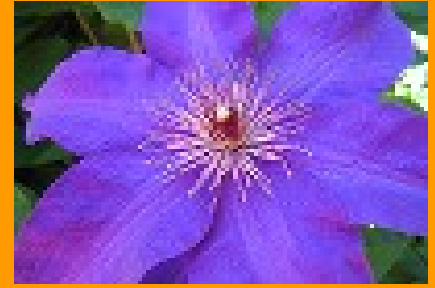


# FIAN WEST BENGAL



## *E-news letter*

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## *Editorial*

*Dear friends,*

This is a critical time for human rights activists in West Bengal as the right to livelihoods of millions of rural poor are at risk due to the state-led policies of SEZ and industrialization. During past few months we are closely monitoring the series of events in the state leading to violations of right to food of thousands of poor in Singur and Nandigram. The state government acquired around 1000 acres of fertile agricultural lands in Singur for TATA Motors and in Nandigram the state government attempted to acquire almost a whole block for construction of a SEZ by MNC Salim. The issue of compulsory land acquisition (justification, process and outcome) is widely debated worldwide. Compulsory land acquisition often results into severe conflicts. The outcomes of such land acquisition in developing countries follow a similar pattern i.e. forced evictions and loss of livelihoods of poor and vulnerable groups leading to gross violations of all kinds of human rights. India is an emerging power in Asia and being encouraged by China's economic boom, India is currently putting major emphasis on setting up SEZs in the country. The very design of India's SEZ policy is self destructive and it exposes poor rural actors to extreme risks and acute vulnerability. However, these steps are being justified in the name of 'development' but ironically this 'development' process excludes majority of poor stakeholders as we have observed in Singur Nandigram and elsewhere. The basic principle of democracy i.e. participation and good governance at bottom are jeopardized in the haste of attracting Foreign direct investments in the state with total ignorance on outcome of such initiatives on the livelihoods of the affected communities. The Land Acquisition Act which is being used for acquiring land in India is a colonial one which does not even allow any objection on the purpose of acquisition. Neither does it ensure fair and adequate compensation and rehabilitation for the victims. The result is thus large scale eviction of poor and increase in number of hungry. As Indian government and the state government of West Bengal are keen on pursuing their SEZ policies in its present form, it is a great point of concern for all human rights activists in the country.

Forced eviction is considered as a violation of human rights as per various Human rights instruments like ICESCR, CEDAW, and ICCPR and so on. The Special rapporteur on Right to Housing Mr. Miloon Kothari developed a guideline for the state to follow while dealing with incidents of forced eviction and submitted the same to UN human Rights Council (Economic and Social Rights) in 2006. In the guidelines forced eviction is highly discouraged and described as the 'last resort'. There are also elaborate instructions for the state to ensure that the victims do not suffer from violations of rights in the process and do receive adequate compensation and rehabilitation. Recently FAO has taken an initiative to develop a guideline on Compulsory Land Acquisition (CLA), detailing roles and responsibilities of the state to ensure human rights of the affected communities. The resistance in Singur and Nandigram have proved that issues concerning CLA should not be taken lightly by the state when the land is synonymous to life for the people who depend on this resource. A truly developed country should flourish on the basis of human rights principles where the fruits of development could be enjoyed by all and not by handful of powerful actors alone. The need of the hour is to make people aware of the above human rights instruments and to sensitise the state actors further on their human rights obligations towards people. A strong civil society resistance as in Singur and Nandigram, coupled with international campaigns based on human rights arguments could bring an end to the violations of human rights in West Bengal and could encourage us to debate on the future model of development so as to ensure adopting a right way towards development.

