

Caste Discrimination and Dalit Rights over Natural Resources^o

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“In the past the peasants who had small pieces of land who couldn’t eke out enough from it for their survival used to eat fruits from the nearby forests and used to collect leaves, flowers and dried tree branches and by selling these to others supplemented their income. They also used to maintain a couple of cows or goats and were living happily in their villages depending on the village common grazing land. But H.M’s government’s conspiratorial bureaucracy have used their foreign intelligence and have newly established the great forest department and have incorporated all mountains, hills, valleys along with barren lands, and village common grazing lands in this department, thus making it impossible for goats or the poor peasants to find even breathing space in the forests...”

**Jyothiba Phule in his Marathi book
“Shetkaryacha Aasud” (Cultivator’s Whicpcord) 1882**

Caste discrimination and Dalit Rights over natural resources is one of the most complicated issues that the country is today faced with. As such this is not a new question; however the current format is a relatively newer one. There are specific reasons and compulsion for raising this question at this juncture of history as the betrayal of the betrayed continues for centuries unknown till today. Raising this issue would unfold the conspiracy of the upper caste rulers of this country to which they may be obliged to answer.

Caste system is to be understood in two parts viz. the material and ideological-cultural-spiritual one. The material base of caste system systematically took away the control over property (the entire resource base), operationalised division of labour, income distribution and surplus appropriation. In the second part the geo-centric culture, history, ideology and spirituality was replaced with an alien one consisting of slavery, subjugation, made the indigenous communities realize that such culture is substandard, subjected them to inhuman suppression as the caste (jati) and birth determined it to be their destination. Therefore everything was centred on ‘birth’. The indigenous communities were forced to culturally, ideologically and spiritually forced to apply all energy and efforts on the revival of their ‘birth’ from the present lower caste background to a higher ladder. This elevation of status – as per the ‘shastras’ – was only possible through tireless service of the upper caste lords in the present birth thereby avoiding the traumas in the next birth.

This traditional order was not merely an ideological construct but an economic and political structure too. It articulated and encapsulated an entire system of production that existed over centuries with only minor alterations within its confines. The economical and political realities of inequalities were justified, defied and glorified through religious pronouncements based on the purity - pollution divide. Traditionally, ritualistic compulsion and coercive oppression ensured their compliance in providing virtually free labour for the upper caste land owners. The fact that they had been denied right over land or territory only compounded the matter by making them completely dependent upon the owners and controllers of the means of production and livelihood.

^o This is the background paper written for the National Convention on “Caste Discrimination & Dalit Rights over Natural Resources” to be held on September 17, 2011 by Dalit Mukti Morcha at Raipur, Chhattisgarh.

The subsequent consequences had been drastic. All forms of resources, (both productive and natural) including land, water, forests and other sources went out of the hands. The belief system that evolved over the course of time told the indigenous people time and again that they were not supposed to owe any property, lest lay claims over it. They were reduced as slaves and labouring class on their own land. Land and forest turned to be alien to the Dalits. Yet the cultural history speaks volumes about their closed relationship with nature and natural resources and its mutuality with human beings. There are traces of Buddha's Sanghas in several forestlands which was mostly inhabited by lower caste people. Many untouchable communities had been living in forest areas and forest fringes for hundreds of years as weavers, bamboo weavers/workers, yet they haven't been recognized as the original inhabitants in most of the cases.

Today land, forests and other natural resources are not free from public debates. However with caste become the key constituent and the centre of power it also developed as a social system in resource control and management. The very character of control and management shifted from a community oriented "*sangha*" to production, accumulation, surplus and so on. As relation of property in the means of production drifts, the nature of relations among people in the process also alters.

The fact that Dalits have been denied any permanent right over any land or territory has only compounded that matter by making them completely dependent upon the owners and controllers of the means of production and livelihood. It is an undeniable fact that Dalits have suffered displacement from land through the ages. The land occupied by them has always been seized at the flimsiest excuse, forcibly or through economic strangling. The right to hold land - even homestead land - of these groups, has always been tenuous at best.

The continuous process of expropriation of resources, particularly land, from these sections takes on a new dimension today. The pasture and fallow lands were developed by the labour of particularly the Dalit toilers in the hope that they would at last acquire a piece of land to call their own. However, once the land is developed and made cultivable, however, they are forced off it through various measures, covert and overt, legal and illegal, economic and extra-economic. Debts and mortgages, denial of other vital resources like water and agricultural implements and inputs, social boycotts, upper caste violence, rapes, mutilations and killings throw them off the land. Their labour invested in the development of land is expropriated, at best at a pittance.

I. Agrarian reforms, its failure and Dalit

The owners of the land are today landless; that is Dalits. In most part of the country Dalits are either landless or marginal farmer. Analysing it from the historical viewpoint they are the first plebeian community of the country. Due to caste discrimination and high skewed landholding, it created the paucity of land right of the marginalised sections. During the pre-independence period the question of Dalit land came up time and again, which was mostly centred on two types of questions. One was the demand of land rights as the Dalits were mostly working as bonded labourers to their caste lords. Second was related with independent agricultural rights of the cultivators. This discourse gave birth to the slogan "land to the tillers". In several parts of the country it came up as a mass movement particularly in areas where the sizeable majority had been the landless or agricultural labourers. Despite severe resistance of the landed upper caste section, the mass character of the movement compelled the government to address the questions of land reforms as well as agricultural reforms. There had been

controversies on land reforms to the verge that any such steps would enrage the upper caste zamindars to topple any government.

