was mentioned prominently in the manifestoes of all the major political parties.

The loss of the NDA I in the 2004 general elections brought in the UPA⁷⁰, under the leadership of Congress, forming a government with an alliance of Left parties. The Common Minimum Programme became the basis for governance. Due to the insistence of the Left parties, the Forest Rights Law became a significant promise in this Common Minimum Programme.

This is how the historic process of formulating the law began.⁷¹ Finally, this emancipatory law was passed by both the Houses of the Parliament (Lok Sabha – 15 December/ Rajya Sabha – 18 December) titled the '*Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*', commonly known as the Forest Rights Act. This law is a recognition of rights law, gives crucial constitutional rights to the Gram Sabha; confers two kinds of rights – community (13) and individual (3). Most significantly it recognises *Adivasi* and forest dwelling women's right to deal and control forest produce, land control and ownership.⁷²

This is the first law in the country which not only gives community right but also equal right to women over resources. Of all the laws passed since Independence, this is also the only law which recognises both the Taungiya community and nomadic tribes (a first) and makes provisions for their special rights. After being passed in both the Houses, its rulebook was passed on December 31, 2007 and it came into force on January 1, 2008.

Achievements of Forest Rights Act, 2006

The background of the Forest Rights Act, 2006 is linked, as mentioned above, with the 250-year-long struggle to establish the sovereignty of the communities over their forests. In the Introduction to this Act, the Indian Parliament acknowledged as much. The main objective of this Act is to right this historical wrong done to the *Adivasis* and the forest dwelling communities by giving recognition to their traditional rights of the over forests, forest lands and produce, rights which had been systemically snatched away.

This law was amended and made more rigorous in 2012. With this, communities were given full rights over the forest produce and the community members, working either through a co-operative or through the *Gram Sabha*, were allowed to trade in the forest produce. This was done to make the forest dwelling communities economically independent. According to the available figures, the forest department has an annual turnover in forest produce of, at a minimum, approximately Rs. 50,000 crore. The actual control of local communities over this trade would ensure that they emerge as a strong economic and political force in the country.

It is now nearly 15 years since the passage of the Forest Rights Act and about 13 years since its implementation. Even today, its effective execution has not been achieved. More than half of all the personal and community claims submitted have been illegally rejected by the government officials. According to the August 2020 report of the Ministry of Tribal Affairs, Government of India, a total of 42,53,089 claims (41,03,177 personal claims and 1,49,913 community claims) were filed, of which only 19,85,911 claims (19,09,528 personal claims and 76,383 community claims)⁷³ were accepted. Even though, under this Act, there is no provision for the officials to reject such claims, that right is vested only with the *Gram Sabha*, there remain serious political impediments and tough challenges for the execution of this law. *Adivasi* and forest dwelling communities continue to face violent evictions and barbaric state reprisals in their on-going struggle to assert their traditional rights legitimised under this law.

The tussle between concentration and abuse of power and its re-distribution has been on for decades, and continues even today.

The Forest Rights Act (FRA), 2006 is applicable to forest regions across India. Despite the Act being in force for the last 15 years, individual and community claims of the Adivasi and other forest dwellers are yet to be recognised. Over a period of time, a powerful nexus between the local mafia, police and Forest department officials has emerged, and they have, regularly and systematically, exploited and oppressed the forest dwelling communities. This state of affairs has allowed a “historical injustice” to be perpetuated, despite the laudable and emancipatory objectives behind the law (FRA 2006). This is in clear contravention of the Introduction to the FRA 2006 (and its aims and objectives) which requires the State to act to mitigate the ‘historical injustice’ on the forest people. Legal training combined with informed community organising and para-legal trainings becomes also now a key to deepen the struggle.^{74 75} In September 2019, two *Adivasi* women, Sokalo Gond and Nivada Rana backed by the AIUFWP and Citizens for Justice and Peace (CJP) petitioned the Supreme Court in the very case where attempts were being made to dilute the FRA 2006.⁷⁶

Main Obstacles

1. This Act has come into existence in the era of economic liberalisation and capitalistic globalisation, at a time when capital and market are given predominance over natural and human resources. This has encouraged the plunder of natural resources. Whereas the basis of the idea of the Forest Rights Act is to re-establish the community rights over natural resources, which is completely opposed to the liberal and capitalistic politics and economic policies of the day. Hence, the government must exhibit a strong political will to effectively execute this Act which seeks to re-establish

the rights of the communities over their natural resources. But the government never had this kind of political will, nor is it present there even today. That is why, the government made no efforts to train its administrative officers about this act nor has it made them aware about its effective implementation. Hence, there are major obstacles at the administrative level in the effective execution of this very important Act.

2. Apart from this, in order to make the Forest Rights Act ineffective, the present government has started afforestation programmes by the forest department on the disputed land, under several new laws like CAMPA etc. Due to this, legally valid personal and community claims are being dismissed illegally on a very large scale. Alongside, the restrictions which had been placed on companies for the use of forest land are being weakened and the forests are being handed over to them. The criteria set to assess the negative impact on the environment are being undermined so that major projects can be started in forest areas. The rights of the people on the forest lands are being taken away and this Historic Act is being made ineffective through these two methods.
3. This Act gives the *Gram Sabha* of the forest community the right to recommend the validity of forest rights claims. This strengthens the community. In India, this is the first Act which gives a community, which has been deprived and discriminated against for centuries, the right to take its own decisions. Till now, only the bureaucrats had this right. Since the British Raj, in the Indian administrative set-up, the bureaucrats have been the benefactors and the communities the beneficiaries.

