

The Naxalism a Catastrophe for Indian Politics: A Study with Reference to Land Acquisition Law and Food Security in India

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ABSTRACT

The Indian politics is facing Naxalism movement as a catastrophe to the election system. Whenever there is any election in naxlaite area there is always a problem of boycott of the election. There are many causes for the eruption of the Naxlism movement in India. Among those causes the land acquisition by the government and hunger problem in tribal are the most viable causes. The tribes are very emotionally attached towards their land and treat it as their mother. Their land is not only a source of livelihood for the tribes but it is also a prominent source of food. There is unquestionable close nexus between land and food. The deprivation from the land causes double assault on the life of tribes. The tribes find them cheated by the government which helps the naxilite movement to gain the momentum. In order to minimize the resentment in land acquisition procedure and hunger problem the government of India has passed the two major legislation in year 2013 named as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and The Food Security Act, 2013. Recently the new government in centre has brought an ordinance on the Land Acquisition to amend the newly born Land Acquisition which catches eyes of criticisms.

The first part this paper will highlight the problem of naxlism and its root causes. The second part will try to understand the relationship between land acquisition and food security and how it gives the momentum to naxilism. The third part of this paper will analyze the main provisions of new land acquisition Act and Food Security Act. In the last part the authors will explore how this new ordinance on land acquisition may prove a good favor for naxalism movement and fatal to our election system with the concluding remarks.

KEY WORDS: Naxlism, Land Acquisition, Tribes, Food InSecurity, Marginalized Groups, Hunger.

Introduction

The Maoist conflict in India has existed for more than 40 years (since 1967). However, it has seen a

terrifying increase in proportions only in the last decade In fact, it has been identified as "the single

biggest security challenge to the Indian state" by Dr. Manmohan Singh, the Prime Minister of India. Indeed such a conflict if not tackled on a timely and efficient manner, could have enormous negative socio-economic consequences. Such violence often leads to the destruction of existing infrastructure and discourages investment, apart from the loss in human capital.¹

The Naxalism is most serious threat after the terrorism for the peace and security of India. The red corridors as popularly known as naxalite affected area have a parallel government in naxalite hit area. The rule of law of government is not working there. The rule made by naxalite is working in that area. This is an open challenge to the Indian government. There are numerous unlawful activities had happened in the past. Earlier the naxalism movement started as the voice against the unjust acts of the State but later on it became a movement for unlawful acts for unjust causes. They do blast the railway track, landslide bombing, fatal attack on police and central forces, murders of innocent people, called the bandh, boycott of the local or assembly or parliamentary elections etc. The Naxal Management Division of Ministry of Home Affairs has showed that 1591 incident has been reported in the year 2008. 231 casualties in security forces happened in year 2008. Only 191 naxalites have been killed in year 2008².

When the naxalites boycott the elections it is most serious threat to our political system. Voting rights is part of the freedom of speech and expression³

guaranteed under the Constitution. Indian politics is based on the democratic principles which mean people have the right to choose their government through vote. Where the people are not able to exercise their voting rights it will be a huge bolt on the Indian politics. It will frustrate the Indian politics and its future. The killings of leader of political parties also a peril for the Indian politics⁴. There is no any doubt in the statement made by the former Prime Minister ManMohan Singh that naxalism is biggest security threat to the nation.

The Naxalite movements are currently active in an area that stretches from Bihar, at the

Nepalese border to the Southern states of Tamil Nadu and Kerala. The core area is called red corridor comprising Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, Uttar Pradesh and West Bengal. Within that territory certain districts are under firm control of the Maoists, in other parts of the respective region their influence is less. The most affected territory is situated in the triangle of the bordering regions of northern Andhra Pradesh, western Maharashtra and the South of Chhattisgarh and Orissa. This area stretches over 400 sq km and is largely cut off the states power. Figures concerning the controlled respectively affected areas vary. The Indian Ministry of Home Affairs puts the number at 223 districts in 20 states, covering an area of 40,000 sq in total with a combined population of 2.5 million inhabitants.⁵

Factors responsible for Naxalism

The Naxalites receive most support from Dalits and Adivasis. Together they amount for one fourth of

¹ The Political Economy of the Maoist Conict in India: An Empirical Analysis; A Preliminary Draft by Joseph Flavian Gomes

² This information can be seen from the website of ministry of home affairs. From year 2004 to 2008 total 7806 incident took place. The total causalities of security forces reached to 877 from 2004 to 2008. Total 1225 naxalities have been killed during this period.

