

# When laws are bent to grab land from the poor and marginalized in India

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## INTRODUCTION<sup>1</sup>

In recent years, wealthy food-importing countries and private investors have begun acquiring farmlands overseas for the large-scale production of food, biofuel, livestock and other products.

In Asia, these land acquisitions have been primarily led by rich Arab Gulf States and East Asian countries.

While there are no central databases or detailed statistics to gauge exactly how big the problem is, a World Bank report in 2011 found land demand to be “enormous” and identified large-scale

farmland deals covering 56 million hectares in less than a year.

This new wave of land investments has two new features: one, they are much larger in scale, and two, they are spearheaded by more government-led investments.

The combination of agrarian and financial crises in 2007 to 2008 triggered this large wave, particularly with investors requiring new avenues of asset acquisitions.

This new wave is also argued to be different from past foreign and domestic investment waves in that it seeks resources (land, water) rather than commodities and markets; it seeks production for repatriation rather than for commercial export; and it involves actual production rather than joint ventures or contract farming.

What we call **land grabbing** has been pursued through very legal and legitimate appellations – Special Economic Zones (SEZs), Food and Barn

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<sup>1</sup> Mainly lifted from “The rush for Asia’s farmland and its impact on land rights and tenure security for the rural poor” written by Antonio “Tony” Quizon. It is based on a reflection paper of Tony which was edited for the “South Asia Regional Workshop on Human Rights, People’s Right to Land and Food” held on 4-5 April 2012 in Dhaka, Bangladesh. The original reflection paper was written following an earlier regional workshop on the theme of “Public-Private Partnerships for Land Investments” held on 6-7 June 2011 in Bangkok, Thailand. Published by ANGO in *Lok Niti*, April 2012. See <https://angoc.org/portal/lokniti-on-land-grabbing-changing-the-terrain-of-land-tenure/>



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Energy Projects, Projects under the Framework Agreement on Comprehensive Cooperation between the People's Republic of China and the Association of Southeast Asian Nations, Joint Venture Corporations, and the like.

While this phenomenon of resource grabbing is not new for indigenous peoples, and deprivation and violation of their land rights has remained a reality for the last few decades, this latest global rush towards land has had a particularly intensified negative impact on rights of communities, given the scale of appropriation and displacement.

Indigenous peoples (including local communities, fishing communities, pastoralists, among others) are particularly vulnerable because of their lack of access to formal titling and also the arbitrary descriptions of their land as "unproductive" and of "marginal use," thus more easily expropriated.

### ***Methodology, scope, and limitations of this study***

The analysis is mainly presented through secondary data and reports, but we highlight key trends through two cases that illustrate land grab and the resulting dislocation of indigenous people - one is in district Sonbhadra, State of Uttar Pradesh while the second is from Telangana in the Southern part of India.

The biggest limitation of this study is the inability to directly reach out to the affected groups because of COVID-19 restrictions. Despite this situation, discussions with activists in the field were held to corroborate the major findings.

### **SECTORAL OVERVIEW: LEGISLATION PROTECTING RIGHTS OF ADIVASIS**

The Indian Constitution provides several protective frameworks for the *Dalits* and the *Adivasis* (in legal terms, referred to as the Scheduled Castes/SCs and Scheduled Tribes/STs).

As per the 2011 Census of India, 8.6 percent of the Indian population are *adivasis*. Around 705 groups are bestowed with the official recognition of ST; however, there are several other groups who do not get covered under its ambit. These groups are concentrated in the north-eastern States as well as central parts of India (IWGIA, 2020).

In particular, the Constitution made provisions for the protection of *adivasis* in forest areas. Such areas are termed as Scheduled Areas, where any work in the pursuit of "development" must have the consent of the *Adivasi Panchayat* (The Constitution of India, Part X, Article 244).

In addition, the Zamindari Abolition Act in 1956 (The Constitution of India, Articles 23, 38, and 39) sought to eliminate big landholdings and distribute them to the poor, particularly the SC-ST communities.

The Constitution has many such provisions to empower groups who have been historically denied justice. For example, land reforms and provisions for forest rights have been enacted for those who live in the forest and rural areas (RRI, 2015).