The majority of Dalits being part of the rustic labouring class with some openings of upward mobility via positive discrimination, the impetus created by the peasant movements and ideological pressure by left for land redistribution altogether led to the emergence of certain concerns for the rural landless poor – compelled a step towards agrarian reforms. Notwithstanding the social and political influence of the landlords sought to maintain their traditional hold over the land and agrarian system and structure. As a result of this, even after independence there were no radical agrarian reforms. Although in the post independence period, government abolished the zamindari system and enacted the Tenancy Regulation Act to be implemented by the various states, it failed to address the question of land-to-the tiller whereby large sections of the rural poor especially Dalits were deprived of land.

A close examination of various land reforms laws has shown that the present legislative measures have become so complex that a graduated or phased programme of implementation according to priority attached in each problem in various areas was what was really absent in it. Beneath the undercurrents of the dominant landholding system of Zamindari, land reforms and land distribution become more harsh and formidable in the newly arisen socio-political context. One of the classic instances of this is the countrywide struggle on the question of land distribution between the rich landholders and the landless poor across the country.

The failure of the land reforms can be judged by the fact that 86% own small tracks of land, not enough for sustenance, forcing Dalits to work as agricultural labourers. Besides, there was the so-called Dakathia system, in Central Bihar, that had evolved by the upper caste to perpetuate their control over the Dalits. According to this system, a landlord gave 10 katha (a little less than half acre) of land to a labourer who cultivated it and keep the harvest. In return, he had to be ready to work for the landlord at a standard rate of 2 kgs of rice and half a kg of sattu (flour of Bengal gram). Often 10-15 persons in the rural areas depend on such land for survival. If the Dalits wish to migrate the land is confiscated along with the standing crop and if harvested he is forced to pay the rent for the whole year which the Dalits cannot afford. Hence they are bound to that system and the land for generations.

The redistribution of surplus land was initially a voluntary step through the Bhoodan movement which arose in response to the revolutionary uprising of the peasantry in Telangana. Distribution of 'surplus' land donated by the landlords to the landless to prevent a revolutionary uprising was the driving impetus for this campaign. With the adoption of land ceiling, redistribution of land found acceptance in some states. The implementation of this measure was however, haphazard. The redistribution was extremely conditional. Commercialisation of agriculture necessitated intensive cultivation of food grains. This was in direct contradiction with the policy of assisting a subsistence level of existence to the rural poor who had been distributed wasteland. The land distributed under the land reforms as well as the bhoodan movement was economically nonviable and to a large extent of inferior quality. (The land less labourers got on an average one acre of land per household which was insufficient for their sustenance which forced them to seek opportunities for work as labour elsewhere). They also did not possess the required capital for seeds and fertilisers. In certain areas where the co-operative movement was strong they were able to sustain by taking loans. To convert a landless agricultural labourer into a subsistence farmer in an age when subsistence farming is non-viable due to rise in the cost of production and marketing is problematic. This has given rise to the sale of lands.

The Bhoodan movement did not actually reduce the landlessness among the dalits. Instead, the opposite trend can be observed for non SC/ST rural communities. The percentage of households with land increased and percentage without land decreased during the same period. The land reforms and the Bhoodan movement were necessarily limited in their scope. They promoted further commercialisation, and capitalisation of agriculture, paving the way for the creation of a relatively new class of surplus producing owner-cultivators relating to the market, the potential capitalist peasantry in the country. In caste terms, the measure immensely aided the middle castes economically and hence socially and politically to dominate the Dalits agricultural labourers. The agricultural labourers were left untouched in these reforms. The percentage of rural Dalit labour households with land declined from 44.38% in 1974-75 to 35.05% in 1993-94. On the other hand, the percentage of rural labour households without land increased from 55.65% in 1974-75 to 64.95% in 1993-94. Many of those displaced have ended up as daily wage labourers in the Public Works Department, working on national highways, suffering from poisonous fumes, heat and dust, and earning less than Rs. 45 per day.

II. Forest, forestland and Dalits

For sometime the question of forest, forestland and people – particularly Dalits and Adivasis – have been striking our ears every now and then. Predominantly the general opinion is that Adivasis are only connected with forest and forestland. It is unchallengeable that Adivasi history, life, culture and identity has been so closely linked with the forests that it cannot be separated into watertight compartments such as social, economic, religious, administrative and political. However it cannot be denied that the ex-untouchable were never in close interaction with the forest eco-system. The symbiotic relationship with forests wasn't only maintained by the Adivasis but also the ex-untouchables – the Dalits. There are several examples of Dalit being part of the forest ecosystem for generations unknown. Even today there are several worship orders which is geo-centric in which they worship the bhumidevi, matidevi, vandevi which indicates that they had been living in close association with forest, forestland and forest resources.

Any system in harmony with the traditional system, therefore, has to be designed around this holistic perception of life of the not only Adivasis but also Dalits. There should be no doubt that the historically broken and scattered Dalits are also part of the larger indigenous family in India. The problem is not whether the Adivasis consider Dalits as indigenous. The problem had been that independent India continued with the British legacy – the huge and bureaucratic forest department and the Indian Forest Act of 1927. In 1980, the Central government centralized its powers further. It is interesting to note that the forest department is the biggest landlord in India today with 76.5 million hectares (23% of total land mass) as forest lands, though not necessarily under tree cover (which is 62.4 million ha. only).