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## 8 persons killed in Mudigonda (Andhra Pradesh) police firing

The Congress Party-governed south Indian state of Andhra Pradesh has been in political turmoil since the July 28 police attack on demonstrators in Mudigonda, which is located in the district of Khammam some 250 kilometers from the state capital, Hyderabad. Police opened fire at Mudigonda with automatic weapons killing at least seven people participating in a land agitation being led by the Stalinist parties—the Communist Party of India-Marxist or CPI (M) and the Communist Party of India (CPI). On July 28 the state was having a united Left-sponsored bandh to demand the setting up of an autonomous land reforms panel and withdrawal of repressive measures unleashed by the state government. The Reddy government chose to meet the bandh with brutal repression, gunning down eight unarmed persons, including a woman, in Mudigonda village of Khammam district. The July 28 demonstration had been called to protest violent police lathi-charges and the arrest of more than one thousand protesters during a state-wide day-of-action in support of land redistribution two days before.

The police have sought to justify their use of lethal violence by claiming that the Mudigonda protesters pelted them with stones. But the police shot to kill, firing at protesters' heads and torsos, not the ground. The Mudigonda massacre in Khammam district of Andhra Pradesh has once again drawn the country's attention to the actual state of democracy in rural India. For the last few months, Andhra Pradesh has been witnessing the rise of a statewide popular land struggle. Instead of heeding the demands of the land movement which is led by almost the entire spectrum of Left forces from the CPI and CPI(M) to the CPI(ML), the Andhra Pradesh government has responded by framing and arresting activists in large numbers. The Andhra incidents clearly tell us that land remains a central demand for the rural poor and that whenever the landless poor forcefully assert this demand the state sheds all democratic pretensions and answers with cold-blooded murder. Almost all state governments have begun to reverse in practice, if not also overtly in terms of legislation, whatever land reforms had been implemented in the early decades after Independence. While a small house site or an acre of cultivable land remains a distant dream for millions of landless agricultural labourers and poor peasants, the powers are busy promoting a new form of corporate landlordism in the name of developing Special Economic Zones. Andhra Pradesh is a tell-tale example of this stark contrast and the government has opened fire both on Visakhapatnam fisherfolks opposing SEZ and Khammam peasants demanding land redistribution.

## Nandigram Survey Report

FIAN WB in collaboration with IMSE and other organizations conducted a few days research survey at Nandigram to study the impact on violations of peasants' right to food and livelihood due to the indiscriminate police firing on March 14, 2007. The study focused mainly towards finding the depth of violations of the state's obligations and its impact on the peasants. The survey team comprised of representatives from FIAN West Bengal, IMSE representatives from Birbhum, Forum of voluntary Organization West Bengal, Taj Mahal Gram Vikash Kendra Howrah, Kolkata, and the Trade Union activists from Orissa. Nearly 250 families of respective villages are covered, mainly those villages where the impact of police firing is noteworthy. The main objective of the report is to document the victory of the CS resistance in Nandigram and to assess the dimension of the violation of the civil and political rights. How the right to food situation will be adversely affected by the proposed SEZ has also been discussed in the report.

## RTI Application Seeking Information on ICAARD

The International Conference on Agrarian Reform and Rural Development (ICARRD) of the FAO and the Brazilian government provides an opportunity to bring the issue of agrarian reform back to the table of international organisations and be recognised by states, especially after decades of watered-down or violated pieces of legislation. The ICARRD declaration is replete with concepts and elements of food sovereignty, thus forcing itself to recognise the importance of genuine agrarian reform in development and social justice. A working group integrated by FAO, the International Fund for Agricultural Development (IFAD), and civil society organisations under the International Planning Committee (IPC) was set up in July 2006 to follow up on the recommendations of ICARRD.

FIAN WB had undertaken a short research on the impact and implementation of ICAARD in India. During the process an application was sent by the coordinator of FIAN West Bengal, Dr. Ujjaini Halim to the Central Public Information Officer of the Department of Agriculture and Cooperation seeking information about ICARRD (International Conference on Agrarian Reform and Development) on 23.05.2007. After The International Conference on Agrarian Reform and Rural Development (ICARRD) of the FAO and the Brazilian government provides an opportunity to bring the issue of agrarian reform back to the table of international organisations and be recognised by states, especially after decades of watered-down or violated pieces of legislation. The ICARRD declaration is replete with concepts and elements of food sovereignty, thus forcing itself to recognise the importance of genuine agrarian reform in development and social justice. A working group integrated by FAO, the International Fund for Agricultural Development (IFAD), and civil society organisations under the International Planning Committee (IPC) was set up in July 2006 to follow up on the recommendations of ICARRD.

