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Resolution of the Consultation of the Civil Society on the Draft National Land Acquisition and Rehabilitation & Resettlement Bill, 2011
Place : Kolkata, August 30, 2011

At the initiative of a large number of civil society organizations of West Bengal, a day long consultation on Draft Land Acquisition Rehabilitation and Resettlement Bill 2011 was organized in Kolkata on 30.08.11 in which prominent personalities of the Civil Society took part. The main objective of the consultation was to critically examine various dimensions of the Draft Bill and to develop a common set of recommendations to be shared with the government and multi stakeholders of the larger civil society as the preliminary response on this Draft Bill.

The participants acknowledged the importance of this new Bill particularly in the context of rising tension over land and crisis of food security, which dominated the national and global scenario in last years. It was unanimously agreed that the existing Land Acquisition Bill of colonial era (1894) lost its purpose and indeed it was the high time to think for a new Land Acquisition Bill which in fact would focus on land protection, redistributive land reform and protection of the interests of small food producers.

It was resolved that ensuring a socialist economy is a constitutional obligation of the Indian government as our constitution says India is a "Sovereign socialist secular democratic republic". Therefore equity & justice should be the purpose of any development initiative. However, the draft Bill has abandoned the entire issue of redistributive land reform as a core purpose of land acquisition and it is an attempt to open up land and natural resources for further industrialization and privatization at the cost of the livelihoods of poor.

Various loopholes of the draft Bill like poor definition of Public Purpose, no safe guard against conversion of agricultural land, selective implementation of Social Impact Assessment (SIA) and poor compensation and R&R packages etc. were highlighted in the consultation. In fact, the draft Bill has perceived land as commodity and not as means of livelihoods of millions. The bill has proposed to give freedom to private companies for buying land directly from the land owners. The consultation expressed concern that this would expose small and marginal peasants to the threats of unfair negotiations dominated by money and muscle power of big investors. The consultation was of opinion that the need of the hour is to protect small holders and to control mindless privatization and conversion of productive land. It was further suggested that labour intensive industries should be promoted and SIA should be made compulsory for all land acquisition processes.

The consultation resolved that Gram Sansad/Gram Sabha (GS) must have the deciding power regarding approval of any development project. A clear guideline should be incorporated in the draft Bill to define role and responsibility of GS in any acquisition process. The consultation further felt that the draft bill will reduce the effectiveness of acts like PESA, FRA 2006 etc.

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The consultation opined that draft bill is silent on the environmental implication of land acquisition in ecologically sensitive zones like coastal belts and forests. It also ignores unique needs of indigenous communities who traditionally reside in the above zones.

The consultation found that the draft bill has failed to explicitly define critical terminologies like public purpose, infrastructure, project affected people, multi-cropping land, livelihoods etc. and has kept room for subjective interpretation of these terminologies by bureaucracy.

The consultation pointed out the fact that the draft bill does not discourage conversion of agricultural land for non-agricultural use. Only multi-cropping land has been exempted from conversion but no clear definition of multi-cropping land is there in the bill. The bill allows conversion of irrigated agricultural land for 'public purpose' which in reality will intensify land grabbing and conversion of agricultural land for other uses leading to scarcity of food production in the long run. This is in contradiction with larger development goal of the country as incorporated in the eleventh five year plan of the nation (seeking 4% growth in agricultural production).

The consultation felt that policy coherence is required at all levels to ensure inclusive development and demanded that central and state land related acts should adopt similar approaches. It further demanded scraping of Indian Mining Act and SEZ Act. The consultation unanimously agreed that a balanced approach is required to determine the development path of the nation and in this context it is important to look for alternative development paradigm which would ensure food sovereignty for all and would also address ecological concerns.

The consultation unanimously resolved that the state should play an important proactive role in regulating and facilitating land acquisition processes, keeping in mind the human rights obligations of the state and welfare of the poor in the country.

The consultation urged the government to fully realize redistributive land reform and genuine agrarian reform. This would include further public investment in agriculture to support small holders and to protect them from invasion of neo liberal onslaught on agriculture. It would be important not to repeat the mistake of so called green revolution and the state should promote agro-ecological models of production.

In light of the above resolutions the specific demands raised from the consultation in relation to the Draft Land Acquisition Bill are as follows :

- Conversion of agricultural land has to be banned completely.
- Private company never works for 'Public Interest'. This has to be acknowledged
- If a Private company wants to buy land more than the existing ceiling limit (be it for public purpose, PPP, private purpose) government may facilitate the process by buying land from the peasants/owners and transferring the same to the private

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companies. Government should ensure all adequate compensation R&R for affected people.

- In case of conflicts and legal battles related to land transfer, government has to bear all litigation costs up to highest level
- Government must immediately scrap Indian Mining Act and SEZ Act,
- Government should proactively implement all such existing Acts and policies which ensure livelihood security of the people (e.g. FRA 2006)
- Gram Sansad/Sabha has to be consulted from the decision making level for any land acquisition process and consent of the Gram Sabha should be a precondition
- No industry should start functioning before full rehabilitation and resettlement of affected people
- An independent committee should be formed (with CS participation) to evaluate and monitor R&R and its impact, particularly social impact.
- Monetary compensation is never enough and adequate for the affected people. Therefore, in addition to monetary compensation affected people should be provided with jobs/income opportunities to ensure their right to livelihood with dignity
- 'Public Purpose' should be clearly defined in the draft Bill
- All projects (Private or public) must go through SIA & EIA irrespective of size of land involved.
- The main objective of land acquisition should be empowerment of poor peasants on a priority basis and for all round development (e.g. redistributive reforms).
- More CS-Government dialogue is needed to give this Draft Bill a final shape in coming months.

The consultation urged the larger civil society of the country to come forward to raise their voices against the Draft Land Acquisition and Rehabilitation & Resettlement Bill 2011 which will serve the interests of the corporate giants and will strengthen neo-liberal economic order at the cost of food and livelihood security of the people and the nation.

Those who participated in the consultation were Shri Biplab Halim, IMSE, Shri Hafiz Alam Sairani, former Minister of Cooperation, Govt. of W.B. & leader of the Agragami Kishan Sabha affiliated All India Forward Block, Dr. Amiya Kr. Samanta, former Director General of Police (WB), Shri Kartick Pal, leader of the peasant organization affiliated to CPI (ML) Liberation, Prof. Meher Engineer, former Director, Bose Institute, Shri Chittaranjan Mondal, Action Aid, India, Dr. Ujjaini Halim, Food Sovereignty Network, South Asia, Shri Samar Bagchi, National Alliance of Peoples Movement, Shri Biren Das, Paschimbanga Pradeshik Krishak Sabha, affiliated to CPI, Shri Chandan Pal, West Bengal Gandhi Peace Foundation, Shri Santosh Rana, peasant organization, affiliated to CPI(ML) PCC, Shri Buddhadeb Ghosh, former Director State Institute of Panchayat & Rural Development, Shri Nikhil Maity, Indian Federationnof Toiling Peasants, Ms. Debayani Bose, FIAN West Bengal, Prof. Satyabrata Chaudhury, Indian Association, Shri Mahadeb Das, Singur Krishi Jami Raksha Committee among others.