³ Article 19(1)(a) of the Indian Constitution guarantees fundamental right to freedom of speech and expression. A three bench of Hono'ble Supreme Court in a landmark judgment in Union of India vs Association for Democratic Reforms held that right to vote is a fundamental right.

⁴ In year 2014, the naxalites has killed the congress leader Vidyacharn Shukla and Mahendra Karma any many more leaders through bomb blast.

⁵ Bendfeldt Lennart " Naxalism: The Maoist Challenge to the Indian State", HBF intern, July 2010 available at http://in.boell.org/sites/default/files/downloads/Naxalism__The_Maoist_Challenge_to_the_Indian_State__by_Lennart_Bendfeldt.pdf April 22, 2015 at 12.00 a.m.

India's population; most of them live in rural India. Their causes for supporting the violent movement are manifold.⁶ The factors or the causes behind the uprising of the naxalism movement can be under the following heads: (1) Land rights; (2) Minimum wages; (3) Common property resources; (4) Housing; (5) Poverty; (6) Food Insecurity; (7) Literacy; (8) Health; (9) Social Exclusion; (10) Forest rights etc.

If we see the above there may be many more factors which are not included in the above heads. The basic cause for the uprising of Naxalism movement was the land rights and property rights with the growth of the time more factors also contributed in the growth of Naxalism movement. Among this food insecurity is also a prime ground for this movement. The poverty has also helped much. The land and food has a close nexus in the agrarian country like India.

The expansion of the Maoist' influence must be seen in the light of persisting poverty and malnutrition as well as huge income disparities in several parts of India. Although India is nowadays seen by many commentators as an aspiring power in the world.⁷ The poverty rate in the in rural areas of the other most affected states, Orissa and Bihar, is among the world's most extreme.⁸ In addition, referring to estimations from the Indian government, 456 million people, i.e. around 42% of India's total population, lives under the global poverty line. One third of the global poor lives in India, 75% in rural areas.⁹

Land Appropriations

Land related factors, Displacement & Forced evictions, Livelihood, Social Oppression. Land rights are indeed one of the most important issues taken

up by the Naxalites: *Khet par adhikar ke liye ladho, desh mai janwad ke liye badho* (Fight for land rights, March towards democracy in the country - Liberation (a Naxalite group slogan).

The alienation of tribal land takes place both by the non-tribals and the state. As per official reports, 3.75 lakh cases of alienation of tribal land by the non-tribals have been registered for restoration, covering 8.5 lakh acres of land which is a small fraction of the area of land actually alienated. Of these, only in 1.62 lakh cases, the claims were decided in favour of the tribals covering an area of 4.47 lakh acres while 1.55 lakh cases covering an area of 3.63 lakh acres have been rejected by the revenue courts on various grounds. The Expert Group on Prevention of Alienation of Tribal Land and its Restoration has noted that there were serious procedure and practice related anomalies in disposal of cases. The scale of pendency (for more than 10 years) was quite large. Huge expenses were incurred and time spent by the tribals in fighting cases which left them impoverished. In the cases rejected, the tribal's claim was dismissed on flimsy grounds. The restoration courts, according to the group, 'appear no better than 'Kangaroo Courts' with sheets of justice weighted heavily in favour of the non-tribals and large scale corruption everywhere. Even when case was decided in favour of the tribals, there was endless agony and even despair in getting possessions delivered. Besides, in overwhelmingly large number of cases, where land was restored, the adversary party went in appeal thereby negating the restoration order'. The expert group found, therefore, the figures of restoration unworthy of reliance.

But this is not the only dimension of their misery caused by deprivation of land. Much greater alienation of land takes place through compulsory acquisition by the government for development projects. This has made the tribals increasingly landless and displaced them from habitat, livelihood and environment as well without any rehabilitation. The tribals have faced the brunt of this development induced displacement. They constitute more than

⁶ Bendfeldt Lennart " Naxalism: The Maoist Challenge to the Indian State", HBF intern, July 2010 available at http://in.boell.org/sites/default/files/downloads/Naxalism__The_Maoist_Challenge_to_the_Indian_State__by_Lennart_Bendfeldt.pdf April 22, 2015 at 12.00 a.m.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