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We will continue with the follow up of the proceedings in our next issue.



## Tribal wait 30 years for land records

Since 1974 hundreds of tribal were being evicted from their homestead lands to make the way for the irrigation projects in the Kankadahada and Parjang blocks on the Ramila River. They were also being evicted from the project “for the greater good” of the development of the local area with promises of rehabilitation. About 830 families were displaced in what is presently and that they had spent more than 30 years seeking a record of rights (RoR) to the land. The two projects i.e., the Dandadhar project and Dadarghati irrigation projects on the Ramila River were completed in 1978 but the families had still not been given RoR. Meanwhile, the government provided homestead land to the displaced people, 90 per cent of whom are tribal. According to official sources, around 410 families were from the Kankadahada block and about 420 from Parjang block under Kamakshyanagar subdivision. Then in 1980, the Forest Conservation Act became effective bringing their lands under the banner of the Sabak Jungle [Kisama, nature of land] although the families were still in possession of the land today. In 1982 the final declaration of settlement of land records was settled, which blocked their access to avail RoR. Official sources said that they were resettled at Bantapal colony in Kankadahada and Akshupal in Parjang. The tribals were yet to obtain RoR for the given land, and still they were being denied from the access to facilities and incentives including PDS materials.

Villagers said, neither the people’s representatives nor government officials had shown any concern in the last 30 years in helping



them access civil society or bringing them into the mainstream. They said everyone from the sarpanch candidate to the MP had visited their villages and promised to take steps to secure their rights but that nothing had come of it. The Kamakshyanagar revenue administration admits these RoR cases are genuine. Officials said the then collector and district magistrate Usha Padhee had approached the government to consider their record of rights for their land. The government is now reportedly making efforts towards this on the basis of her letter and now local tahasildars have filed revision cases in the court of the Revenue Division Commissioner [Northern Range]. However even though these tribal villagers possess their land, they fear the government may evict them at any time.

*Courtesy: The Statesman*

## Rickshaws on their way out

The stay order for non-implementation of the West Bengal Hackney Carriage (amendment) Act was decided to be recalled by Mr. Justice Soumitra Pal of Calcutta High Court today. The order puts the seal of approval over the removal of nearly 40,000 hand pulled rickshaws from the city streets. The writ petition was filed before the enforcement of the act. Hence, the stay order is recalled, it was held. The hand-pulled rickshaws turned out to be the only mode of transport for the marooned city dwellers during the recent showers, which flooded the city. People being carried to their destinations on these rickshaws was a common sight in several parts of the city. Hand pulled rickshaws was the only mode of transport during the heavy showers which inundated College Street, Colootola Street, Amherst Street,

Gariahat Road, Girish Park, Mahatma Gandhi Road and most streets of Burrabazar as taxis refused to wade through the waterlogged areas. The hand pulled rickshaw puller's trials and tribulations was brought into focus in the film "City of Joy". "Man pulling man" had been the shocked exclamations of many a foreigner after seeing this hackney carriage in the city streets. The Mayor Mr. Bikas Ranjan Bhattacharya in his budget speech delivered in April this year had said that the KMC would try to rehabilitate rickshaw pullers in "every possible way."