This same colonial practice has continued for 7 decades after independence. This is what has been called a historic injustice in the Forest Rights Act. And this Act has attacked this very practice. Hence, this legal authority given to the *Gram Sabha* is not acceptable to the bureaucrats and, with some exceptions, they are not interested in implementing it.

4. After Independence, the forest department has emerged as the biggest *zamindar* in India. A total of 24% of the country's land is under its control. Various earlier laws, made from time to time, have provided its landholding with constitutional cover. However, after the enactment of the Forest Rights Act, 2006, the Forest Department landholding started being challenged legally by the communities. In order to protect the landholding of the Forest Department in the forest areas, the forest officials colluded with the administrative officials to create roadblocks in the effective implementation of the Act and publicly spoke against the Act. The so-called Forest Protection Committees formed under the forest department's JFM programme are constantly attacking the working of the Village Forest Rights Committees formed by the *Gram Sabhas* under the Forest Rights Act, 2006 and the efforts to render the Act ineffective continue unabated. These activities of the forest department are absolutely illegal and unconstitutional.
5. On February 13, 2019, the Supreme Court suddenly came out with a regressive judgement on an old case filed by the so-called wildlife organisations. According to this judgement, ultimately the 21 lakh people, whose claims had been dismissed, would be displaced from their lands. This judgement was absolutely wrong and

went against the Forest Rights Act, because this Act is intended to settle the forest dwelling communities, not to displace them. Those claims which have been dismissed, have been done by the revenue officials under the influence of the forest department, which is absolutely illegal. Only the village community has that right, so all these claims should be sent back to the village communities for reconsideration. When the entire country protested against this wrong judgement, on February 27, 2019, the Supreme Court had to issue a stay on its own order. In this way, even the Supreme Court tried to block the implementation of the Act, but was forced to backtrack on this issue.

Current Challenges

Post-2014, a significantly altered political reality is in place. While robust struggles around many issues abound, an increasingly aggressive crony capitalism is in operation: today, private companies dominate every field of industrial activity, energy sector, banking, insurance and financial institutions, infrastructure construction, education, health and agriculture. While massive protests from the opposition compelled the newly elected, NDA I, central (federal) government to withdraw the central Land Acquisition Ordinance (2014), brought about to nullify the Land Acquisition Act, 2013, it was still successful, despite hundreds of protests, in reducing 44 Labour Laws into 4 Labour Codes and through this undemocratic act taken in 2020 –while Parliament barely sat due to the pandemic – utterly dilute the basic rights and protections, earned through hard earned struggles by the organised working class in India. State governments dominated

by the same party in power as the centre (Bharatiya Janata Party) have since October 2014, passed state land acquisition laws that in effect nullified the breakthrough 2013 legislation. Law rarely used to actually liberate, is increasingly being used to snatch away hard-earned rights and protections.

Closest to the crude exploitative politics that played itself out under colonial rule of the British, the NDA II government that has been voted back in power with an even larger majority in 2019; it has employed a sinister politics with India's indigenous peoples, its *Adivasis* and traditional forest dwellers. Socially and politically keen to appropriate the crucial eight per cent of the vote that this vastly disparate community represents, it has no intention of devolving economic and social rights or control over land and production to them. The past seven years have therefore seen clear efforts to derail the Forest Rights Act and render it ineffective is through the passage of contrarian laws like the CAMPA (afforestation law), amendments to the Mining Act, Environmental Protection Act and the National Highways laws. All these in some way or another allow legal caveats to the land rights claims of indigenous communities over their land. Alongside, stringent environmental clearances on companies for use of forest land have been weakened, forests are being handed over to them on a platter. This has been a singular contribution of the NDA II government. The period of the pandemic inspired lockdown saw brute assaults on India's indigenous peoples.⁷⁷

Still, the protests –though invisibilised by a pliant media – continue.

New equations and fronts have been born in this hostile political environment, forging alliances between and across



various movements, labour organisations and other progressive forces. Among these is 'Land Rights Movement' (*Bhumi Adhikar Andolan*) which encompasses all the farmers' organisations, peoples' organisations, organisations of forest dwelling communities and organisations against displacement.

Adivasi-Dalit woman power has also played an impressive role in this. Behind these developments, the All India Union of Forest Working Peoples (AIUFWP) has played a key role. Seminal to the movement for the land rights of traditional forest dwellers since the late 1990s, its emphasis on a women's' leadership makes it unique.

Bharati Roy Choudhary (1953-2011) inspired community women in the forest area in taking leadership of the forest and land rights movement in their own hands and lending it their unique perspective. Her inspiration helped the organisation to build a women-oriented perspective on critical issues of

collective ownership rights of women with respect to forest, land and other natural resources, especially, with an eye on challenging patriarchy.