40% of the approximately 60 million displaced persons between 1947 and 2000. The 3/4th of the displaced tribals have not received even a minimum of rehabilitation. It is significant that the naxalite movement has taken roots in precisely those states where there has already been large scale displacement of the tribals. Yet the future is more ominous for the tribes as more extensive land acquisition is in the pipeline since the areas they inhabit are rich in natural resources. This has been the most potent cause of their disaffection and alienation from the state. Yet the proposed amendments to the law of acquisition and reformulation of the policy of rehabilitation make no commitment to stop acquisition of the tribal land or even to reduce it. This happens despite the Supreme Court judgment in the Samtha case¹⁰. In this case, the Supreme court clarified that “the object of the Fifth and Sixth Schedule is not only to prevent acquisition but also to ensure that tribals remain in possession and enjoyment of lands in Scheduled Areas for their economic empowerment, social status and dignity of their person: The Constitution intends that land always should remain with the tribals. Even the government land should increasingly get allotted to them individually and collectively”. The response of the government to this judgment has been negative.¹¹

Besides the formal alienation of land through encroachment and fraud or through acquisition by the government or by way of survey

¹⁰ Samatha vs. State Of Andhra Pradesh And Ors. This judgement was pronounced on 11 July 1997. The bench was comprised with K. Ramaswamy, S. Saghir Ahmad, G.B. Pattanaik JJ. The Supreme Court has said hazardous industries in tribal area will violate Article 21 of the Constitution; the mining leases within the tribal areas must also be annulled. As the mining activities pollutes the tribal atmosphere, natural flora and fauna of the area and becomes hazardous to the human life within the tribal area, the said activities must be stopped.

¹¹ Root causes of Naxalism :How a person becomes a naxalite ? at p. 13 Available at http://webcache.googleusercontent.com/search?q=cach e:ai1EIM9KKQAJ:csdindia.org/documents/root-causes-of-naxalism/at_download/file+&cd=1&hl=en&ct=clnk&gl=in

and settlement operations, the tribals also lose land when there is large scale migration of the non-tribals to the area where they reside. This generally happens when some development projects are located there. The non-tribals who are more cunning create such pressures that tribals are either forced to transfer their land cheaply against the provisions of law or migrate from the area out of fear. They get little help from the administration against forces which unleash such pressures. This phenomenon is known as secondary displacement which remains invisible in the public policy discourse and is not even considered for compensation or rehabilitation of the persons so displaced. They are also demographically overwhelmed which disempowers them in numerous other ways which leads to the loss of identity as well.¹²

Moreover these affected states show a high record on crimes that are committed against the neglected groups as well as displacement due to economic and development projects. In fact 80% of the total displaced persons within the period of 1947 – 2000 were tribals. A large number of tribals were not regarded by state services as well as governmental development projects.¹³

Ekta Parishad, a grass-roots movement that has been advocating for the rights of the landless and the poorest in India for almost 25 years, has called for a structural change that prioritizes the right to land and access to natural resources for marginalized small-scale farmers. Ekta Parishad understands the right to land as a minimum of 10 decimals of land (approx. 405 m²) for each shelterless rural poor and a minimum of one hectare of agricultural land for each rural landless poor. There is increasing consensus on the principle of interdependence between food and land among right to food activists as well.¹⁴

¹² Ibid.

¹³ Ibid.

¹⁴ The Right to Land in India: The Key to Food Security by Marie Bohner published in Right to Food and Nutrition Watch 2014 at p. 66. Available at <http://www.fian.org/fileadmin/media/publications/R t F>

In October 2012, around 50,000 landless, deprived and marginalized people demanded their right to land by assembling with Ekta Parishad in the city of Gwalior, for the one-month March for Justice "Jan Satyagraha" to Delhi. The march was concluded when the Minister for Rural Development met with the marchers on 11 October in Agra to sign a 10-point agreement, including a National Land Reform Policy (NLRP).¹⁵ The former Union Minister for Rural Development Jairam Ramesh also acknowledged that forcible land acquisition by PSUs led to Naxal problem¹⁶. So there is need to check what is wrong in the land appropriation laws.

The Land Appropriation Law

India had a British Colonial period land acquisition law. It was very much controversial for many reasons. There was provision for the compensation but the amount of the compensation was not adequate for the farmers, tribes and land owners. The poor and less land holding people were most sufferer because they get very less amount of compensation which were helping the Naxlite to motivate the people to take part in the Naxalism movement in India. The most affected part of India which is affected by the naxalism is tribal area where the India has very rich natural resources. It is very easy for the naxalites to tell the tribes that government is cultivating much money on their land and paying them a very nominal part of the profit.