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***"Both international corporations and national companies have been competing to acquire land, mostly located in the adivasi zones."***

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India has also signed most of the United Nations conventions related to human rights, such as the International Covenant on Civil and Political Rights, Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women, among others, but India still has **not** ratified the International Covenant on Economic, Social and Cultural Rights as well as the UN Declaration on the Rights of Indigenous Peoples.

The main reason is that Indian jurisprudence does not accept the concept of "indigenous peoples" as defined internationally. India finds the concept of "right to self-determination" problematic and a "challenge" to the eminent domain of the State. While India has provided various instruments for autonomy of tribal groups, many of them are now under attack as business and commercial pressure on the government increases.

Commercial pressures on land and forests, stemming from the twin goals of national security and investment for economic development has had a significant negative impact on these communities.

Studies suggest that more than 10 million *adivasis* have been displaced without proper rehabilitation in the last 70 years in India.

Both international corporations and national companies have been competing to acquire land, mostly located in the *adivasi* zones. Thus, despite

the rights guaranteed under various areas of Indian jurisprudence, the government has become an agent for corporate interests, wielding its exceptional power to broker favorable deals for commercial interests.

## **MECHANISMS OF LAND GRABBING AND ITS IMPACT**

The "Land Conflict Watch" report released in 2020 outlined the scale of land conflicts in India (Worsdell and Sambhay, 2020).

Here are some of the key findings:

- On average, at least 10,600 people are affected by an ongoing land conflicts.
- In conflicts involving mining projects, the average number of affected people is higher at 21,300 each.
- The investments in 335 of 703 reported ongoing land conflicts were estimated to be worth Indian Rupees 13.7 trillion (approximately \$185 billion), equivalent to 7.2 percent of India's GDP from 2018 to 2019.
- 2.1 million hectares of land are affected by reported land conflicts, primarily across six sectors (infrastructure, power, conservation and forestry, land use, mining, and industry).
- Infrastructure development and mining projects triggered more than half of the total reported land conflicts in India.
- An estimated 6.5 million people are negatively impacted by the 703 cases covered in the report.
- 27 percent of the cases involve private companies or businesses and 23 percent cases involved inter-community conflicts.
- The majority of conflicts involved "common lands" and are particularly prevalent in tribal-dominated areas.

Ownership of land among *dalits* is low as land ownership rules put them at a disadvantage.



As per the India Land and Livestock Holding Survey, 60 percent of *dalit* households did not own any farmland in 2013, and was particularly low compared to scheduled tribes, other backward classes and general category (Ministry of Statistics and Programme Implementation, 2013).

This is an important issue as landlessness among *dalits* is linked to practices generating from the caste order, reducing their upward mobility by being relegated to jobs earmarked by caste status. Reforms initiated since independence have not reduced this gap because of the lack of political will, thus land conflicts hit them particularly hard.

### ***Simplification of legal procedures in favor of industries***

One of the ways that corporations have been able to acquire land legally is through the amendment of land acquisition rules and labor laws.

For example, in 2020, the Government of Karnataka moved to dilute the Land Reforms Act 1961 through the Karnataka Land Reforms (Amendment) Act 2020, to allow industries to directly buy farm land from farmers.

Other State governments have likewise tried to come up with similar legislation that will scale back the reforms brought about by Land Acquisition Act (LAA) of 2013.

### ***Proposed creation of land banks as a threat to poor communities***

The land banks concept has become popular again in India as the government scrambles for ways to attract fresh investments to cope with the shocks of the COVID-19 pandemic.

In April 2020, Indian authorities sought to put together a pool of land to woo companies that were exiting China. These were concentrated in the States of Gujarat, Maharashtra, Tamil Nadu, Andhra Pradesh, and later, Uttar Pradesh.

The plan is deemed problematic, as governments seeking to attract domestic or international capital may use land banks to sidestep institutional protections for those owning or occupying the land.

### ***Changes in environmental laws and their effects on *adivasis****

Another way by which land acquisition can be made easier is through the revision of environmental impact assessment (EIA) rules, which are supposed to regulate the use of or protect natural resources.


EIA rules have been revised through the years, most recently in 2020.

The 2020 EIA rules, unfortunately, bolster government discretionary powers and reduce public involvement in the approval process.

Projects meant for “national security” were given “strategic” importance and new provisions allow for full clearance of such projects. Waterway and national highway projects have also been exempted from requiring clearance.