“Jo Jan Jangal ke liye laddhega, woh Jail Jayega,” (whoever struggles for land, will go to jail) was her living credo. Roma⁷⁸ today carries the baton passed on by Bharati. Ever since inception, a strong women’s leadership has guided the movement and the union. Even though some of them are no longer present, these women continue to inspire this collective community struggle. Chavli Devi from Raja Ji National Park, Haridwar who was considered to be the Maa (mother) of the organisation formed; Ganga Arya, a Dalit woman from Udham Nagar, Uttarakhand worked for land and forest rights and Phool Mati from Dudhwa National Park, Lakhimpur Kheeri district, UP died at the young age of 29. These are only a few. Today, Rajkumari Bhuiyan, Sokalo Gond, Nevada Rana, Sevaniya, Rani are among the vast membership of the AIUFWP who are tirelessly – and fearlessly leading their community to its place in the sun. Sokalo Gond has been jailed twice; her colleagues Roma, Kismatiya and Rajkumari too.⁷⁹

Since early 2020, the imposed lockdown and the peculiarly restrictive conditions surrounding the breakout of the Covid-19 (Corona virus) pandemic, violent repression in the remote areas inhabited by India’s indigenous peoples continues. While other economic activity was forced to shut down, mining extractions of precious resources continues unabated. The economic cost has been high with mass unemployment and stoppage of any economic activity.

The months of 2020 witnessed the large-scale migration of India’s vast (estimated to be 63 crores) migrant working



population, forced to hit the road as a callous government simply overlooked their existence. Forced in desperation to return to their villages and lands which they had left long ago in search of work⁸⁰, they left without their wages, with little on their back. During the three-month long lockdown in 2020, an estimated 1.5 to 2 crore people were forced into displacement once again after losing their jobs.

In the month of May 2020 alone, Indian railways recorded that as many as 10 million workers and their families caught the train home; a mode of transport that they were forced to pay for. Migration and displacement, that have become a perennial reality for millions of Indians, can only be prevented if collective land and forest rights are secured. For this to happen the implementation of the Forest Rights Act, 2006 among other laws is key; the most profound challenge to the effective

implementation of the Forest Rights Act 2006 is, therefore, to overcome the persistent political and administrative stonewalling.

We should take the following steps in order to achieve our goal:

1. We should develop a distinct conceptual approach in order to establish effective co-ordination among all the various communities dependent on natural resources, so that community self-rule on the resources can be established.
2. We should strengthen the social, educational and economic institutions established by the communities on local and regional levels.
3. We should launch a powerful campaign to raise public consciousness on a national level. Towards this end, we should develop manuals and literature for effective training of the officials of the village Forest Rights Committees, community leadership and social workers.
4. We should form a common forum for effective co-ordination among the various organisations working on the issues of water, forest and land.
5. We should prepare a common demand charter. It should be endorsed through discussions at the regional and national levels.
6. We should co-ordinate with other labour organisations and progressive and social movements.
7. The leadership of women and youth should be strengthened at all levels, from the regional to the national level.

The most important step towards actualising this strategy is to strengthen the movement on the ground. For this, every *Gram Sabha* in a region should be activated and continually empowered. Public organisations (co-operative or community-based organisations) should be set up at local and regional levels to create public awareness. It is necessary to establish active co-ordination between all the labour organisations in order to keep the movement dynamic. We have to empower the public organisations from the local to the national levels to maintain this dynamism. In order to strengthen the public institutions, we will have to ensure the participation of all the communities in the process of decision making. For this, the mass organisations will have to be based on membership because only through membership can the leadership and representation of the community be determined.

The Forest Rights Movement needs to bring together various natural resource-based communities to form a strong and committed opposition to any move to snatch away sovereign control over land. Other water-forest-land movements like the Agricultural Workers' Movement, Farmers' Movement, Fishermen's Movement, Environmental Justice Movement, and Movement against Displacement etc. are natural allies towards a more broad-based land and forest movement. Strong legal action to back this mobilisation and cultural expression of it is vital. Only then can the aim of establishing total autonomy of the communities related to water, forest and land be achieved, where the system is transformed into one in which all productive forces can avail of *both*, their constitutional and democratic rights. Only this will ensure equitable development of the toiling peoples with a sorority and synergy among and with the people of the country.

There is need to be armed with this rich and chequered history, that can be traced back to struggles of *Adivasis* and Indian peasants to 250 years ago against the oppressive exploitation of the East India Company, harking back to different stages that this struggle has waded through, after Independence. An ideological steadfastness with a nuanced ability to adapt to challenging realities and build alliances needs to inform this phase of the struggle.

When we, the hard-working people, ask the world for our share.

It will not be a mere field, or a country but instead, the entire world.

— Faiz Ahmed Faiz

Footnotes

¹ For example, *shudras* had no right to land ownership, nor did they have access to resources of production. They were attached labourers of the land owning classes and received enough just to survive. Even before the coming of the British, the landlords exploited the land.

² Colonial State and Differentiation among the Adivasis in Chotanagpur division of Bihar; P.K. Shukla; Proceedings of the Indian History Congress Vol. 69 (2008), pp. 756-763 (8 pages); Published By: Indian History Congress

³ Enclosing Land, Enclosing Adivasis: Colonial Agriculture and Adivasis in Central India, 1853

-1948* BhangyaBhukya Associate Professor, Department of Social Exclusion Studies, The English and Foreign Language University, Hyderabad, India, Sage

⁴ Adivasis In Colonial India: Survival, Resistance, and Negotiation Hardcover – 1 January 2011, by BiswamoyPati

⁵ Sanjay Subrahmanyam, 1990; Political Economy of Commerce: Southern India 1500-1650, Cambridge University Press, 1990; Sovereignty, Property and Land Development: The East India Company in Madras, Journal of Economic and Social History of the Orient, Bhawani Raman; Between Monopoly and Free Trade: *The English East India Company, 1600–1757*, Emily Erikson; Series: Princeton Analytical Sociology Series;

⁶ The Peasant and the Raj: Studies in Agrarian Society and Peasant Rebellion in Colonial India: 23 (Cambridge South Asian Studies, Series Number 23) Paperback – 3 July 1980, Eric Stokes

⁷ The Permanent Settlement, The Ryotwari System and the Mahalwari System are the three kinds of systems introduced by the British.

