

## **Sub theme 1 Displacement, Dispossession, Alienation and the Constitutional framework**

### **(Land, resources, livelihood)**

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Post-independence development discourses have witnessed many shifts since the 1950s when the Planning Commission unfurled policies for the economic and social development of India; these were designed to reduce inequalities, strengthen the economy so as to enhance the quality of life of the Indian people. Development policies have witnessed many changes since then with a new set of concerns emerging since the 1990s when the move was made to introduce neoliberal policies by successive governments.

Land and resource rights determine to a great extent the wellbeing of populations across the country, providing them with the means for livelihoods, security and income. The Constitution of India has enshrined principles of equality, freedom and justice whereby the right to ownership of property and inheritance, the security of tenure and the access and use of common pool resources have been assured to communities traditionally embedded or dependent on these. Mainstream land and resource rights discourse has tended to foreground the issues of ownership and use of private property. This ignores a most important aspect of the patriarchal gender based division of labour as well as survival strategies of poor households' – the use, collection and processing of land based resources (critical for household subsistence), an extension of women's unpaid household work. If these public or common property resources deplete or are fenced, women's burden and struggle for livelihoods increases.

This is for five reasons – firstly, because a vast section of poor working women are dependent on the use, collection and processing of land based resources from public and common lands, bringing such lands and common pool resources into focus; secondly, land of large number of small landholder households is shifting away from such households through land acquisition and takeover such that dispossession and displacement are marginalizing such landholders, placing an increasing burden on women responsible for family reproduction, bringing resistance to land grab on the women's land agenda; thirdly, widespread eco-degradation due to destructive technology and development policy as well as misplaced forest policy has meant that women's labour drudgery has increased and access to resources and productivity reduced, giving women a huge stake in environmental protection; fourthly, high and growing landlessness is accompanied by dwindling availability of remunerative employment, underlining yet again the centrality of

resource rights; and finally a destruction, displacement or denial of access and rights over natural resources on which communities have depended since ages also denies them the use of traditional knowledge and practices they have lived by for generations, causing them to experience stress and sense of loss and disruption in such situations. Thus, the system of resource use in India is gendered such that environmental degradation affects women more than men. The annexation and diversion of natural resources and CPRs affects women disproportionately given their primary responsibility to collect and manage these CPRs. The processes of annexation diversion and degradation (which have intensified under neoliberal capitalism) have meant that women have to spend longer hours or pay more for what were once easily accessible, and such access is often accompanied by greater risk of violence and criminalization.

Agricultural and rural distress has resulted in gendered experiences of dispossession and displacement. There are two 'dimensions' of agricultural distress - an 'agricultural development crisis' (low growth, falling profitability), and an 'agrarian crisis' (growing landlessness, casualisation of labour, increase in small and marginal holdings and fragmentation, and widening rural-urban gap.). India has both, with institutional and structural factors resulting in the loss of access to and control over land and a contraction in alternative means of livelihood. This has resulted in huge loss of land, displacement and distress out-migration with those remaining sometimes expressing their despair and despondency through the worst expression of this distress, farmer suicides.

The land and resources question for women is not a rural or agrarian issue alone, as urban populations increase and migration due to the agrarian distress rises, urban commons and public spaces shrink, with growing conflict and contestation. For the first time after Independence, the addition to urban population (by 90.99 million people) was larger than of the rural population (90.47 million). Many large cities too have common lands used as a source of fuel, fodder, water, building material and food. Flood plains, tanks, lakes and other run-off based water bodies are used by the urban poor for floriculture, animal rearing, horticulture, pisciculture and traditional work. This land is highly sought after. A whole host of reasons, like large infrastructure and development projects; urban renewal and new urbanization; city beautification; safety and security concerns; sports extravaganzas; industry, industrial corridors and Special Economic Zones (SEZs) are uprooting individuals and communities from their homes and commons in cities. The previous two decades have seen an unparalleled increase in forced slum evictions across the country in urban areas. The question of urban land is even more crucial for women, dependent as they are on shrinking commons for various uses like residence, fuel and defecation.

In India currently we are witnessing plunder and loot of natural resources on an unprecedented scale as the means to boost capitalist profits. The restructuring of the Indian economy through changing laws and policies undermining constitutional safeguards, as it abandoned the post-independence regulatory and protectionist framework and put in its place fiscal conservatism, deregulation, trade liberalization, financial sector reforms and privatization characterizes the current phase. The entire thrust for free trade and a simultaneous attack on agriculture has as its

primary aim the re-opening of the lands of the global South. The priority given to attracting foreign investment generated an extraordinary 'race to the bottom' among the state governments, which competed with each other to offer land and resources at more and more attractive concessions to woo national and international corporate capital. This translates into an environmentally unsustainable and inequitable plunder of natural resources and common property resources, to the detriment of the land and resource rights.

Land resources exist in three types of property relations: (a) As the 'common property resources' of often differentiated communities (esp. outside adivasi or forest dwelling communities) usually tended, collected/harvested by women and adivasis (b) As 'state owned resources' which are purportedly being held in public trust for their conservation but in fact are 'fenced' and 'enclosed' to dispossess primary producers and gatherers (c) as private property. The entire thrust of public policy in land in the last decade has been to either privatize or statize land.

Not surprisingly, the process of annexation of common property resources has accelerated and become more ruthless under neo-liberalism. The dispossession and displacement of direct producers from land has been achieved through economic and extra-economic means, through overlapping routes, which are often simultaneous and mutually re-inforcing. These include, for example,

- a. Fencing of Forests, Diversion and Evictions
- b. Adivasi land alienation:
- c. Land acquisition and displacement
- d. Reverse land reforms:
- e. Land use policies and land banks
- f. Ecodegradation and environmentally unsustainable practices: Plantation forestry
- g. Evictions and enclosure in urban areas
- h. Enclosing through titling; etc

The impact of such processes is experienced most deeply by women among the marginalized and dispossessed and it is these women who are also at the forefront of struggles for rights and survival. We are faced with the ranks of the dispossessed being swollen with new incumbents as many communities are displaced from their traditional habitats, Constitutional protections notwithstanding; this panel will address these and allied concerns.

Processes of displacement and dispossession in their gendered dimensions are now being examined along with the gendered nature of impacts of development by displacement and dispossession. The linkages with policy and how it impinges upon the resource control and resource denial is a realm of research which is beginning to receive some attention but much needs to be done.

This sub theme seeks to provide a space for researchers and analysts to discuss through the presentations of papers (and testimonies?) the above theme:

- a) Analysis of the changes in policy, legislation and governance that undermine constitutional safeguards for women's resource rights, especially in the last quarter century and decade
  - b) Identification of processes leading to displacement and dispossession in rural and urban India and its gendered impact
  - c) Dilution and non-implementation of both old and new protective measures such as the Fifth Schedule, Sixth Schedule, Forest Rights Act, the amended Land Acquisition Act
  - d) Focus on gender dimensions of the processes and impacts of development induced dispossession and displacement
  - b) Documentation and assessment of the forms of struggle and spaces within the struggles for gender articulations and women's voices as well as agency in positing the issues and negotiating for their interests
  - e) Investigation of the nature of policy and development interventions that give rise to such circumstances and possible feminist avenues and alternatives to address these destructive and adversarial processes
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