

# Common Land and Forest Takeovers in India by the Numbers

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Across India, rural and tribal (also known as indigenous and adivasi) people are protesting against the takeover of common lands and forests by the state for major development and preservation projects. New research by the Rights and Resources Initiative (RRI) and the Society for the Protection of Wasteland (SPWD) provides new insight into the cause and scope of these conflicts.

## Current and Projected Land Required for Development Projects in India

- Currently, **6,5112,66** sq km of land—most of which is common land and forests—is devoted to projects in four sectors: agri-business, infrastructure, extraction activities and non-conventional energy sectors
- In 15-20 years, **1,1447,559 sq km** of additional land, mostly common land, will be taken over by the state and other actors to accommodate major projects that are already in the planning stages
- Agri-business (**562,6300 sq km**) will need most of the additional land, followed by infrastructure activities (**236,5709 sq km**).

## Sectoral Projections for Land Takeover – in Square Kilometers

#	Sectors	Sub-sector	Current Area 2011	Estimated Requirement	Additional Land Required
1	Agri-Fuel (Estimation for 2026)	Jatropha <sup>1</sup>	500000	4400000	3900000
		Bio-Power (Agro Residue & Plantations) <sup>2</sup>	273700	2000000	1726300
			<b>77,3700</b>	<b>640,0000</b>	<b>562,6300</b>
2	Infrastructure (Estimation for 2026)	Roads <sup>3</sup>	1816355	3117000	1300645
		Dams <sup>4</sup>	2907000	3908171	1001171
		Special Economic Zones <sup>5</sup>	86107	150000	63893
			<b>48,09462</b>	<b>717,5171</b>	<b>236,5709</b>
3	Extractive Activities <sup>6</sup> (Estimation for 2026)	Coal	147000	535445	388445
		Iron	88065	320775	232710
		Bauxite	30059	109489	79430
		Limestone	144979	528083	383104
		Other Major & Minor	244301	889862	645561



		Minerals			
			<b>65,4404</b>	<b>2383654</b>	<b>172,9250</b>
4	<b>Non Conventional Energy<sup>7</sup> (Estimation for 2032)</b>	Wind	180000	540000	360000
		Solar	76	100000	99924
			<b>18,0076</b>	<b>640000</b>	<b>459,924</b>
		Total	<b>6,5112,66</b>	<b>1,7958,825</b>	<b>1,1447,559</b>

### Forest Preservation Trends and their Impacts on Rural and Tribal People in India

- Between 1970 and 2010, the number of national parks in India increased from 5 to 99, covering an area of **38,199 sq km**
- Between 1970 and 2010, the number of sanctuaries increased from 62 to 514, covering an area of **118,419 sq km**
- 4 million people were displaced as a result of these new parks and sanctuaries
- Almost 25 percent of India's forest land is protected, accounting for 4.74 percent of the geographical area of the country
- As of November 2011, another 74 national parks and 217 sanctuaries were proposed

### Protests against Land Disputes in India

- One third of the Indian population is impacted by land and forest takeovers
- Every state in India—as well as every forest—is embroiled in land rights disputes
- These disputes play out in court and on the street, in the form of hunger strikes, mass demonstrations and violent uprisings.
- The Government of India estimates that 10,000 armed fighters and 40,000 supporters are involved in violent struggles in rural India that often include disputes over land rights.

### Definition of Common Land in India

- There is no single category or classification of land use in India that corresponds to the term “common lands.” This land is often classified as forest land, grazing land (known by different names in different states), gram sabha (village) land, gram panchayat (village council) land, or simply “wasteland”
- It is not well known across India that classifications like “wasteland” and “government forest” often refer to land that local communities own and depend on
- One common feature of all of these lands is that they are “government owned”—though this is contested by local communities across the country



# Land Takeovers by India Abroad

## Background

India has joined the ranks of China, South Korea and Saudi Arabia—“land-deficit” countries snatching up stretches of prime agricultural land in developing countries to grow crops for domestic or global markets. Land deals are rarely transparent, so information about them is limited. Some organizations, including the International Land Coalition (ILC), have attempted to track these deals.