⁸ Late Victorian Holocausts, *El Nino, Famines & the Making of the Third World*, Mike Davis, Verso, 2001,2002, 2017; Churchill's Secret War: The British Empire and the Ravaging of India during world War II, Madhushree Mukherjee, 2010, Basic Books, New York

⁹ "British shareholders made absurd amounts of money by investing in the railways, where the government guaranteed returns double those of government stocks, paid entirely from Indian, and not British, taxes. It was a splendid racket for Britons, at the expense of the Indian taxpayer. The railways were intended principally to transport extracted resources – coal, iron ore, cotton and so on – to ports for the British to ship home to use in their factories." *Inglorious Empire*, Hurst & Company, ShashiTharoor

¹⁰ In 1600, when the East India Company was established, Britain was producing just 1.8% of the world's GDP, while India was generating some 23% (27% by 1700). By 1940, after nearly two centuries of the Raj, Britain accounted for nearly 10% of world GDP, while India had been reduced to a poor "third-world" country, destitute and starving, a global poster child of poverty and famine. The British left a society with 16% literacy, a life expectancy of 27, practically no domestic industry and over 90% living below what today we would call the poverty line. (An Era of Darkness: The British Empire in India Hardcover; October 2016, Aleph Book Company, Shashi Tharoor)

¹¹ After a head start in the cotton and opium trade, the Tatas grew to dominating heights by 1947: TATA: The Global Corporation that built Indian Capitalism, Mircia Raianu, Harvard University Press, 2021

¹² "The Poverty of India" (Dadabhai Naoroji, 1878), a pamphlet that focussed sharply on the economic impoverishment suffered by Indians under the British

¹³ The Colonial Legacy of Forest Policies in India, Arun Bandopadhyay, Social Scientist Vol. 38, No. 1/2 (Jan. - Feb., 2010), pp. 53-76 (24 pages) Published By: Social Scientist

¹⁴ Forest Management in India since Ancient Times, Gopa Ghosh, GeoAnalyst, December 2005

¹⁵ The opening line of this Law states as much. "An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce" Clearly the law was enacted as an enabler for revenue collection in forests and for the transport of forest produce. Under this law, local communities which had been living there for centuries were now dubbed "trespassers/encroachers" and sections 4 to 20 were included for this purpose.

¹⁶ For this, the British appointed the German scientist, Dietrich Brandis as the first Inspector General of Forests in India. He suggested that, in order to revive the forests, forestry should be linked with agriculture. This system came to be known as the '*Taungya system*', a traditional shifting cultivation practice. This system, borrowed from Burma, where the British themselves had, experimentally, combined forestry with agriculture. Under this system, the forest workers were given one acre of land each for cultivation. On this plot, they had to make beds and grow crops there. In this way, the trees would be regularly irrigated and their roots would become stronger. They laboured on this plot for five years, after which they were given another plot of land to cultivate.

¹⁷ *Taungya* villages, not recognised as regular revenue villages by the authorities, dubbed temporary settlements, this was the way a colonial administration excluded them from the legislative system and they were even excluded from the Census. Only in 1976, did the Planning Commission, rectifying this serious flaw in governance

strongly recommend regularisation of all forest villages. Still the government of India did not pass any rules /order for permanent settlements of rights for forest villages. However, since the 1980's, forest villagers have been included in the voters' lists for State Assembly and Parliament elections but again surprisingly not included in Village Panchayat election's voters lists. Later, they were included in the Gram Panchayat election list. Residents of the Taungya villages, situated as they are in the Reserve Forest Area these villages/settlements were also denied of any developmental activities (as ensured by 73rd Ammendment of Panchayati Raj Act) as the FCA (Forest Conservation act) 1980 Rules barred developmental activities in RF areas. This was rectified through and amendment in 2006 six months before the passage of the historic forest law.

¹⁸ Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006'

¹⁹ Peasant Struggles in India, AR Desai, 1979, OUP

²⁰ British Rule and Tribal Revolts in India: The curious case of Bastar, Ajay Verghese, Cambride University Press, 2015

²¹ The first uprising by the *adivasis* in 1769 under the leadership of Ganga Narayan Singh and Raghunath Maha to They were protesting against the appropriation of their water, jungles and land, for freedom from all forms of exploitation. It lasted until 1805.