The biggest dilemma is that almost 75 years after independence, today in forest regions Indian state continues all anti-Dalit juxtaposes, strengthens caste system, defends and sustains the British-India's draconian acts and laws quite uninterruptedly, without leaving the minimum breathing space at all. Despite the change of governments under the auspices of different political parties it has almost failed to address this issue of Dalit rights over forest resources in any manner. This raises an array of question on the very character and approach of the state, rather the ruling class towards the forest based communities of the country.

Ironically without taking such aspects into consideration and without even consulting with Dalit NGOs, movements and organizations, the process was carried forth in drafting of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. No doubt it is a result of the protracted struggle by the Adivasi and marginal communities of the country to assert their rights over the forestland over which they were traditionally dependent. This Act is crucial to the rights of millions of Adivasis and other forest dwellers in different parts of our country as it provides for the restitution of deprived forest rights across India. The rights which are included in section 3(1) of the Act are –

1. Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
2. Community rights such as nistar, by whatever name called, including those used in erstwhile Princely states, Zamindari or such intermediary regimes;
3. Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
4. Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
5. Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agriculture communities;
6. Rights in or over disputed lands under any nomenclature in any State where claims are disputed;
7. Rights for conversion of Pattas or leases or grants issued by any local authority or any State Govt. on forest lands to titles;
8. Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forest, whether recorded, notified or not into revenue villages;
9. Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
10. Rights which are recognized under any State law or laws of any Autonomous Dist. Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;
11. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
12. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses-1 to 11, but excluding the traditional right of hunting or trapping extracting a part of the body of any species of wild animal

These rights can be summarized as:

- *Title rights* - i.e. ownership - to land that is being farmed by tribals or forest dwellers as on December 13, 2005, subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family as on that date, meaning that no new lands are granted;
- *Use rights* - to minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc.;
- *Relief and development rights* - to rehabilitation in case of illegal eviction or forced displacement and to basic amenities, subject to restrictions for forest protection ;
- *Forest management rights* - to protect forests and wildlife.

The preamble of the Act shouts loudly in this fashion. “Whereas the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of

State forests during the colonial period as well as in independent India resulting in historic injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers...". Unfortunately the conditions laid for the fulfilment of accessing these rights for the Dalits and other non-Adivasis have become almost impossible. This has given rise to serve conflicts in several states, where Dalits live on forest land for several generations. However there is a huge paucity of records due to various practical reasons due to which the records of Dalits couldn't be submitted for claim.

It is very difficult for 'non-adviasi' forest people to prove 75 years of existence on the land before they can claim rights to it under the FRA. The state agencies – especially the forest and revenue departments – don't want to see the FRA implemented in letter and spirit because it will undermine their control over the resources. So these agencies, along with some NGOs and feudal lords, have been spreading misinformation about the Act to create confusion and conflict. This situation has created a direct confrontation between the Dalits and Adivasis on their rights over land. In several states like Chhattisgarh, Odisha, Jharkhand, Maharashtra, Uttar Pradesh and others there is a war-like situation. Recently there was a case where a Dalit was arrested in Odisha for raising the question of rights over forestland.

2.1) The Case Study of Orissa

An intense conflict over forestland rights has caused a face-off between two neighbouring villages in Bolangir district of Odisha. As a result, villagers in Kuimunda (with seven adivasi and three dalit families) now live in absolute fear of being thrown off their land and out of their homes. In November 2009, they were attacked by hundreds of people from the nearby Bharuamunda village (mostly inhabited by non-advasis) and their houses destroyed. All the men fled in fear, so the women had to face the abuse and blows of the angry mob. All this happened in the presence of policemen, government officials, and members of an NGO. Since then, the men in Kuimunda go into hiding the moment they sense trouble.

Bharuamunda is one of the villages misinformed about the FRA. They have been told that the FRA is a menace, that it will usurp the lands of the non-advasis and distribute them among the adivasis, that the forest department will clear all the forests they have been protecting and turn them into farmlands for the Adivasis. So while the villagers of Bharuamunda rant and rave and the villagers of Kuimunda cower in fear, the forest is being clear-felled right under the noses of those who are accountable for the implementation of the FRA process.

The conflict erupted soon after a couple of Adivasi families received *pattas* (land titles) for some tiny pieces of land under the FRA last year. Bharuamunda villagers suddenly started alleging that some people of Kuimunda had moved in after December 13, 2005 only to avail of these *pattas*. The allegation clearly stems from some rumour-mongering. To add to Kuimunda's woes, the watershed department is now planning a watershed project on the lands of Kuimunda villagers, which means the whole village, will have to move out. Besides the attacks on Kuimunda village, several (false) criminal cases were filed against some villagers, especially against Rabi Bagh a Dalit with some knowledge of the general state of affairs and helped other Dalits in filing FRA claims.

On the one hand, he has been alleged to be acting as an 'agent', hand-in-glove with the forest department, to get his fellow villagers *pattas* in exchange for money, and on the other, he and other villagers of Kuimunda have regularly been summoned by both the forest department and the police, and terrorised. On the morning of July 21, 2010, Rabi Bagh along with his wife was on his way to the weekly market in nearby Lathor when he was again summoned to the Lathor police outpost. There, he was forced to sign on a

blank sheet of paper, was told that he had been arrested, and his wife forced out of the office. Rabi was then taken to the Patnagarh court.