## Villagers wage grim battle to protect their lands

When the backlash at Nandigram is making national headlines, about 500 families getting their livelihood from the multiple crops they grow on about 495 acres at Gajaldoba in the Baikunthapur forest division of north Bengal are waging a grim battle to protect their land from the "depredation" of the forest department. A notice has been served on one of the cultivators spearheading the resistance by the forest range officer, Apalchand Range, to "stop non-forestry activities immediately into the reserve forest area," or else "legal action will be taken" against him. The notice "informed" Tarini Sarkar that he is "illegally cultivating" in the area where the forest department is going to start plantation. Gajaldoba was a fallow marshland having risen straight from the heart of the river Teesta. The toiling farmers transformed the swamps into fertile land where they grow two paddy crops and several types of vegetables round the year. The trouble started on 12 April when personnel from Kathambari-Apalchand forest range office arrived at Gajaldoba accompanied by a posse of policemen. As the forest department, personnel went on building small mounds on which trees would be planted later for afforestation, villagers moved in to protect the crops raised with their "blood and sweat". The police reportedly used lathis injuring at least 10 villagers.



## RTI workshop in North Bengal

The RTI strategic meeting was held at FIAN WB on August 25, 2007. The meeting emphasized on the need of a strong follow-up mechanism of RTI network West Bengal. FIAN West Bengal had already taken some positive steps in the Singur case where the developmental paradigm of the State was questioned. As a follow up activity, RTI network West Bengal along with CHRI had arranged for a two days workshop at Uttar Dinajpur, Jalpaiguri district of West Bengal by the end of this year. We have already started taking preparations to organize the workshop. The workshop is an effort towards generating mass awareness, especially at the village levels and for capacity building and orientation. .

## Tea Garden Starvation Death-(Latest Update)

The Tea industry in West Bengal is about 146 years old. Next to Assam, the State is the second largest Tea growing State in the country, accounting for 22 per cent of the total area under Tea cultivation and 22 per cent in the total production in the country. This industry in the State is directly responsible for economic and social development of the two major districts of the State viz., Darjeeling and Jalpaiguri, where almost no other economic activity exists. The number of small Tea growers in the State has reached about 10,000. The Darjeeling tea is a major employer in the hills, with the engagement of over 52, 000 workers for 13 million man- days in a year. The tea industry presently is reeling under a crisis due to sharp fall in price. As a result, lockout was declared in many tea gardens, which causes starvation death at tea garden. Individual tea gardens, particularly the medium sized ones and those financially weak, have been severely affected by the decline in prices, Some tea gardens are sick and some have closed down. As per information available, 43 tea gardens are closed of these, 25 are in West Bengal. More than 35,000 workers and a population of 95,000 are affected by the closure. The number of deaths - 571 in between January 1, 2006 and March 31, 2007 makes a cruel mockery of the promises that the finance minister, Asim Dasgupta, (had made to the tea-workers sometime back. Of them 409 were below 60, the national average life span. More than 17,000 workers in 18 tea gardens of north Bengal are yet to get Rs 366 million as dues. The minimum wage for plantation workers has been fixed at Rs 53.90 a day — a daily labourer gets Rs 68 — as they are entitled to subsidised rations, safe drinking water, free electricity, medical, housing and other facilities. But none of these facilities are available in the 13 (one reopened recently) closed estates now. The most shocking aspect of the tragedy is the government's blatant attempt to gloss over its failures. The government and political parties seem to know of just one use of the poor tea-garden workers, the majority of whom belong to tribal communities. The government of West Bengal may be making tall claims about the need for industrialization and progress, but it has actually stopped caring about the existing industries. The starvation deaths in Jalpaiguri prove the complete failure of the economic policy, both at Central and state levels. The resultant effect is that the gulf between the affluent and the poor is becoming too wide for comfort.

FIAN West Bengal

C/o IMSE

195 Jodhpur Park, Kolkata 700068, India

Tel: 00913324128426

Fax: 00913324725571, [www.fian.in](http://www.fian.in)

E-mail: [fianwestbengal@vsnl.net](mailto:fianwestbengal@vsnl.net) & [fianwestbengal@sify.com](mailto:fianwestbengal@sify.com)