²² The second important rebellion started in the hills of Santhal Pargana (Jharkhand) under the leadership of Baba Tilka Manjhi (1784). Threatened by a this challenge to its political and economic control, the British in 1785, without conducting a trial, hanged Baba TilkaManjhi from a mango tree in the Bhagalpur collectorate. Tilka Manjhi's sacrifice led to a renewed awareness among the tribals and the start of a sustained and armed uprising against the plunder of common resources and to re-establish tribal autonomy which lasted for about 130 years. The Bhagalpur University was renamed the Tilka Manjhi Bhagalpur University in 1991. Meanwhile, in the British protected kingdom of Singhbhum, when the king Jaggannath tried to oppress the Adivasis, the Ho Adivasis of Chhota Nagpur rebelled strongly and this came to be known as the Ho Rebellion (1820-21)

²³ The sanyasis and fakirs mounted an armed rebellion against the British, the revolt now known as the Sanyasi Rebellion. The prominent leaders of this rebellion were Sarkar, Dirjinarayan, Manjar Shah, Devi Chaudhrani, Musa Shah and Bhavani Pathak. The crippling Bengal Famine of 1770 and the restrictions placed on Sanyasis were the main causes of this rebellion. The rebellious sanyasis were religious mendicants, but basically they were peasant cultivators whose lands had been snatched away from them. The ever-increasing difficult problems in farming, increasing land revenue and the famine drove a number of peasants, employees, retired army men and poor villagers to join the sanyasi groups. These

rebels used to roam the countryside in Bihar and Bengal, in groups of 5000-7000 and used to employ guerrilla tactics to attack the officials and the rich, plunder their homes and their food stocks.

²⁴ Local *zamindars* and peasants, led by Titu Mir (Syed Mir Nisar Ali), started an agitation against the Company and Indigo traders in Bengal, in 24 Parganas, Faridpur and Nadia. They declared these areas liberated from the British rule and set up their own administration there. In 1831, the British quelled this rebellion and killed Titu Mir. Titu Mir is still an icon among peasantry in both parts of Bengal, East and West. A university has been founded in his memory in Dhaka.

²⁵ Due of the implementation of the Permanent Settlement (land revenue system) in the province of Bengal, a new and empowered class of *zamindars* or land owners and merchants came up who started exploiting the members of the Kol tribal community physically and financially. In 1831, the Kols, under the leadership of Budhu Bhagat, Joa Bhagat and Madara Mahto, rebelled against the non-*adivasis*. The toiling class of Kol tribals were forced into labour and their womenfolk forced to work in the houses of the *zamindars* and rich merchants. Land tilled and controlled by Kol *adivasis* for centuries was 'distributed' by the East India Company among non-*adivasis*. The agitators destroyed the property of non-*adivasi* *zamindars*, merchants and moneylenders, looted the government treasury and attacked courts and police stations. In the end, realising the seriousness of the situation, a large unit of the Army was sent and the uprising was mercilessly crushed. A large number of Kols were killed.

²⁶ Under the leadership of the Santhal *Adivasi*, Sidho Kanha, this rebellion, 20,000 people were martyred and this was the largest human sacrifice of the Indian Freedom Movement. This combative Santhal rebellion shook the British administration to its foundations. Hence, the British enslaved 50, 000 Santhals and perforce took them, via the river route, to areas like Assam and Darjeeling, to work as bonded labour on tea plantations. En route, thousands of *Adivasis* died of starvation and cholera. This was the beginning of forced displacement by the ruling class, displacement which continues unchecked in Independent India today. Even today, lakhs of deprived, poor people are forced to go to cities in search of work and return to their villages during the harvest season.

²⁷ This impactful rebellion, Digambar and Vishnu Biswas, of the Indian peasant-cultivator against the British indigo merchants started in September 1859 in the Govindpur village of Nadia district in Bengal, then spread to areas like Nadia, Pabna, Khulna, Dhaka, Malda, Dinajpur etc. The British Government had to bow before this rebellion and in 1860, indigo farming stopped completely. Under the Dadani System, the British officials used to take land from the local *zamindars* (*land owning cultivators*) in Bengal and Bihar and force cultivators to grow indigo there without being paid. Indigo producing cultivators were paid a minimal amount as advance and compelled to sign a contract, at a price which was way below the market prices. The peasants were keen on growing paddy on their fertile land.

²⁸ the peasants rebelled against their exploitation by the absentee landlords. Ishan Chandra Rai, Shambhu Pal and Khudi Mallah were the main leaders of this rebellion. As a result of this Uprising, the Bengal Tenancy Act was passed in 1885. A Peasants' Union was first formed, public meetings organised, some peasants declared their *parganas* to be independent from *zamindari*-control and tried to set up a local government also. They raised an army to deal with the *lathi*-wielding henchmen of the *zamindars* and money was raised through donations to fight the *zamindars* legally. They decided not to pay their tenancy rent for some time. This uprising spread to far flung areas like Dhaka, Maiman Singh, Tripura, Rajshahi, and Faridpur.

²⁹ In the Poona and Ahmednagar districts of Maharashtra, exploitation by Gujarati and Marwari moneylenders, the more privileged communities from among the trading classes and castes, hail from the regions of modern-day Gujarat and Rajasthan.

The turning point was in December 1874, when a moneylender in Kardah village of Shirur district

²⁹ obtained an attachment warrant from the court for the auction of the house of a farmer (Baba Sahib Deshmukh). In return, the farmers started an agitation against the moneylenders and began entering their houses to burn their account books. By 1875, this uprising had spread to other parts, led by Vasudev Balwant Phadke.

³⁰ In the Kamrup and Dirang districts of Assam, under the new revenue laws, when Land Tax increased by 50-70%, and to protest against this, many public gatherings were organised under the leadership of rural people to discuss the issue of non-payment of land taxes. Those paying their land taxes would be ostracised. This was perhaps the first example of the use of boycott and ostracism in a rebellion.