## The Facts

- The Indian government and Indian-owned companies have acquired land in Africa, South America and Southeast Asia for agricultural purposes
- According to the International Land Coalition (ILC) Land Matrix, the scale of Indian investments has reached 6.3 million hectares (ha) or 63,000 square kilometers (sq km)<sup>1</sup>
- The ILC Land Matrix also reports that India has two deals in Indonesia totaling about 79,847 hectares (ha), 1 deal in Cambodia totaling 7,635 ha, 2 deals in Lao PDR totaling 52,207 ha, 15 deals in Ethiopia (no size data available), 1 deal in Sudan (no size data available), 1 deal in Cameroon (no size data available), 1 deal in Mozambique (no size data available), and 3 deals in Madagascar (no size data available)<sup>2</sup>
- In Ethiopia, most of the agricultural investors are Indian, including Karuturi, which produces rice, palm oil, maize and sugarcane on 100,000 hectares in the Gambella region, and Emami, a biotech company that grows jatropha and edible oil seeds on 100,000 hectares in Oromia<sup>3</sup>

The current convergence of interests between communities, investors, and forward-looking governments provides an unprecedented opportunity to reverse historical injustice and change the future of community lands. Benefits come from reductions in risk, conflict prevention and decreased poverty.

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<sup>1</sup> Source: <http://landportal.info/landmatrix>

<sup>2</sup> Source: <http://landportal.info/landmatrix>

<sup>3</sup> Source: [http://www.grain.org/bulletin\\_board/entries/4342-india-s-role-in-the-new-global-farmland-grab](http://www.grain.org/bulletin_board/entries/4342-india-s-role-in-the-new-global-farmland-grab)



# Land Laws and Constitutional Rights in India

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Laws are already on the books in India that protect the land and forest rights of rural and tribal people and stipulate how these people should be consulted in the land acquisition process. Research by RRI and SPWD suggests that enforcing and strengthening these laws are necessary to ending land and forest conflicts across the country.

## Schedules V and VI of the Constitution of India

- Provide for a substantial degree of self-governance in districts where adivasis (indigenous groups) are in a majority
- Clauses protect tribal rights regarding land and forests, curb the activities of money-lenders and mandate the formation of village and district councils
- Stipulations call for local councils to share in the royalties from minerals found on tribal land
- The lands protected under these Schedules are called “Scheduled Areas”

## The Panchayats (Extension to Scheduled Areas) Act (the PESA Act) – 1996

- Passed in 1996 to give local governance (the Panchayats Raj system) decision making powers over Scheduled Areas
- Includes a general statement that the gram sabha is “competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution”
- Includes requirements that the gram sabhas should be consulted prior to acquisition of land or resettlement of displaced people
- Grants gram sabhas and panchayats powers over minor forest produce, minor water bodies, leases for minor minerals, development schemes and functionalities and alienation of adivasi (indigenous) land

## Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act– 2006

- Provided for explicit recognition of the rights of forest-dwelling communities over common lands and resources, including using land for cultivation, minor forest produce, grazing areas, water bodies, etc.
- Legally empowered communities to protect and manage forests, wildlife, biodiversity, water catchment areas and their cultural and natural heritage
- Granted Gram sabha (village assembly) rights to initiate and account for the process of determining and recognizing all these rights, marking a shift from a centralized approach.



# Land and Forest Takeover Case Studies in India

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## Bauxite and Zinc Mining in Orissa

Vedanta is a large metals and mining firm with an emphasis on bauxite and zinc. Its Indian operations are a cornerstone of its business, but the company's attempts to access and refine bauxite in Orissa have led to large-scale local opposition. This unrest, along with substantial international reaction, eventually convinced the national government to investigate the issue of tenure disputes. Following a damning report by the Ministry of Environment and Forests, ministers denied Vedanta access to forest reserves. The company also suffered from high-profile disinvestments, as a result of NGO campaigns and reputational damage.

This case is particularly significant because credit ratings agencies reacted to tenure-related losses by putting Vedanta on negative outlook. When it published this decision, Standard and Poor's said that 'operational risks in Vedanta's metals and mining businesses in India are growing' and it specifically mentioned 'regulatory hurdles regarding mining licenses.' This statement came at a time when Vedanta's credit worthiness was coming under increasing scrutiny as a result of its aggressive financing approach.

The problem for Vedanta was that the bauxite reserves it wanted in the Niyamgiri hills lay under land of high cultural and spiritual importance to indigenous peoples. Mining operations would have deprived these communities of the land on which they have lived and relied for generations. Vedanta could have made an effort to mitigate the social and environmental impacts of its activities, but it seems to have viewed these activities as too costly.