This is yet another unfortunate illustration of how the FRA, dubbed an instrument to correct the 'historical injustices' meted out to forest communities, is instead being used as a tool of oppression and intimidation for raising the issue of forest rights. In a similar case, Trilochan Punji – a leader of the Odisha Jana Adhikar Morcha (OJAM) of Bolangir district and also a state committee member of OJAM – has been subjected to harassment by state agencies. Trilochan has been creating legal awareness, along with Rabi Bagh and others, on the FRA in the district mainly because the state agencies assigned to do so are actually spreading misinformation. He has also organised a series of protests highlighting provisions in the FRA about 'community rights' and has become an enemy of the administration. The cases registered against Rabi Bagh have now also been registered against Trilochan Punji. And Trilochan fears arrest at any moment.

Thus the conflict between the forest-based Dalits vis-à-vis the non-Dalits have engulfed. This is not only the case of Odisha but a similar situation does exist in almost all states. This is not the singled out case of FRA, there are many other similar issues related with Forest Conservation, Wildlife Conservation, etc. where the Dalits are thoroughly betrayed.

III. Industrial Acquisition, Land Question and Dalits

Industrial revolution, which made a colourful and dreamy entry, is turning out to be the worst form of human development. The steady economic growth of industries with active support from the state machinery is directly proportional to the unchecked exploitation of masses. Most of them belong to marginalised communities such as Dalits, Adivasis, women, working class, etc. Displacement, migration, repercussion of workers, loss of land and livelihood, pilfering state revenue, forest resources, etc. has outgrown to monstrous level.

With the concept of Planned Development, planned mining was introduced in 1951. The Private Sector and the Public Sector were clearly demarcated giving the Public Sector a bigger role in India's mineral wealth. There was spectacular progress in Indian Mining Industry from 1947 to 1985 when mineral production grew by about 120 times. The Indian peninsular has had a varied and complex geology, as a result of which rich mineral endowments covering a variety of mineral types are found. All Five Year Plans have focused on mining to achieve 'development', demanding the forfeiture of people's lands for 'national prosperity'. Most mineral and mining operations are found in forest regions, habituated by Adivasi and other indigenous communities. Mining projects vary from rat hole mining, small-scale legal and illegal mining, to large-scale mining – most of which has been historically managed by the public sector. Since the introduction of private sector participation in the 1990's, a number of mining related community conflicts have arisen with far reaching consequences.

Mining industry gives employment to a large proportion of the industrial workforce. But are the developments in the mining industry in keeping with national interests? This draws a lot of controversial aspects, which flouting the Constitutional and other rights of the people in mining areas is a matter of grave concern.

3.1) Mining and the Question of Land – The Case Study of Chhattisgarh

Chhattisgarh is the richest State in terms of mineral wealth, with 28 varieties of major minerals. Chhattisgarh, along with two other Indian States has almost all the coal

deposits in India, and with this the state has planned the power hub strategy. All the tin ore in India is in Chhattisgarh. A fifth of iron ore in the country is here, and one of the best quality iron ore deposits in the world is found in the Bailadila in south Chhattisgarh, which is exported to Japan. Rich deposits of Bauxite, Limestone, Dolomite and Corundum are found in the State. The State has large deposits of coal, iron ore and limestone too.

All doors for private participation in the mining sector are widely open in the state. The State's Mineral Policy, 2001 has created conducive business environment to attract private investment in the State, both domestic and international. Procedures have been simplified. At the same time the state is willing to provide resources and manpower having trained in tailor-made programs in geology, geophysics, geochemistry, mineral beneficiation, mining engineering, etc.

The State is ensuring a minimum lease area with secured land rights so that investors can safely commit large resources to mining projects. For surmounting the long-drawn out process of getting mineral-related leases, at the State level, quick processing of applications is given top priority. For major minerals under the Mines & Minerals (Development & Regulation) Act, where approvals are required from Government of India, the State Government is helping in strong advocacy to get such approvals quickly.

Sarguja, Raigarh and Bilaspur districts are the coal zones in Chhattisgarh. It is estimated that more than 72 thousand acres of land have leased out to SECL for coal mining, by which hundreds of villages have already been affected. Bastar and Durg districts have some of the rare quality of steel in the world. Nearly 20 thousand acres of land have been occupied for mining steel in Bailadeela and Dalli Rajhara area of these districts.

Heavy deposits of limestone are also found in Chhattisgarh region. In an area of three districts itself, i.e. Raipur, Durg and Bilaspur, there are 12 big factories of all big industrial houses and with many more small ones and its auxiliary units. Most of these have been established in the last 20-22 years. Huge diamond deposits in Devbhog (Raipur) and Bastar are also in the eyes of the MNCs. In all for cement industry 6990 acres, 14530 acres for rice mills, 14665 acres for steel industry, for ferry alloys 940 acres and 285 acres for re-rolling mills have been already acquired in the area. Apart from these 18652.377 acres of lands has been rendered on lease for other mining purpose. Therefore land acquisition followed by the adverse impact on the people is a major issue in Chhattisgarh.

In Janjgir-Champa district alone, 52 new MoUs, mostly for power plants have been signed by the state government. An approximate estimation of 140000 acres of land is required for these, which includes establishment of plants, establishment of ancillary units, dumping space for overburden, fly-ash, colony development for staff, etc. For all these projects coal will be brought from Jashpurnagar, Raigarh and Korba districts. Water would be drawn from Mahanadi, Maand, Sheonath and Kelo rivers.