³¹ Here, the *Adivasi* hero, Birsa Munda led a historic uprising against the British in Chhota Nagpur (Ranchi), which continued for the next five years as a guerrilla war. This revolt united all the *Adivasis* in region.

³² India's Struggle for Independence, Visuals and Documents, NCERT, 1986, GL Adhya, Arjun Dev, Indira Arjun Dev, SK Chaddha

³³ Ironically in 'Independent India', first in 1964 and then in 1976 these *van panchayats* were placed under the Forest department!.

³⁴ The movement started as an opposition to two acts brought in by the British, *The Colonisation Act and the Doab Bari Act*, aimed at grabbing the land of the farmers, illegal extortion of taxes and usury by money lenders.

³⁵ Since the mid-19th century, movements for social justice and caste exclusions had emerged in different parts of India, most noticeable in the regions that come to be

known as Maharashtra, Karnataka, Punjab. Even as momentum was building against colonial rule, articulations against home grown caste and feudal hegemonies were being voiced. Jyotiba Phule's Satyashodhak Sangh, Savitribai Phule setting up the first all Gits school in Bhidewada, Pune (1848) where her first teacher-colleague was Fatima Shaikh are all powerful symbols of this struggle.

³⁶ The KPSS was originally established by Anant Chitre, a caste-Hindu follower of Ambedkar. Within a few months of its establishment, the KPSS became a significant mass based peasants' organisation in the Konkan region. In the first ever pamphlet published by the ShetkariSangh, which subsequently appeared in Ambedkar's newspaper, *Janata*, the goals of the organisation were clearly articulated.

³⁷ Published first in 1946 as a doctoral thesis, *Social Background of Indian Nationalism*, AR Desai 2011, paperback edition

³⁸ The demand was for land re-distribution to the tiller

³⁹ As part of this movement, hundreds of share croppers harvested their crops and brought them back to their own storage places. Months before Independence, on January 4, 1947, in the village of Talpukur (Chirirbandar area), Dinajpur district, police fired on a peaceful protest by farmers, killing a landless labourer, Sameeruddin and a Santhal, Shivram. This killing by the colonial police was met with a powerful resistance that has become part of local legend. Out to arrest leaders of the uprising, the police was met with over 500 people who captured a policeman and pierced his body with their arrows! Known as the 'Chirirbandar Incident', there was systemic retaliation a month later, when, despite contestation and resistance, on February 20, the infamous Khanpur firing by police claimed the lives of 22 farmer-martyrs.

⁴⁰ <https://advocatanmoy.com/2018/06/24/bargadar-law-relating-to-under-west-bengal-land-reform-act-1955/>

⁴¹ *Agrarian Politics and Rural Development in West Bengal*, Sunil Sengupta, Haris Gazdar, Oxford University press, Scholarship Online

⁴² The main objective of this Act was the abolition of the *zamindari* system and the redistribution of land among the landless cultivators so that the purchasing capacity of labourers would increase. The *zamindars* retained some rights; they would get compensated for the land taken from them. Each state was mandated to pass laws for the abolition of the *zamindari* system and the redistribution of land.

⁴³ Under this, trading of the land belonging to a scheduled tribe with a person of another community is prohibited. Schedule V is in operation in the Special Areas of eight states. Among the North eastern states, except Arunachal Pradesh, Schedule VI is operational different areas of the other states. The Governors of

these states have been given special powers to protect these special rights of the tribals.

⁴⁴ This effectively meant that, on the eve of India's Independence, before the Constitution could come into force, the forest department had already readied a scheme of establishing its hegemony over almost all the forest land of the country. This move made the Forest Department the single largest landowner in India.

⁴⁵ The management of commercial activities related to forest produce – traditionally held and controlled by the indigenous peoples before the advent of colonial rule – was now handed over to the forest department. Huge profits were earned through the Forest Corporation and its contractors, and the financial activities of the Forest Corporation relating to this income were kept out of the purview of public scrutiny meaning the Comptroller Auditor General of India (CAG)

⁴⁶ After independence, in the name of national development, the government acquired land from the jungles and the *adivasis* for several development projects such as construction of dams on rivers, industrial projects, mining and road construction, setting up of national parks and Project Tiger. Mass displacement was the result. From 1947-1990, over about 40 years, more than 7 crore people had been displaced (at present, this figure stands at over 10 crore), most of them being SCs/STs (66%). Only 27% of this population has got the promised rehabilitation and compensation, 73% of them have not received any compensation. A huge sacrifice at the altar of national development coupled with mass impoverishment.

⁴⁷ The main objective of the law – which was to strengthen the peasant-cultivators – fell by the wayside. Hence, though some cultivators, whose names were registered in tenancy records, managed to get some pieces of land, the rest, about 25-30% of agricultural labourers, whose names did not figure in the tenancy records, did not get any land and remained, after Independence, deprived of their land rights. Predictably, these were largely households belonging to India's SC/ST (Scheduled Caste/Scheduled Tribes) and Extremely Backward Castes. On the other hand, after tampering with the records, the *zamindars* and the middlemen maintained their hold over land: a lot of land that was declared *benaami* (not owned by any person) property but was actually controlled by overlords.