Even though Vedanta was aware of these objections, the company completely failed to include the largest indigenous groups, the Kutia and Dongaria Kondh, in the consultation processes. Vedanta also failed to implement proper safety measures for infrastructure and waste management, resulting in fatal road accidents and official reprimands from the Orissa State Pollution Control Board. In addition to numerous compensation claims, the local population responded with direct action. By blocking road and rail connections they effectively brought operations to a halt.



## Phosphate Mining in Rajasthan

Since 1972, phosphate has been mined in the district of Udaipur by the state-owned Rajasthan State Mines and Minerals Ltd. (RSSML). In addition to the mines, RSSML set up a processing plant and fertilizer factory in nearby villages to process the phosphate into fertilizer. Open cast in nature, phosphate mining requires large areas of land for the dumping of material.

In 1968, the government acquired land for mining and transferred it to RSSML; since then, RSSML has taken over both common and private land in these panchayats (villages). Common lands have been handed over to the company on the signature of a local government official, the patwari (revenue inspector – the lowest rank in the Revenue Department hierarchy). Forest land has also been transferred for mining. The gram sabhas (village assemblies) were not consulted regarding the acquisition of land, the transfer of common land, the renewal of mining leases, or the diversion of forest land, despite legal requirements under the Panchayats (Extension to Scheduled Areas) Act. The claims of forest dwellers in these villages are still pending under the Forest Rights Act.

As mining and industrial activity has expanded in the last decade, smallholding cultivators have also been repeatedly pressured to sell their land by agents. Meanwhile, mining has had major environmental and health impacts. RSSML sells water that accumulates in its mine pits, reducing groundwater recharge and leading to wells in 15 villages in the area drying up. Studies have found high fluoride levels in groundwater in the area. Cases of tuberculosis, malaria, diarrhea and eye, ear and stomach diseases have increased. Availability of forest produce has declined with destruction of forests. Livestock and agricultural productivity have suffered severe damage from contamination, pollution and lack of water. Villagers have lost income as a result of these changes, while simultaneously facing higher expenses from having to purchase water and substitutes for forest produce. As a result, out of desperation for income, many villagers have either sold their land or are planning to do so.



## Illegal Iron Ore Mining in Bellary, Karnataka

In the last decade, the taluka (group of villages) of Sandur in the Bellary District, which is in the state of Karnataka, has seen a massive expansion in iron ore mining. Driven by the growing Chinese market, the liberalization of mining regulations, and a decision by the Karnataka government to denotify large areas of notified forest land in the area, large companies, small contractors and even local farmers have begun ore extraction and trade.

A large part of this activity has been illegal. Legal violations include mining without the required lease from the government; mining without obtaining environmental clearance (given after an impact assessment) or clearance for using forest land; mining even after leases have expired; and mining beyond the lease area; failing to comply with transport regulations. The Lokayukta (ombudsman) of Karnataka State has estimated that 30.68 million tons of iron ore was illegally exported between 2003 and 2010, causing a revenue loss of Rs.16,085 crores (approximately US \$3 billion).

Much of the mining has occurred on forest and common lands. In the Bellary-Hospet-Sandur region, mining has taken over 6,507 hectares of forest land (21 percent of the total recorded forest land in the region), at least 1,081 of which were illegally occupied. Mining has also destroyed large areas of revenue land and agricultural fields (many of which have been dug up for ore). As a result, fertile lands have become scarce and topsoil has been permanently lost.

The heavy air pollution from mining, in the form of dust and toxic chemicals, has damaged the health of surrounding communities, as well as harmed crops and affected livestock (yields of hybrid corn have dropped some 50 percent). Indeed, even the mining companies have informally recognized the damage that they are causing by paying a small amount of "dust compensation" to surrounding farmers. Other impacts include a lower water table and polluted surface water sources, which reduces water availability in the area. Furthermore, large areas of rich forest, in some cases inhabited by endangered species, have been destroyed.

The enormous profits from legal and illegal mining have driven large-scale corruption in the area, with mining barons becoming immensely rich and powerful (the infamous Reddy brothers being the best known example).

Though mining has provided temporary employment and incomes to some, the benefits have been unequally distributed, as seen by the fact that the district is now third richest in the State in terms of Net District Domestic Product, but 18th on the human development index. Mining has resulted in large scale use of child labor, and most workers are hired on a casual, daily wage basis with no safety or health precautions.

Following years of complaints and the Lokayukta's report, a local group known as the Samaj Parivartana Samudaya approached the Supreme Court in 2009. On July 29, 2011 the Court banned all iron ore mining in Bellary pending an investigation into the violations of law occurring in the area.