Between 2005 and 2007 Jindal alone had applied for the prospecting licence (PL) and mining licence (ML) for 6110.95 sq km and another 1559.172 hectare (3852.66 acres) in Dantewada, Bijapur, Narayanpur, Rajnandgoan, Bilaspur, Janjgir-Champa, Raigarh, Jashpur and Surguja districts. The minerals in this area are iron ore, limestone, dolomite, coal, diamond, precious & semiprecious gemstone, etc. Most of the regions and districts where Jindal has applied for mining licence falls within forests areas.

It also means several hundred million tonnes per annum of solid wastes and fly ash will be indiscriminately dumped on land. These would contain heavy metal constituents that will eventually leach into both surface and ground water regimes over the years, making the water unfit for human and animal consumption as well as damaging to all other forms of life. Health consequences will inevitably follow; they will now have started, since it takes a number of years for the lactates to penetrate fresh water sources.

So far the people are concerned the situation is grim. They are pushed beyond the margins and the space is further withering. Usurpation of thousands of acres of land is a usual phenomenon of all mining and industrialisation process. Women are the most pretentious in this process, as they bear triple burden. They remain as the unobserved recipient of all these misfortunes. Due to automation and mechanisation even the employment opportunity provided by these industrial houses disappeared in the course of time. Health in general in these areas and more specifically occupational health is another area of severe concern. Education for the children of the already battered strata has become a distant dream.

3.2) Rights of Mineworkers

Five years back a survey of Vedanta's bauxite mines in Mainpat and Daldali was done. At Mainpat, the biggest single bauxite mining complex in Chhattisgarh, the research team met with thirty Adivasi workers, un-helmeted, clad in shirts and sarees under the blazing sun, as the lateritic overburden was blasted. They then moved in with a few iron rods and hammers, to break and sort the ore before loading it by hand onto waiting trucks. The same story is that of the workers in the Daldali mines of Vedanta.

Virtually all Vedanta's bauxite miners are contract labourers. The labourers at Mainpat informed that, on a good day they can earn just over 60 rupees (less for women), for delivering one ton of ore. In Daldali it is different story since the rates are different for different group of people. Those who could bargain better rates get better and those who couldn't bargain it to their level are the lost ones. Particularly the Baigas (a primitive tribe) couldn't bargain to the extent of the Gonds (a much better tribe). However it won't be more than 60 rupees per person per day in either case.

In Mainpat their habitations are small thatched hovels, perched over the quarry, deprived of electricity and adequate water. "There's only one hand pump to serve 150 families," a young Adivasi woman worker, Mati Shahu, told us. "The company provides no medical facilities and if someone is injured we have to take them ourselves by taxi down to the plains", continued Mati. Villagers at another site complained that, day and night, the silica-laden dust from the mining blew into their windows, covering walls and floors.

In Bodai-Daldali of Kabirdham district, which again is another of the mining areas of Vedanta, in typical fashion, Baigha inhabitants from the first of four Adivasi settlements in the project's pathway have been ejected from their homes, without due legal process, and dumped on the plains in the heart of a nonAdivasi community. They had to leave behind their crops.

In June 2005, Vedanta's contract labourers at Mainpat went on strike against the appalling conditions to which they are subjected. On July 18 2005, another 2500 contract workers at the Vedanta's Korba expansion project 200 km further north, went on strike to protest a worker's death on duty. They reportedly smashed the windows of three vehicles and set a company ambulance on fire, accusing the management of being casual in their demand for security equipment. A Centre of Indian Trade Unions (CITU) leader claimed that eight workers have died at Vedanta's expansion work site during the

previous 12 months. On July 19th 2005, police baton charged the striking workers, injuring seven, instead of consoling the family of the deceased that has four children.

Employment issues are of deeper concern in mining areas. Dalli-Rajhara is an iron ore-mining town. It meets the total iron ore requirements of the Bhilai Steel Plant. In Dalli-Rajhara, since 1958 onwards mining activities has been continued. The preparations for mechanizing the Dalli mine began in 1977. By 1978 the situation of mechanization became even more clear and lucid, when at deposit no. 5 in Bailadila mines, 10000 labourers were rendered jobless at one stroke. All resistance was crushed. Hundreds of huts were burnt down, numerous women raped, and labourers fired upon. The orgy of mechanization forced nearly 10000 labourers to face the desperation of hunger. A growing argument was that machinery in question was produced in Russia and was therefore socialistic, progressive machinery – however it did not mitigate the grim fate of these labourers.

3.3) Ecological Concerns

Chhattisgarh, carved out of Madhya Pradesh, is both rich in forest and mineral wealth. The state has heavy deposits of iron ore, coal, limestone, bauxite, dolomite, tin ore, gold, etc. and is also rich in the deposits of precious and semiprecious stones like diamond, corundum, alexandrite, garnet, etc. The main bauxite producing areas are Phutka Hills, Main Pat, Samri Pat, Keshkal valley and Maikal ranges. The state is also a huge producer of limestone and dolomite and is being targeted for diamond prospecting and mining in a big way. Diamond are reported from in Payalikhanda and Behradih villages of Deobhog area of Raipur and Tokpal of Bastar district. These are present in the form phenocrysts in kimberlite-like volcanic rocks. The main coal producing areas are: Korba Colliery, Hasdo- Rampur Colliery, Mand-Raigarh Colliery, Vishrampur Colliery, Lakhanpur Colliery, Tatapani-Ramkola Colliery, Jhilmili Colliery, Sonhat Colliery, Jhagrakhand Colliery, Chirmiri-Kurasiya Colliery.