⁴⁸ The government launched the *Bhoo-Daan Andolan* (Land Donation Movement) to distribute land to the landless. Under this scheme, the *zamindars* were encouraged to donate the extra land. However, this programme was not successful because a majority of the members of the various committees set up to co-ordinate and implement this programme belonged to the landowning class.

⁴⁹ In contrast to other states during the same period, under Article 370, the *Big Landed Estates Abolition Act, 1950* (for the abolition of *Jagirdari* system) was passed

in the state of Jammu and Kashmir, which had no provision for compensation to the *Jagirdars* for the land taken away from them. The land was taken away from the *Jagirdars* by the government and redistributed among the peasant-cultivators there. As a result, the land was not concentrated in the hands of a few but was redistributed among the landless labourers on a large scale. This helped to end landlessness there.

⁵⁰ As a result, though land was re-allotted in the names of the landless labourers, they rarely, if ever, got possession of the land. Even in a large state like Uttar Pradesh, the landless got full ownership rights over barely 1.66% of the potentially redistributed land i.e. over less than 2%. The rest has been mired in endless litigation. Even today, there are hundreds of thousands of cases pending in the High Courts, where the government, and not the people, is a party. The complete absence of political will dictates this inaction.

⁵¹ Under this scheme, people got the lease on paper but about 50% of the lessees did not get possession of the land: those who had the lease did not have possession of the land and those who possessed the land did not have the lease! Without an effective political programme of action, such schemes were and were bound to fail.

⁵² <https://www.iss.nl/sites/corporate/files/2017-11/BICAS%20CP%205-51%20Kumar%20and%20Lieberherr.pdf>

⁵³ <https://www.epw.in/journal/2016/47/commentary/dalit-emancipation-and-land-question.html>

⁵⁴ http://www.censusindia.gov.in/2011census/B-series/B_7.html

⁵⁵ <https://www.indiaspend.com/dalit-battles-for-promised-lands-rage-across-india/>

⁵⁶ <https://feminisminindia.com/2020/11/02/bodhgaya-movement-bihars-dalit-women-equal-land-rights/>

⁵⁷ In this area of Bodhgaya, Shankar Math, a religious establishment, had illegally expanded the 150 acres of land received from the descendants of Sher Shah Suri to become a *zamindar* or landowner of over 1500 acres of agricultural and non-agricultural land. On these lands, Dalits, mainly Bhuiyan (Musahar) Dalits, worked as bonded labour. The men and women of this landless Dalit community carried out the struggle for the Bodhgaya Land Rights Movement.

⁵⁸ <https://frontline.thehindu.com/social-issues/social-justice/how-dalit-lands-were-stolen/article23595691.ece>

⁵⁹ After the success of this movement, a Dalit Land Rights Federation has been set up at the state level to look into the issue of land rights for Dalits. C. Nicholas, convenor of Dalit Land Rights Federation, cited information obtained under the RTI Act to contend that over 18,400 acres of land in Cuddalore and Villupuram

districts are *panchami* lands. He alleged that the Updating Registry Scheme (URS) had done more harm than good to the Dalits. Under the scheme in 1984, the lands were illegally transferred to private individuals and pattas registered in their name, he claimed. (<https://www.thehindu.com/news/national/tamil-nadu/panchami-whose-land-is-it-anyway/article29995102.ece>)

⁶⁰ In Vellupuram district, about 100 women's groups were formed in 40 villages to start this programme, today there are about 200 such groups.

⁶¹ Panchayat (Extension of the Scheduled Areas) Act, 1996 or PESA, was enacted by the Centre to ensure self-governance through gram sabhas (village assemblies) for people living in scheduled areas.

⁶² A series of six departmental circulars by the secretary in the ministry of environment, SR Shankaran that recognised the need to enlist this participation was the first official recognition of this need. What then followed is the proverbial ping pong with the forest department that was simply not prepared to accept this. First with the World Bank funded Joint Forest Management Programme in select states from 1991-92, a scheme for plantation of fast growing trees for commercial timber was initiated and failed. Then the FD tried another such programme with the help of the Japanese firm, JICA. But, due to the previous experience, the local communities showed no interest and JICA's programme was also unsuccessful.

⁶³ Comrade D. Thankappan took the lead in this

⁶⁴ The definition of Forest People and Forest Worker was expounded by the famous litterateur, Dr. B.K.Roy Burman, which was later used by in its report by the Second Labour Commission (2001).

⁶⁵ Where 500 delegates from the forest dwelling communities and delegates from the three main South Asian nations (viz. Pakistan, Bangladesh and Nepal), decided to transform the Forum for Forest People and Forest Workers into the All India Union/ Forum for Forest People and Forest Workers (AIUFWP).

⁶⁶ Displacement caused by the neo-liberal economic policies of 1991

⁶⁷ Despite the policies adopted by the government in the 1990s and the decades that followed, mass mobilisation among the people against the growing inequality in society and the new-liberal policies of the government aborted many proposed government schemes: for example, 500 important SEZ projects belonging to Reliance and other companies, covering thousands of acres, had to be cancelled due to protests by the people; new power plants with a total generation capacity of about 500 GW, which would have led to the destruction of thousands of acres of land, water bodies and forests, had to be called off due to people's protests.