## Sand Mining in Rajasthan

The Aavara river flows through the Udaipur District in Rajasthan. For more than 30 years, the stretches of the river passing through the villages of Bori, Aavara, Gudel, Kalodia and Dhimidi have been mined for sand. Currently, an estimated 19,200 tons of sand are removed daily from an area of around 1,000 hectares. These activities have led to the lowering of the river bed and the widening of the banks; measurements at some sites show the river bed dropping annually by around 3.5 feet (approximately one meter).

The surrounding villages have suffered as a result of this sand mining. The fall in the river's water level have led to the drying up of some wells and the collapse of others due to the removal of sand from their walls. With some fluctuations, measurements of the water level in the wells of Aavara and Dhimidi villages show a sharp drop between 2008 and 2011. Indeed, between 2009 and 2011, the well water level in Aavara dropped from 35 to 5 feet in the dry season (October to December).

This lack of water has led to falling crop yields in the area. Grasses and other plants on the river banks have also disappeared in many areas due to the mining. While the mining has also generated some employment for local workers, the amount of employment has fallen over the years with increasing mechanization.

Some individuals lease land to the sand miners; in most cases, this is actually common land that has been taken over by these individuals. Such sources of income are not likely to last for the long term, as it is expected that sand yields will begin to drop in the next few years. Licenses and regulation of the sand mining is done by the State government with no local involvement.

Recently, however, the gram panchayat (village council) has taken steps to ameliorate the impact of the mining by building check dams and water ponds. The villagers have also started planning to switch to alternative and more sustainable crops.





## Highway Building in Rajasthan

Highways and other ‘linear’ projects (railway lines, transmission lines, pipelines, etc.) have received relatively less attention in discussions on land takeovers and displacement. One example is the Rajasthan State Roads Development Corporation's attempted redevelopment of a stretch of State Highway 53, between the towns of Keer Ki Chowki and Salumber. Construction is still underway.

In the area studied, common pasture land, revenue ‘wasteland,’ and private pasture and agricultural lands have all been acquired/taken over for the road project and associated toll plazas.

Through the exploitation of an ambiguity about land falling in the “right of way,” some private lands have been taken without paying any compensation. Regarding common lands, neither payment nor consultation has taken place. Moreover, stone and quartz quarrying on common lands alongside the proposed new road has occurred without consultation with local communities, payment or compensation.

As the road becomes more developed, restaurants and shops have sought land in the area. Local brokers or real estate agents have executed these purchases.

If the highway is further widened in the future, it is estimated that another 364 hectares of land may be required on this stretch alone. The impact of this on livelihoods in the area will be considerable.



## Biofuel Plantations in Rajasthan and Chhattisgarh

In recent years, there has been a global drive towards the use of agricultural crops, such as sugar cane and jatropha, for fuel production (though this has waned in recent years). Since 2005, India's central government and several state governments have actively promoted biofuel production in the country.

Two states in particular, Chhattisgarh and Rajasthan, have been at the forefront in this drive. In 2006 and 2007, respectively, these two governments notified new rules under their respective Land Revenue Codes, mandating the identification and allocation of "wasteland" for biofuel plantations. In Rajasthan, plantations were to be carried out by the Forest Department, gram panchayats (village councils) or "self-help groups" (women's saving societies formed under various government schemes); however, the State government also invited private companies to engage in plantations, provided that they also set up a biodiesel plant.

Since 2010, the Chhattisgarh government invited the formation of joint venture companies to engage in biofuel plantations. As a result, 157,332 hectares of land in the state has been classified as "wasteland" fit for biofuel allocation; in Rajasthan, authorities have identified 41,127 hectares for the same purpose.

Most of this land, however, is common land used for grazing, forest produce collection, etc.; some of it is under individual cultivation. The mis-identification of these lands as "wastelands" and their allocation to biofuel plantations threatens to deprive large numbers of adivasis (indigenous people), forest dwellers and other marginalized communities of their livelihoods and basic resources.

The process of identification and allotment has been carried out entirely by district authorities, without consultation with local communities. In the process, such laws as the Forest Rights Act and the PESA Act have been grossly violated.

Resistance and protests by those affected have impeded the production targets in both States. In Rajasthan, for example, some villagers planted jatropha by day to receive wages from the government, and then uprooted the seedlings by night to reclaim the land for their own use.