There was no provision for the rehabilitation and resettlement of the displaced people. The land lost people find themselves as

[a N Watch 2014 eng.pdf](#) accessed on April 20, 2015 at 13:39 A.M.

¹⁵ Ibid. at p. 67.

¹⁶ The Hindu, September 9, 2013. Available at <http://www.thehindu.com/news/national/jairam-forcible-land-acquisition-by-psus-led-to-naxal-problem/article5107234.ece> accessed on April 20, 2015 at 2:05 A.M.

destitute who have no roof over their heads. The right to shelter¹⁷ as fundamental rights,¹⁸ which has been declared by the apex court of India. It also enables the Naxalites to motivate the poor people who are mostly uneducated to be a part of the Naxalism movement to get the justice from the state and central governments.

The loss of the land is not only the property loss for them but it is also a loss of livelihood for the poor people because the tribes and poor people are much depended for the livelihood on their land and forest. The right to livelihood is also a fundamental right¹⁹. The people have not only attached with their land for property reasons but also they are emotionally attached with their land because they inherit their lands from their forefathers. They have certain rituals which are associated with their land.

The farm land labourers do not get the compensation because they do not own any piece of land.

Keeping in the eyes the above issues the Union Government has passed a new land acquisition law by replacing old land acquisition act 1894. The Act has tried to resolve those issues which were helping the Naxlites to pace their movement like there was no any consultation before the acquisition of the land, the compensation amount where not adequate, no provision for the rehabilitation and resettlement for the displaced people etc. in the old land acquisition law of 1894. The new land acquisition law passed by Parliament and signed by

¹⁷ Chameli Singh vs State of U.P. (1996)2 SCC 549, it has been held that the right to shelter is a fundamental right under Art.21 of the Constitution.

¹⁸ Fundamental rights were deemed essential to protect the rights and liberties of the people against the encroachment of the power delegated by them to their Government. They are limitations upon all the powers of the Government, legislative as well as executive and they are essential for the preservation of public and private rights.

¹⁹ Olga Tellis vs. Bombay Municipal Corporation (1985)3 SCC 545, a five judge bench of the court has ruled that the word 'life' in Article 21 includes the right to livelihood also.

President has attempted to make a balance between the controversial issues in the land acquisition procedures. We need to see the salient provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013²⁰.

Salient features of LARR Act, 2013

1. The new Act has incorporated a wider definition of "affected family"²¹ to cover specially STs and other traditional forest dwellers and landless labourer.
2. The amount of compensation has been hiked to four times for rural area land and two times for urban area.
3. There is a provision for social impact assessment²² which at least help the people to take part in the land acquisition as right to be heard as the basic principle of principal of natural justice. It will reduce the chance of ex-parte decisions in land appropriation matters.
4. There is provision for the rehabilitation and resettlement (R&R)²³ for the displaced people which was the most neglected part of the land acquisition procedure. The good thing is that R&R will commence first before the land acquisition procedures.
5. The government will not apply its Eminent Domain²⁴ power for the private companies. The country has witnessed the misuse of such land appropriation and its effect. The

²⁰ This Act has received the assent by the President of India on 26th September, 2013. It came into force on 1st January 2014.

²¹ Section 3 (c) of LARR Act 2013.

²² Chapter II (Ss. 4-9) of the LARR Act 2013.

²³ Chapter v (Ss. 31-42), Chapter VI (Ss.43-47), Chapter VII (Ss.48-50), Chapter VIII (Ss.51-74) of the LARR Act 2013.

²⁴ Doctrine of Eminent Domain means the State has the absolute power to acquire the land for public purpose by paying the just compensation to the people who are living within the domain of the State.

private companies have to negotiate them for the land acquisition.

Overall the new land acquisition law is looking good with a promising character. There are still some if & but in the legal provisions of the LARR Act, 2013. The newly elected government at the Centre has brought some amendments in the LARR Act, 2013 through an Ordinance²⁵.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014²⁶

This Ordinance has raised the eyebrows of farmers, tribal and poor people who will be affected by the land acquisition law. There are the following reasons for the protest of this Ordinance:

1. This LARR Ordinance, 2014 has substituted the word "private company" by the word "private entity"²⁷ wherever they occur in the LARR Act, 2013²⁸. The word private entity is much wider and vague in comparison to the private company. It

²⁵ Article 123 of the Constitution of India has the provision for ordinance when the parliament is not in the session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

²⁶ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 is passed on 31 December 2014 and came into force at once.