The following areas within the state containing different minerals are being looked at for future exploitation: Deobhog in Raipur district and Tokpal in Bastar district has been identified for the exploration of Diamond; Bijapur in Bastar district for Corrandum; Saraipali of Mahasamund district for Gold and Tin (Cassiterite); Bailadila, Raoghat and areas in Rajnandgaon district for iron ore; Jhanjhar, Meru, Durg, Bhaupratapur, Kondal area of Kanker district for gold; Renger, Markanar, Vasanpur area of Dantewada district for tin; Chhirahi-Newari, Saradih, Garrabhata and Patharkundi village of Raipur district and Sakti area of Janjgir district for limestone. In addition 500 lakh tonnes of high grade dolomite has been found in Lagra-Madanpur in Champa-Janjgir district; 5 lakh tonnes of metal grade bauxite in Dorima (or Barima) of Surguja district; 220 lakh tonnes of coal has been identified in Hardi Bazar-Kertali in Korba district; 170.4 lakh cubic metres of flagstone having different shades and colours has been demarcated in revenue land of Chitrakot and Matkot area of Bastar district; clay and Banded hematite quartzite (BHQ) in the Balod area in Durg district.

The entire ecological balance being evolved by the people of these regions over several millenniums will get destroyed in very short period with any reason.

3.4) Land Acquisition versus Land Purchase

In recent time a new tendency is observed among the corporate houses to appropriate farmland. Instead of engaging the state in acquiring land, the corporate house has started buying land directly from the farmer. This trend is widely seen in parts of Janjgir-Champa district where the corporate house directly bought land from the farmers. In fact the latest amendment in the LAA bill also speaks about these aspects. The amendment says that land acquisition wouldn't be the responsibility of the government. 70% should be directly either acquired or bought by the company itself.

State's responsibility would only be limited to provide 30% of land either through acquisition of public land or by transferring government land in favour of the company.

3.5) Mining on Forestland

The mining areas have a huge overlap with the forest and Adivasi-Indigenous land in the state and the increasing mining activities and allied industries have had a tremendous negative impact on these. An ongoing study by the Forest Survey of India (FSI) looking at 'Forest cover in metal mining areas' shows some revealing statistics. In the Bastar district, one of the biodiversity rich areas of Chhattisgarh, out of the 13,470 ha area under leases for iron ore mining, 11,657 ha is covered by forests. This of course indicates the forest within the actual lease, but the impact on the forests, biodiversity and the communities dependent on this region due to ancillary impacts of mining extends far beyond the actual lease area.

Conflicts over industrialization and particularly mining in Chhattisgarh have existed for more than five decades in different forms. In earlier days it wasn't taken to be conflicts as such, but only as immediate questions related to the question of inadequacy. The standpoints of trade unions were also only one-dimensional related to increment in wages or related matters of labourers. It could never address the entire questions mining in totality. Moreover mining has been strongly presupposed as a major means of industrial development contributing to the state economy. So how a means of development could be understood as a conflict is another point. Over the course of time the very definition of state and its economy has changed.

IV. Development, Displacement & Dalits

For some time the question of development, displacement and Dalits have been striking our ears every now and then. Whenever there is a new development, particularly a new project being launched by the state in connivance with international agencies such as the World Bank, ADB, or the corporate sector, such debates becomes inevitable. Displacement in the name of dams, reservoirs, forest conservation, protection of forests and wildlife has become a common feature to the forest based communities. In many places one could find lots of cases of multiple displacements as well. This could be widely observed all across India, particularly after the interim order in the case of Godavaraman Thirumalpad vs Union of India (W.P 202 of 1995). This case has given a new turn to the conflict situation.

Today forests, the nurturer of thousands of Adivasis, Dalits and other forest based communities, are also under nose of the corporate investors. Currently the situation is that almost 17 lakh acres of land has been demarcated as protected area for the sake of wildlife conservation, where people face the threat of eviction. According to government sources there are more than 250 villages in Chhattisgarh with a population above 35000 standing at the brink of dispossession. The majority of them are Adivasis, Dalits and other unprivileged strata. The indigenous people living inside the forest are almost bonded labourers of the forest department. As per 2000 records in Chhattisgarh 10 major projects have already been completed, for which 257032.585 acres of land have been lost. In all 238 villages have been affected by these dams and their rehabilitation has not yet been done.

Another major reason of destruction is the mass felling of trees for commercial purpose. In many areas of Chhattisgarh there are cases of coop felling of trees and this happens through the forest department. Powerful lobbies of timber contractors, politicians, bureaucrats are actively operating the illegal felling. One major case of similar character in which the Adivasis were deceived was exposed in Bastar through the Supreme Court

intervention in the Malik Makbooja case. This case drew a lot of attention and a CBI investigation was ordered. Due to the positive intervention of the court some of the government officials were also suspended.

V. And Water War

All water sources originate from the indigenous land and the indigenous people have no say in the entire question of rights over water. Clearly, the intentions are to establish market principles in the operation of the water, depoliticizing the sector by creating an independent tariff regulatory body. The country needs to urgently recognize that so long as we persist in spreading Green Revolution-type agricultural development to all regions, there will be no relief from the growing water crisis.

