

Repeal the Land Ordinance

Stop the Amendment to the LARR

Defend the Right to Livelihood and Right to Dissent

The Ordinance issued by the Union Government altering the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR) and the efforts to introduce the amendments in the budget session of parliament are an unambiguous attack on the right to livelihood, to food security and to dissent of working people. It amounts to an attack not just on those directly dependent on a particular stretch of land but is an attack on all working people. The LARR 2013 created a mechanism for land acquisition while it also recognised that landowners and those who derive their livelihood from land must enjoy the right to mediate their rights and seek justice including adequate compensation, relief and rehabilitation. The 2013 law recognised that the provisions of the Land Acquisition Act 1894 that gave government complete power to acquire land, and therefore all natural resources, for ‘public purpose’ under the ‘eminent domain’ without the consent of the people dependent on it didn’t take into account the nature of land-relations in democratic society. The Social Impact Assessment (SIA) and the consent clause of the LARR provided a framework for collective bargaining with all peoples dependent on the land to be acquired – landless agricultural workers, tenant farmers, sharecroppers, fish workers, artisans etc - and not just the owners of the land.

The LARR 2013 made Social Impact Assessment (SIA) mandatory prior to land acquisition in order to arrive at a more complete inventory of those affected, placed restrictions on acquisition of fertile, irrigated and multi-cropped land and provided a justiciable dispute settlement authority along with an immediate machinery to deal with malfeasance. The ordinance and the proposed amendments seek to do away with mandatory SIA for amongst others infrastructure projects, industrial corridors and industrial clusters, and projects under public private partnership all of which are already only defined opaquely under the LARR. The SIA is the primary mechanism for identifying those affected by land acquisitions who are not land owners. In the absence of the SIA the non-land title holders will have limited if any ground to stand on for determining their rights before the dispute settlement authority. Doing away with the SIA will make the identification of affected peoples impossible hence even the relief and rehabilitation envisaged for them under the LARR will be done away with it. The power to prosecute in the event of malfeasance would now be based on prior-permission from government which reduces people’s autonomy, undermines the deterrent against widespread malfeasance and continues to place excessive discretionary powers in the hands of the executive. Furthermore the ordinance and the proposed amendment widen the definition of ‘private entity’.

What the 2014 ordinance and the proposed amendment do in effect is to allow the private sector free and undeterred acquisition of land entirely of their choosing leaving no room for objections and justiciability so long as monetary compensation is paid. Beyond those directly dependent for their livelihood on land, the freeing up of double, multi-cropped and irrigated land places a burden on food security. We are already in a situation where there has been a decline in net cultivable land over the past two decades.

Alongside the Ordinance and the proposed amendments to the LARR, government has also begun to put in place changes on six key environment protection laws as recommended by the quick fix ‘High Level Committee’ (also known as the TSR Subramanian committee). There are also proposals to do away with the approval of the Gram Sabha as required at present under the



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provisions of the hard won Forest Rights Act. In fact these steps will amount to an attack on the Fifth Schedule of the constitution that provides special protection to tribal peoples.

All of this the government is going under the banner of 'ease of business' which it claims will contribute to higher investment and therefore more jobs. This has been the slogan under neo-liberalism not just in India but, across the world. The past two-and-a-half decades under neo-liberalism have brought to the fore the inescapable logic of capital – that capital invests if and where it sees a market and if and where it receives an adequate subsidy to speed up it returns and raise the level of its profits. The present ordinance and the amendments to the LARR are merely the avenue through which this capital subsidy will be provided for access to land and natural resources. The attack on land rights is one of the two key measures of the BJP government to protect, institutionalise and legislate capital subsidy.

The other attack is already underway. Attacking workers' right to freedom of association, undermining collective bargaining and thereby lowering wages is all in the name of 'ease of business' which marks the other key measure of the BJP government's capital subsidy.

The BJP government has signalled one thing loudly and clearly. It shall not tolerate dissent. It shall not tolerate trade unions or landless workers organisations or peasant organisations who seek the democratic space to articulate, press and militate their case. And to this end it will undermine and remove every mechanism that exists in law for democratic collective bargaining be it a tripartite mechanism under the Industrial Disputes Act, a Gram Sabha under the Forest Rights Act or the dispute resolution authority under the LARR.

Let there be no doubt that the BJP government is for the few who will profit at the cost of the many. To serve its few it will not stop even if it means undermining the constitution and the basic fabric of this democracy.

The New Trade Union Initiative stands in solidarity with its affiliate the All India Union of Forest Working People and the other progressive organisations of peasants and agricultural workers amongst many others who march to Parliament on Tuesday, 24 February 2015 in defending the right to livelihood and the right to dissent, demanding:

Repeal of Ordinance No 9 of 2014

Stop the Proposed Amendments to the LARR

Robust Implementation of the LARR including the Setting up of Tribunals to adjudicate Land Acquisition

Unity ♦ Democracy ♦ Militancy

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