²⁷ This ordinance inserted a new definition through section 3(yy) which defines the private entity. It says "private entity" means any entity other than a Government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organization or other entity under any law for the time being in force.

²⁸ Section 2 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014.

means all the act of private group will be covered under this LARR Act, 2013 which help to more land acquisition for the private persons and group. The word private company is well defined in the Companies Act, 2013. The definition of private entity is not certain and it is much vague.²⁹

2. This Ordinance amended the section 2(1)(b)(i) and includes the “private hospitals, private educational institutions”³⁰ within the infrastructure projects. It opens the gate for the misuse of the land acquisition for the private purpose. This will send a message of resentment in the tribal and poor land owners who give their land for public purpose. It will definitely help naxalite to get the support of the people.
3. The section 3 of the ordinance also removes the provisions for the consent of the 70% of affected people in the public private partnership projects³¹. It means again people have to go for the protest and violence to keep their thoughts before the authorities.
4. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 has inserted a new Chapter IIIA after Chapter III. The title of this new inserted chapter IIIA is “provisions of chapter II and chapter III not apply to certain projects”. This chapter contains a list of certain projects upon which the provision of social impact assessment and safeguard food security will not be applicable. The new inserted section

10A³² under this chapter contain projects like “affordable housing³³”, “industrial corridors³⁴” which is most controversial. It gives a message the government want to reap benefit for the private purposes because what is affordable housing and what will be the industrial corridors it is very relative and cannot be easily defined.

5. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 has reduced the impact of section 10³⁵ of the LARR Act, 2013 which has the provisions for the safeguard of food security. This way it will decrease the multi-crop agricultural land in agricultural belt of India. It will help the naxalites to get the momentum in other parts of India which is not affected by naxalism movement. One the government has the legislation on the Food Security and ‘one drop more crop’ like scheme and other

³² Section 10A of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 includes “such projects vital to national security or defence of India and every part thereof, including preparation for defence; or defence production; rural infrastructure including electrification; affordable housing and housing for the poor people; industrial corridors; and infrastructure and social infrastructure projects including public private partnership where the ownership of land continues to vest with the government”.

³³ Section 10A (c) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014.

³⁴ Section 10A (d) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014.

³⁵ Chapter III of the LARR Act, 2013 contains a single section. Section 10 says about the special provision to safeguard food security. This is a provision made in the context of guaranteeing food under Food Security Act, 2013. This section further provides that in case such double crop wet land is acquired, the government shall see to it that equivalent land of similar nature is brought under cultivation.

²⁹ Supra note 24.

³⁰ Section 3 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014.

³¹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 has inserted a new section in the LARR Act which contains list of certain projects which are exempted from the social impact assessment and special provision to safeguard food security.

side multi-crop land grabbing legislation it is quite oblivious contradistinction between the policies of the government.

Food Insecurity

India has 120th rank among 128 countries with 17.8 GHI³⁶ scores according to Global hunger index 2104. It shows the position of India in the world at nutrition level. India need to do a lot of work on it. India has among the highest prevalence of stunting in the world, and represents 38 per cent of the global burden of chronic under-nutrition. Over 6 million children around the world and under the age of five die each year, and approximately 165 million children have stunted growth, jeopardizing subsequent physical as well as cognitive development.³⁷

Dalits and tribes are most affected by the naxalism movement because they are the most vulnerable class of the Indian society. Both the dalits and tribals suffer from acute food deficiency but the tribals face it far more than the dalits. As per official data, nearly 1% of the tribal households do not have sufficient food in any month of the year while nearly 3% of the households face food shortage for some months in a year which is an underestimate. The food insufficiency affects 6% of the tribal households while the level is 4-5% in the case of dalits. In either case, it is far higher when compared to the other groups. Nearly 71.6% of tribal households are food deficit for 2-3 months and

³⁶ The Global Hunger Index (GHI) is a tool designed to comprehensively measure and track hunger globally and by region and country. It highlights successes and failures in hunger reduction and provides insights into the drivers of hunger and nutrition insecurity. Calculated each year by the International Food Policy Research Institute (IFPRI), the GHI is designed to raise awareness and understanding of regional and country differences. GHI combines three equally weighted indicators into one index: 1.