The big change is in the provisions for clearance of projects after execution (post-facto clearance) which dilute the “public trust doctrine” (Mazoomdaar, 2020). This will mean fast clearances and the doing away of consultations with people affected by these big projects.





Similarly, the Indian government announced that it would fully open up the commercial coal mining sector to the private sector, and has started this through the auction of 41 coal mines, located in Madhya Pradesh, Chhattisgarh, Odisha, Jharkhand and Maharashtra.

Concerns have been raised that this may lead to loss of forest cover and negative effects on public health due to reduced air quality.

These legal changes show various ways that the State acts to further the interest of the private sector by making it easier to take over land, with little regard for the principles carefully considered while crafting the Constitution and other relevant laws.

## CASE STUDIES

### **Case Study 1: Sonbhadra**

The main case is from Uttar Pradesh State and involves the abuse of land laws by the top officer of the district to illegally transfer land occupied by *adivasis* into a cooperative owned by his father-in-law.

Later, the top district official illegally sold this same piece of land to a local politician who also happened to be the head of the *panchayat*.

On 17 July 2019, the *Panchayat* chief came along with his goons to take control of the approximately 36.4 hectares of disputed land.

The *adivasis* who had been tilling the land for years valiantly resisted. However, they proved to be no match for the personal militia and gunmen who ended up killing 11 Gond *adivasis* and injuring nearly two dozen others.

Such harassment and intimidation of *adivasis*, however, is not an isolated case. Those in power who covet their land take advantage of their “ignorance” of the law to wrest them away from their land.

Sonbhadra is deemed valuable as it is a mineral rich district in Uttar Pradesh State with a big forest cover. It is strategically located, bordering the Indian States of Bihar, Chhattisgarh, Jharkhand and Madhya Pradesh. The district has a substantial *adivasi* presence and has a population of over 1.8 million people.



Justice eludes Sonbhadra *Adivasi* massacre victims and their relatives as the judicial process has yet to start.

Photos by VB Rawat.



### **Sonbhadra: Background of dispute and politician-bureaucrat nexus**

The land in village Umbha that triggered the killings belonged to erstwhile king of Badhar, Anand Brahm Sahoo. After independence and the Zamindari abolition in 1952, the land was transferred to the *Gram Sabha*.

Throughout these transfers, the *adivasis* carried on tilling the land and nobody questioned their authority or the legitimacy of their occupation over the years. Then in 1955, Maheshwari Prasad Sinha, a resident of Bihar's Patna, formed the Adarsh Cooperative Society in Sonbhadra (then a part of Mirjapur district) and connived with the then-Tehsildar to have approximately 160 hectares of land transferred to Adarsh society.

The 1955 file that spells out the details of the land transfer to the Society, however, has gone missing, thus it is impossible to know now how the *panchayat* land ended up with the Adarsh society.

Later, Sinha used the influence of his son-in-law, Prabhat Kumar Mishra, an Indian Administrative Service (IAS) officer, to transfer 148 *bighas* (approximately 37 hectares) of the land in the name of his daughter, i.e. Mishra's wife, Asha Mishra. It is this same land that Yagya Dutt later bought.

However, even as supposed ownership changed hands, the *adivasis* continued to cultivate the land and claimed to have been paying a land tax. They had protested the land ownership transfers but were not heeded.

What happened to the *adivasis* in Sonbhadra is but another example of how the *adivasis* have been betrayed and marginalized since Independence.

It is the narrative of how the elite usurp the lands of the *dalits* and *adivasis* who have been telling them for decades.

This is done by circumventing laws, particularly the Land Ceiling Law.


While the law sought to put a cap on the amount of land that an individual can register or own under his name, the powerful and the elite went against its intentions by registered land in the names of bonded laborers, family members and distant relatives. Others resorted to registering land under fake names, even names of cats and dogs.

But the biggest failure of the Land Ceiling Act was to allow landholdings in the name of "religious trusts", temples, mutts, *gaushalas* (protective shelters of cows), "educational institutions," agricultural institutions as these are exempt from the ownership ceilings.

In Uttar Pradesh, these trusts that come in all forms are led and controlled by those from dominant castes who lead various political camps and religious institutions.

The cumbersome legal processes end up being in the landlords' advantage as they can afford to wait it out, unlike the *adivasis*. Since the courts do not feel compelled to review cases involving violations of the land ceilings act, the cases are almost never resolved.