In the last 15-20 years, there have been several developments that aided the privatization of water. Bottled water became easily available in local markets. A NGO An exposed the bottled water defaulting on the requisite quality standards, thus bringing into the open the darker side of privatization. The entry of global corporations brought a fundamental shift in the nature of water utilization and management. The players are mainly multinational corporations who wield enormous influence over governments and policy-makers. The private players are therefore in a position to control whole cities and whole sections of the rivers. There are many cases where the water is being taken off the public domain and being deployed into the hand of corporate sectors in states like Chhattisgarh, Orissa, Jharkhand, Kerala, etc.

Officially, 19 water privatisation projects are in different stages of implementation in India at present but unofficial accounts put the figure at 40. The 19 projects under implementation are in Chhattisgarh, Tamil Nadu, Maharashtra, Karnataka, Kerala, Himachal Pradesh, Manipur, Rajasthan, West Bengal, Andhra Pradesh and Sikkim. While eight of them are being run by French corporations, the others are by Japanese and Australian concerns. The Indian market is estimated to be worth over \$2,000 million. Major global corporations including the top three global water giants Suez and Vivendi of France and RWE-AG of Germany, have shown interest in the Indian market. These three corporations control over 70 per cent of the water systems in Europe and North America. Vivendi has operations in 90 countries around the world, and Suez in 120. Together these water corporations are targeting four areas within the water sector: water and waste water services, water treatment, water-related construction and engineering, and innovative technologies.

An obvious case is Rajasthan where water will be supplied to the towns of Jaipur and Ajmer from the Bisalpur dam. The ADB, which is involved in the project, has absolved itself of all responsibility by telling the affected communities living near the dam site that it is not funding the dam but only taking the water and supplying it to the cities. While the ADB encourages full cost recovery and managerial efficiency for water resources, experts in developing countries warn of the consequences for the poor, who are already squeezed by the vagaries of an inflationary economy. Much of this privatization spree has been facilitated by the Urban Development Ministry, which released a set of guidelines for the State governments encouraging them to move towards "private partnerships". These guidelines are in tune with half a dozen reports produced by State governments and the World Bank that outline the blueprint for privatizing the country's water.

While the Water Policy has *de facto* redefined water rights and undermines the community's rights of people, this has never been debated in Parliament, which is the only body, which can legislate on resource rights. The Water Policy is therefore a subversion of the Constitution and a hijack of the peoples' natural rights to water as a vital resources needed for sustenance. This is a surreptitious attempt to establish the

Principle of Eminent Domain in water, which was always peoples' resources, in place of the Public Trust Doctrine that define the role of the state with respect to natural resources, the collective wealth of the people. Creation of an El Dorado orbits around the industries in India.

5.1) *Privatization of Water and Deprivation of Riparian Rights in Chhattisgarh*

In Chhattisgarh as per quick estimates, the state would require a hefty investment of Rs. 9,651 crores to fully develop the estimated 43 lakh ha of its irrigation potential as against the existing irrigation potential of 13.37 lakh ha. A similar situation exists in the urban water sector also. For example the Municipal Corporation of Raipur has proposed an urban water scheme costing Rs. 397.42 crores to meet the water requirements of the city till the year 2031. Chhattisgarh is the first state in India where the erstwhile Madhya Pradesh government had leased out 23.6-km stretches of the Sheonath River near Durg town, to Kailash Soni, a businessman, on a 22-year renewable contract in 1998. Soni prohibited local people and fishermen in the area from using that stretch of the river in order to supply water to his big clients - the water-intensive industries in the region. Given the manner in which the contract was formulated, Soni could get away by saying that he had not privatized the river but was providing a service to the people. The former government headed by Ajit Jogi however, decided in April 2003 to cancel the contract with Soni's Radius Water Company. However the Radius Water Company threatened to file a suit against the government in the international court after which the decision was taken back.

Though undeclared almost in a similar fashion the government has leased out part of Kelo to Jindals in Raigarh. A similar plan is well set on card to deal with industrial water demands by carving out small length of other rivers such as Mahanadi, Maand, Kharun and other extents of Sheonath.

VI. Modern Trends in Farming

While discussing on land rights and land related issues it is also essential to investigate the modes and means which in some form or other has outgrown in recent times. A quick recap of what has been happening in Chhattisgarh would also draw our attention to the national picture too. India being agriculture based economy and a country where almost 70% of its population depends for its subsistence, the utilization of land under the genetically modified formula of crop production has also evolved a culture of mono-crop cultivation too. This has developed a dangerous trend among the different layers of farmers. Further it also challenges the very foundation of sustainable agricultural economy.

Sustainability is a process by which a community lives in close contact with the nature and preserves the harmonious relationship among human being. In all the cases we would find that the most important aspect is that there are some basic values that sustain the mutuality within the community and that of life. That is the most important aspect of life. Sustainability of any community depends upon the strength of mutuality. This in fact gives birth to the process of harmonious development. In developmental terms this gives rise to the concept of containing food sovereignty, which again is yet another means of sustaining the community life and spirit. Food sovereignty goes beyond the common concept of food security, which merely seeks to ensure that a sufficient amount of safe food is produced without taking into account the kind of food produced and how, where and on what scale it is produced. It encompasses of sustainability and sustainable development practices.