Undernourishment; 2. Child underweight.

³⁷ Published on *The Asian Age* (<http://www.asianage.com>) on 20 Nov 2014 - 00:00

5% for six months and above. The incidence of starvation deaths, characteristic of extreme impoverishment, is the highest in the tribal areas where families are forced to sell their children for survival. Hunger is also the greatest cause of indebtedness among the tribes as they borrow money for consumption at very high rates of interest during the lean agricultural season when there is no employment.³⁸

A colossal 88 percent of tribal households residing in these naxalite prone villages are below poverty line. 54.32 percent of tribal families even survive with one square meal a day. Their per capita income is so low that majority of them cannot afford two square meal a day.

Therefore, malnutrition is severe among these tribals. Neither they have nor can they afford nutrition food and the protein. They rarely consume fish, egg, meat, milk and only seen having them during festival or when they have some additional income. This reveals that a colossal number of them are below the level of sustainable livelihood. Food security in general and nutritional security in particular is in a deplorable state in naxalite prone villages.³⁹ This may be one of the reasons for revolt against the feudal system and state establishments.

The socio-economic conditions of the tribal people residing in naxalite prone villages clearly indicate that the naxalism is an upshot of deprivation. It can be unmistakably said that there is

³⁸ Root causes of Naxalism :How a person becomes a naxalite ? Available at

http://webcache.googleusercontent.com/search?q=cache:ai1EIM9KKQAJ:csdindia.org/documents/root-causes-of-naxalism/at_download/file+&cd=1&hl=en&ct=clnk&gl=in

³⁹ Kiran Dung Dung, B. K. Pattanaik LIVES AND LIVELIHOOD OF TRIBALS IN NAXALITE AFFECTED

VILLAGES: A STUDY IN SUNDARGARH DISTRICT OF ODISHA ASIAN JOURNAL OF SOCIAL SCIENCES & HUMANITIES Vol.

2 No. 4 November 2013. It can be accessed at

<http://www.ajssh.leena-luna.co.jp/AJSSHPDFs/Vol.2%284%29/AJSSH2013%282.4-10%29.pdf>

prevalence of naxalism in these areas because these is no development. Underdevelopment, traditionalism and physical detachment from the mainstream has promoted growth of naxalism in these areas.⁴⁰

Undernourishment refers to food intake that is insufficient to meet dietary energy requirements for an active and healthy life. About 805 million people are estimated to be chronically undernourished in 2012–14. This number has fallen by 100 million over the last decade, and by 209 million since 1990-92. Despite progress, the number is still high, and marked differences across regions persist. Latin America and the Caribbean have made the greatest overall progress, with modest progress in sub-Saharan Africa and Western Asia, which have been afflicted by natural disasters and conflict.⁴¹ According to the Food and Nutrition in Numbers 2014 India has 200 million people undernourishment.⁴² India has 25-35% prevalence of people undernourishment.⁴³ India has also have 60.9% prevalence of anemia among children less than 5 years of age.⁴⁴

The Supreme Court of India in PUCL vs. Union of India⁴⁵ has held that the people who are starving because of their inability to purchase food grains have right to get food under Art. 21 and therefore they ought to be provided the same free of cost by the States out of surplus stock lying with the State particularly when it is unused and rotting. Though the country has such judgment but still the foods are rotting in government warehouses.

The National Food Security Act (NFSA) gives an entitlement to India's malnourished, which is a step in the fight against hunger in India. The NFSA

does not tackle the real root cause of hunger in India—the lack of secure access to land and natural resources for the rural poor. Almost 70% of India's population lives in rural areas, and up to half of rural households are estimated to be absolutely or nearly landless. In such a context, the NFSA makes India's landless citizens appear as mere beneficiaries of benevolent government policies. However, these marginalized populations are made largely dependent on the NFSA and other government schemes to access food, while at the same time face being evicted from their lands. The fragile situation of land and tenure rights threatens the food security of rural households, especially farmers, thereby disempowering them and infringing upon their right to a dignified life.⁴⁶

As Biraj Patnaik from the Right to Food Campaign India rightly put it, "[a] right to food legislation that does not factor in production issues directly, has no relief for farmers, especially small holders, in a country where more than a quarter of a million farmers have committed suicide since 1996, is completely unacceptable".⁴⁷

Salient Features of National Food Security Act⁴⁸ (NFSA)

1. The object of NFSA to ensure access to adequate quantity of quality food at affordable prices to people to live a life with dignity.
2. It defines the foodgrains which means rice, wheat or coarse grains or any combination thereof.⁴⁹

⁴⁶ The Right to Land in India: The Key to Food Security by Marie Bohner published in Right to Food and Nutrition Watch 2014 at p. 66.