⁶⁸ This was the first time post-Independence that a minority government led by the proto-fascist Rashtriya Swayamsevak Sangh (RSS) through its parliamentary wing the Bharatiya Janata Party (BJP) assumed power in India, riding on the bank of a violent majoritarian movement and also years after India adopted an aggressive neo-liberal economic regime divesting its commitment to a welfare state committed to social justice for all Indians.

⁶⁹ On February 13, 2019, the Supreme Court suddenly pronounced a regressive order in an on-going case challenging the constitutional validity of the 2006 FRA. Out of turn, without hearing *adivasis* and forest dwellers who are the affected parties, 21,00,000 people, whose claims had been dismissed – due to bureaucratic non-application of mind and ineptitude – would stand displaced from their lands. This directive not only violated the statutory premise of the Forest Rights Act, because this Act is intended to settle the forest dwelling communities, not to displace them, but revealed that even a constitutional court like the Supreme Court had developed little appreciation of the historiography behind the passage of such an emancipatory law. It was only after widespread protests by the entire country that, barely ten days after it passed its controversial order, on February 27, 2019, the Supreme Court stayed its operation. Even when the Supreme Court tried to block the implementation of the Act, it was compelled to backtrack on this issue by mass protests.

⁷⁰ United Progressive Alliance

⁷¹ The Joint Parliamentary Committee (JPC) played a major role in formulating this historic Act

⁷² Not just this, post 2004, people's struggles forced the parliament to pass many progressive laws like Right to Information Act, MNREGA, Forest Rights Act, Revised Land Acquisition Amendments Act 2013, National Food Security Act, Protection of Women Against Domestic Violence Act.

⁷³ <https://cjp.org.in/forest-land-claims-filed-in-chitrakoot-cjp-and-aiufwp-make-history/> ; Forest Land Claims filed in Chitrakoot: AIUFWP and CJP make history! Claims filed for eight villages, 10 more in the pipeline

⁷⁴ <https://cjp.org.in/cjp-webinar-on-forest-rights-testimonies-from-grassroot-activists/> ; CJP webinar on Forest Rights: Testimonies from Grassroot Activists In Part 3 of our report on the CJP webinar, activists strike a hopeful chord; <https://cjp.org.in/legal-muscle-to-defend-forest-rights/> ; Legal muscle to defend Forest Rights Day 2 of CJP webinar sheds light on laws and their implementation; <https://cjp.org.in/forest-rights-and-covid-19-through-the-eyes-of-up-and-uttarakhand-grassroot-activists/>; Forest Rights and Covid-19: Through the eyes of UP and Uttarakhand grassroot activists Part-1 of CJP's webinar reveals how authorities are abusing their power to usurp rights of forest dwellers

⁷⁵ <https://cjp.org.in/forest-rights-act-2006-training/>

⁷⁶ <https://sabrangindia.in/article/sokalo-gond-and-nivada-rana-move-sc-demanding-forest-rights>; Sokalo Gond and Nivada Rana move SC demanding forest rights

⁷⁷ <https://cjp.org.in/forest-rights-van-gujjar-family-released-on-bail-after-custodial-assault/> Forest Rights: Van Gujjar family released on bail, after custodial assault, CJP and AIUFWP writes formal complaint to NHRC; <https://cjp.org.in/why-did-bihar-police-open-fire-on-kaimur-advivasi/>; Why did Bihar police open fire on Kaimur Advivasi? Findings of report co-published by AIUFWP, CJP and DSG; <https://cjp.org.in/tharu-women-allege-assault-in-dudhwa-fir-registered/>; Tharu women allege assault in Dudhwa, FIR registered Amid lockdown, forest working people are being repeatedly harassed by forest officials; <https://cjp.org.in/advivasi-women-attacked-in-up-cjp-aiufwp-move-nhrc/>; Advivasi women attacked in UP, CJP-AIUFWP move NHRC Forest officials brandishing rifles allegedly molest Tharu women in broad daylight, assault youngsters

⁷⁸ <https://cjp.org.in/roma-unbowed-unbroken-unbent/>; Roma: Unbowed, Unbroken, Unbent Human Rights Defender Profile

⁷⁹ <https://cjp.org.in/sokalo-gond-advivasi-warrior-who-defends-her-people/>; Sokalo Gond: Advivasi warrior who defends her people Human Rights Defender; <https://cjp.org.in/rajkumari-bhuiya-songs-as-her-tool-sonbhadra-forest-rights-leader-marches-on/>; Rajkumari Bhuiya: Songs as her tool, Sonbhadra Forest Rights leader marches on Human Rights Defender Profile; <https://cjp.org.in/adalit-womans-resilience-forms-the-bedrock-of-the-forest-rights-struggle-in-sonbhadra/>; Shobha: A Dalit woman's struggle for Forest Rights in Sonbhadra Human Rights Defender Profile; <https://cjp.org.in/free-sokalo-and-kismatiya-now/>; Free Sokalo and Kismatiya NOW CJP and AIUFWP move Allahabad HC; <https://cjp.org.in/kismatiya-and-sukhdev-free/>; Kismatiya and Sukhdev Released

⁸⁰ Migrant Diaries: <https://cjp.org.in/tag/migrant-diaries/>; <https://cjp.org.in/migrant-diaries-a-cjp-special-series/>



When we, the hard-working people, ask the world for our share.

It will not be a mere field, or a country but instead, the entire world.

— Faiz Ahmed Faiz