Despite a general slowdown in the biofuel program in these two states in recent years, neither the Central nor State governments have shown signs of responding to the resistance of affected communities. The mis-classification of "wasteland" remains on the records; even if it is not used for biofuels, the same classification can be invoked for other purposes.



## Polavaram Dam in Andhra Pradesh

The Polavaram project in the State of Andhra Pradesh is one of India's largest dam projects. Under consideration for over 70 years, the project involves a large dam on the river Godavari (India's second largest river) and a linked canal network, with the stated aim of irrigating agricultural lands in the area.

If built, the dam will submerge an estimated 276 villages across three districts in Andhra Pradesh, along with 27 other villages in Chhattisgarh and Odisha. As per the 2001 census, 237,000 people will be displaced by the dam; more than half of those displaced will be adivasis (indigenous communities). A similar if not larger number of people will be affected outside the submergence area as a result of loss of livelihoods and access to land. More than 45 percent of the land to be submerged is either village common lands (including pasture) or forest.

Though the Forest Rights Act requires that any diversion of forest land be preceded by completion of the rights recognition process, the Central government granted final forest clearance to the dam in July 2010 on the basis of a one line assurance from the Andhra Pradesh government that "there are no forest rights that need to be settled...in the project area." This statement was undermined by the fact that in other parts of these three districts, despite flawed implementation, community and individual forest rights had been recognized under the Act. (Over 350,000 hectares was recognized as community land; 160,000 hectares was recognized as forest.)

The Central government also did not honor the requirement to gain consent from the gram sabhas (village councils) before the diversion of forest land. Similarly, the Andhra Pradesh government subverted the provisions of the PESA Act by consulting higher bodies (the mandal panchayats) instead of village assemblies before acquiring private land.

As mandatory rules on public hearings were not complied with, the National Environment Appellate Authority struck down the dam's environmental clearance in 2011; the State government won a stay order from the Andhra Pradesh High Court on this judgment, allowing them to go ahead. However, the Environment Ministry at the Centre has requested the Andhra Pradesh government not to proceed with construction until questions about the environment clearance are settled. Petitions against the dam are pending before the High Court and the Supreme Court.

Meanwhile, allegations of corruption in the tender process have surfaced and led to a cancellation of tenders by the High Court in February 2012.



## Wind Turbines in Andhra Pradesh

Though historically an area of dense forest, the Anantapur District of Andhra Pradesh is today an arid zone with only 2 percent forest cover and persistent drought. Under such conditions, a group known as the Timbaktu Collective undertook eco-restoration of forest and common lands starting in 1990. They focused their initial efforts on a 32-acre patch of land; later, their work covered approximately 100 villages in the surrounding area.

In seven villages of the Chennethapalli and Roddam mandals (sub-districts), the collective has worked since 1992 to restore an area of around 3,400 hectares known as Kalpavalli. The collective transformed the once barren, stony and dusty Kalpavalli landscape into a mixture of deciduous forest and grasslands with a network of community wells. Wildlife has returned to the area.

The land is now used extensively by the surrounding villages as pasture land, for the collection of minor forest produce and fuelwood, and for water storage and distribution.

On revenue records, however, the land continued to be recorded as "unassessed waste" (a part may also have been declared to be forest land, though the records on this are not fully clear). On this basis, the State government allocated 28 hectares of land in 2004 to the wind energy company Enercon to construct 48 wind turbines.

The company went on to use almost 80 hectares of additional land for 40 kilometers of roads. Though the area of land may seem small, it is in scattered patches, and the company has cut into the tops of almost every hillock in the area for turbine construction; it has also build roads on the hillocks.

Trees have been felled, grasslands cleared and slopes destroyed; an estimated 400,000 liters of water have also been used from the local wells and streams (not including future water for cooling). As a result, cattle are unable to move for grazing (with the slopes cut off by roads), regenerated soil has been damaged, and water supplies are diminishing from overuse, reduced catchment areas and the dumping of rubble.

It is expected that in future, land near the turbines will be cordoned off for safety. This loss of land, water and pasture will seriously impact livelihoods in the area. The continuous noise of the turbines is also expected to have an impact on people's health, as it has in other parts of the world.

The state made no attempt to consult communities regarding use of the common lands, and Enercon has disowned an agreement signed by its lawyer with the Timbaktu Collective. The Collective is continuing its fight to stop the expansion of the wind energy project, including by exploring legal options.