It can be accessed at

[http://www.fian.org/fileadmin/media/publications/R t F a N Watch 2014 eng.pdf](http://www.fian.org/fileadmin/media/publications/R_t_F_a_N_Watch_2014_eng.pdf)

⁴⁷ Ibid.

⁴⁸ The National Food Security Act received the assent of the President of India on the 10th September, 2013.

⁴⁰ Ibid.

⁴¹ Food and Nutrition in Numbers 2014 a report published by Food and Agriculture Organization of the United Nations, Rome, 2014 at p. 11

⁴² Ibid.

⁴³ Ibid. at p. 12

⁴⁴ Ibid. at p. 14

⁴⁵ 2000(5) SCALE

3. It has provisions for five kilogram of food grains per person per month at subsidized rates.⁵⁰
4. All the public distribution system related records shall be placed in the public domain and kept open for inspection to public.⁵¹
5. There is provision for social audit⁵² on the functioning of fair price shops⁵³.
6. There is special provision for food security for people living in remote, hilly and tribal areas⁵⁴.
5. The ration card should be registered on the name of female of the household⁵⁸.
6. There should be special provisions for food security in case of disaster and emergency situation.⁵⁹

Conclusion

No doubt, this food security Act is a good legislative attempt to provide the food to the poor, tribal, hilly area and remote area. There are few lacuna is still prevailing which are illustrated below:

1. The price of pulse and sugar are much high than the rice and wheat, it should be also included within the definition of foodgrain.
2. The iodine salt⁵⁵ should also be covered under the NFSA, 2013.
3. The provisions for food for homeless, destitute, migrant people should also included in NFSA, 2013⁵⁶.
4. There should be provision for immediate relief in case of hunger⁵⁷ under NFSA, 2013.

There is no question that India is concerned about the amount of food it has to produce to feed its own population. However, food and land issues should not be considered separately. For instance, the NFSB cannot ensure food security in a sustainable way (especially within the context of increasing land grabs and declining natural resources). The inappropriate land acquisition is causing very much resentment among the people specially the tribes. Tribes are most vulnerable affected because they are totally dependent on their land and forest produce to feed their families. The loss of the land put them as destitute in the country. They start to agitate against the land acquisition. The action against the tribes by the government also increases the level of resentment among the tribes. Sometimes the actions by the government become violent against the agitation and it results into loss of lives and property. The naxalities get the benefit of this situation and play the role with sympathy and took the tribes into the naxalites movement and become the anti-state people, which is really a catastrophe for Indian politics. So to reduce this situation we need more humane land appropriation law and with good execution of food security law.

⁴⁹ Section 2(5) of NFSA, 2013.

⁵⁰ Section 3 of NFSA, 2013.

⁵¹ Section 27 of NFSA, 2013.

⁵² Section 28 of NFSA, 2013.

⁵³ Fair price shop has been defined under section 2(4) of NFSA, 2013.

⁵⁴ Section 30 of NFSA, 2013. The Central Government and State Government shall, while implementing the provisions of this Act and the Schemes give special focus to remote area, hilly people and tribal areas.

⁵⁵ The Union Government and State Government are advertising about the importance of iodine salt and effect of its deficiency though it is not included NFSA, 2013.

⁵⁶ Chapter III of The Chhatisgarh (section 8) Food Security Act, 2012 has the provisions for homeless, destitute, and migrant people.

⁵⁷ Chapter IV (Ss. 10-12) of the Chhatisgarh Food Security Act, 2012 has the provision for immediate relief in case of hunger.

⁵⁸ Chapter VIII (Section 17) of the Chhatisgarh Food Security Act, 2012 has the provisions for the registration of ration card on the name of women who are above the 18 year old.

⁵⁹ Chapter III of The Chhatisgarh (section 9) Food Security Act, 2012 has the provision for food security in disaster situation and emergency situation.

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