Moreover, it is not as if Sonbhadra witnessed unrest for the first time in 2019. On the contrary, the *adivasis* are easily targeted whenever they protest to protect their land. Often, the mining and timber forest mafia in the district tend to operate freely with the support of the local and even national authorities.



*Adivasis* do have rights over land and forests but thanks to the cooperation among the local politicians and the dominant castes, the provisions remain only in paper and not implemented to protect their rights.

Because of this, many of the *adivasis* that used to inhabit vast forest land in regions such as Kaimur, Bundelkhand, and Tarai of Uttarakh have been driven out. Authorities and politicians have been able to grab vast tracts of fertile land away from them, taking advantage of the fact that these communities were not given scheduled tribe status.

Thus, the Kols and many other communities of Uttar Pradesh who were a majority in Bundelkhand, Mirjapur as well as in Sonbhadra, lost their legal rights over the forest land.

Such a story is common everywhere including Chhattisgarh and Jharkhand. The resulting changes in the demographics are visible in that non-*adivasis* have been able to secure economic resources as well as political power.

Indeed, the majority of the violence involving *dalits*, *adivasis*, and other marginalized people in India stem from heated land disputes caused by attempts of the dominant castes to grab land belonging to these communities or land that are deemed common property resources in the villages.

Thus, land ceiling laws have to be strengthened to achieve the social justice goals enshrined in the Constitution.

### **The government's findings in Sonbhadra**

The Uttar Pradesh government did initiate welcome moves such as the formation of a committee to look into land fraud in the region.

The Committee investigated the cases of 39 cooperative societies and found that between 1952 and 2019, 10,569 *bighas* of land (approximately 2,651 hectares) were illegally grabbed.

The report of the Committee was submitted to the Chief Minister in January 2020. To date, however, there have been no updates on whether these cases are moving in the courts or in revenue tribunals.

### **The *adivasi* version of the entire episode**

Umbha village *adivasis* are still fighting for justice following the violence unleashed on them on 17 July 2019.

While the police have arrested a number of the accused perpetrators, the case has not progressed significantly. The contested land deal has not yet been quashed though a part of the disputed property was said to have been confiscated, a claim that the locals dispute.

The families are still living in fear as the guilty have not yet been punished. The government had promised that one person from each family who lost a member during the clash would be provided a government job, but so far, not one has been given.

### **Case Study 2: Dam at Polavaram**

In the second case, it is the State itself that is the culprit as it has acquired land in Polavaram, a small town on the bank of the river Godavari, in the name of “national interest” without properly relocating the tribal people who were forced out to give way to the construction of a dam.

Unfortunately for these *adivasi*, the promised benefits from the massive “development” that



will come from the construction of the dam will not go to them, who have to make the biggest sacrifice, but to others.

This particular dam in Polavaram, about 40 kilometers from the historic town of Rajmundry, is aimed at providing water to the Andhra people along the coast.

There are no official estimates available at this time, but some activists believe that the number of people who will be displaced by the dam under construction across the Godavari River will hit nearly half a million.

The area that will be submerged is not just in Andhra Pradesh and Telangana but also Odisha and Chhattisgarh, thus the displacement can only be massive.

Minister for Environment Prakash Javedkar said “276 villages in Andhra Pradesh, four villages in Chhattisgarh and eight villages in Odisha are likely to be submerged.”

Other reports indicate, however, that the displacement will be much bigger.

What is clear is that the *adivasi* resettlement as required under the Forest Rights Act has not yet been completed and yet they are already being displaced from their land, which is in violation of the law.

The problem, however, is that the majority of the affected *adivasis* do not even know that they have such rights under the Act and the officials are taking advantage of their ignorance and they are also being enticed away from their land by giving them false promises.

The Indian Parliament has termed the Polavaram dam as a National Project. However, the people to be affected by it do not know about it, which is a clear violation of the Panchayat Extension to Scheduled Areas (PESA) Act.

This Act mandates the prior approval of the affected *gram sabhas* (primary unit of local government) and grants special rights to tribals under the Constitution. This was defined by the Supreme Court in the Samata Judgment that upheld the supremacy of the *gram sabhas* in making decisions when it comes to their zones.



**Development or destruction: Beautiful landscape on river Godavari paving the way for the “construction” of the dam. Photos by VB Rawat.**





***Adivasis* are facing an uncertain future in the submergence areas without comprehensive rehabilitation.**  
Photos by VB Rawat.