Hypothetically food sovereignty involves the following

- Prioritising local agricultural production to feed the population and the access of women and men to land, water, forests, seeds and credit.
- Production is need-based for local consumption not for market.
- Sustaining the traditional systems of community life in an organic manner with rights over resources. Since land belongs or belonged to indigenous poor who had worked on it, they have a legitimate right on these resources.
- The right of peasant to produce food and the right of consumer to decide what they want to consume and how and who produces it.
- Essentially involving people's participation in the definition of agrarian policies, right from land development to crop choice.
- Envisioning and ensuring discrimination (caste, colour, gender)-free social relationships in order to enhance appropriate human relationship that is closed associated with the production pattern.
- Acknowledging the right of women peasants who play a key role in agricultural production.
- Drawing most of our financial resources for development from within rather than relying on foreign investment and foreign financial markets.
- The right of all nations to protect themselves from excessive and cheap agricultural and food imports (dumping).

Little by little the entire agriculture land in the state has and is being converted into non-agriculture land, for industrial purpose. The cultivation pattern that has evolved in the last two decades has raised serious questions on farming. Much of the farmers are left without water for cultivation, while the government is busy leasing out portions of the rivers to industrial houses. Non-availability of water is denial to cultivation. Denial of cultivation leads depeasantisation of community. This is happening at an elevated pace.

Peasantry in Chhattisgarh have been encountering the fact of denial to cultivation and that is why in most of the villages they have lost their attribute as a peasant. Thus they are more inclined towards migrating out as they find it as the best alternative of earning money. This adds impetus and strengthens is the process of depeasantisation. However in the same area big farmers find it easy to adopt the hybrid varieties of paddy. Some of them are also of the option to go for GMOs although they don't understand what it is all about.

In the last one decade the government of Chhattisgarh had been consistently propagating new farm model. On one hand the state is promoting alien plantation culture and on the other hand they are advocating of crop rotation. Massive plantation of *saffed musli* and *jetropha* was promptly endorsed in the whole of the state. While *saffed musli* is said to be for the promotion of herb culture in the state, *jetropha* is meant for extracting fuel. In Bastar district itself nearly 1500 hectares of paddy farmland was turned into *musli* farmland. Many other individual landlords had adapted to this pattern and they say it gives more returns than rice paddy cultivation.

Resembling to this is the case of *jetropha*, which is upheld under the pretext of alternate fuel generation. Scientific studies say that *jetropha* is highly destructive to the surrounding environment as well as for the despoliation of soil. Many specialists are of the opinion that the seeds of *jetropha* was first sent to India in late 50s and early 60s along with wheat from US and European countries as part of their aid package to combat the severe famine. Since then the seeds began to breed in every part of the country wherever the aid was provided. Ironically in US and most of the European nations it has been banned after reaching a scientific conclusion of its inimical impression on human habitation.

Currently crop rotation has now become a common parlance among development experts at the national level. In Chhattisgarh the former government was of the opinion to promote sugarcane production instead of rice. It was advocated through the entire government machinery that rice is less productivity and of lesser market value and contrary to this the sugarcane is high yielding as well as high market value. The prime intention was not do any good for the people but the introduction of sugar industries and sugar lobby in Chhattisgarh. Rice mills and rice market has so far saturated in Chhattisgarh. However people in the rural areas resisted this move bravely. Nevertheless this is still on cards.

Contract Farming is another aspect being established through this process. In fact many *dalals* (middleman) are already moving across the rural areas to buy land in order to promote corporate contract farming. Strings of such processes were already on the rise during the last one decade. Land mafias become very active in the past one decade buying and selling large plots of land. Most of the land had been appropriate with this purpose of establishing private farmhouses. This sprouted the monoculture cultivation pattern stubbing all existing sustainable production practices. Monoculture along the line of profit generating economics is the role model to the marginal farmer or even the landless labourers who bank on sharecropping (*adhiya*), contract farming (*regha*) and other similar systems. Hence a transformation of agri-culture into agri-business even among the landless labourer is what is happening.

VII. Conclusion Remarks

It is under this context that we need to develop a wider understanding and proper perspective about the diverse dynamics of Dalit rights over natural resources. To understand the dynamics of the problem in the totality, one needs an understanding of the logic of the underlying forces that govern the current pattern of ownership. The specific economic form in which unpaid surplus labour is pumped out, determines the relation of the rulers and the ruled. Hence the crisis of Dalits and rights over natural resources has to be understood in its historical perspective. Historical evidences are ample to prove the conception of depeasantisation as a net result of the uneven structural changes, land holding patterns that have taken place from time to time due to the commoditization of the economy in which land plays a critical and predominant role.

It is beyond all doubts that industrial land acquisition and free market economy goes hand in hand. The mechanism of compensation and rehabilitation is a supportive kitty of the corporate sector; this only pauperises the poor than a change in their destiny. The principles of compensation never estimates or often forgets that on the very first day of reaching a rehabilitation colony, a poor family has to buy firewood, which they procured free from the Common Property Rights (CPR).

The tripartite of politicians, bureaucracy, and capitalist ruled by Brahminical Social Order raise a whole range of questions. The hire and fire formula of the capital-fascist brigade, the coherence of world capital with Hindutva fascism has permeated fast across. The state should become more responsible and accountable to the masses. In the globalised era, the sweeping changes in political structures, coupled with the disempowerment of state, it won't be so easy for the people to survive. Ambedkar's dream of a 'welfare state' has disappeared in the whirlwind of continued caste discrimination, planned development and further with the outgrown with the globalisation liberalisation policies. Only the people's rise with acute political clarity can save them from this trauma.

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