It is not known how many public hearings have been conducted in these regions considering that three States will lose over 300 villages. Thus, the people continue to live in uncertainty while politicians have been taking advantage of their superior position.

Such a dam project being pursued in the name of national development is not an isolated case.

It has similarities with other massive projects such as Sardar Sarovar. Again, it is the *adivasis* in Madhya Pradesh who were adversely affected but the benefits were enjoyed by the non-*adivasis* of Gujarat.

The latest news is that despite the COVID-19 pandemic, the government has started dislocating the *adivasis* from the area. The height of the proposed dam is 43 meters and for this, about 37 villages have to be evacuated.

The government estimates that some 15,000 to 17,000 families will have to be relocated by the end of September at the latest for the project to continue.

## STATE POLICIES AND MECHANISMS THAT ADDRESS LAND GRABS

### For Sonbhadra

***Land Holding Act 1960.*** Also called the Land Ceiling Act, it seeks to put a cap on the land an individual can have in his or her name at 12.5 acres (approximately five hectares) of agricultural land. The limit is higher for unirrigated land.

There are no limits on the following, however, thus providing loopholes that can be abused:

- if the land is meant for a place of worship such as temples or mosques, churches;
- if the land is used for *Gaushalas* for keeping cows; or,
- if the land is used for educational institutions.

***SC-ST Prevention of Atrocities Act of 1989, and as amended in 2019.*** This Act is one of the most powerful acts that protect the rights of the *dalits* and *adivasis*, particularly when they face violence, as it provides for special courts as well as government financial and legal assistance to the victims, thus the elite would rather not have any cases filed under this Act.



**Forest Rights Act 2005.** This Act was a result of pressure from civil society and activists to prevent eviction of forest dwellers and *adivasis* from their homes in the forest. The problem lies in its implementation.

### For Polavaram

Land Acquisition, Rehabilitation and Resettlement Act 2013, which has never been properly used as there has not been any satisfactory compensation, rehabilitation nor resettlement of forest dwellers who have been forced out of their homes in the name of development.

Different yardsticks have been followed for different communities seeking financial compensation, resulting in deep resentment among the *adivasi* communities who have lost everything. Their rehabilitation and resettlement should be done based on their historical cultural needs.

## RECOMMENDATIONS

### For Government

- Government must terminate all projects that dislocate people, particularly the *adivasis* and other forest dwellers. It must respect the guidelines issued by UN Housing Rights Rapporteur in April 2020 that all kinds of evictions and displacement must be stopped anywhere and under any circumstances.
- India should consider accepting the definition of indigenous peoples under the UN Declaration on the Rights of Indigenous Peoples. It has questioned the issue of “right to self-determination” and “sovereignty” issues, though it has been made very clear that self-determination is mostly related to issues of autonomy within the nation-States

and not really related to ceding from the country.

- India must ratify Convention 169 of International Labour Organization (ILO), which is exclusively related to the rights of the indigenous people. Once ratified, India will be duty-bound to report to ILO about the measures taken towards protection of the indigenous people’s rights. The convention seeks to prohibit land acquisition and displacement of the *adivasis* or tribals without their consent.
- The Forest Rights Act must be fairly implemented and an autonomous body headed by a former judge of the Supreme Court must be formed for its monitoring and proper implementation.
- The principle of consent is the most important in all developmental projects. For private projects, the consent of 80 percent of those affected is required, based on the 2013 Act. The private sector and the government have tried to have this requirement changed, but have so far failed. However, for projects deemed in the “national” interest, consent is not required. The government must thus ensure that the requirement to first get the free and informed consent of those affected before projects push through is strengthened.
- The government should fend off consistent attacks on the laws that protect the rights of *adivasis*, particularly Panchayat Extension of Scheduled Areas Act, which gives *Panchayats* in *Adivasi* areas the right to manage natural resources.
- The government should review the Environmental Impact Assessment process to ensure that the rights of *adivasis* are protected. The pending EIA draft must be reviewed for it is currently tilted in favor of private enterprises who want to shortcut the approval process to get their hands on land.

- The government should revisit the Scheduled Castes, Scheduled Tribe Prevention of Atrocities Act, so that it can cover issues related to displacement, land grabbing and land acquisition involving the *adivasis* as well as the private sector. A specific committee must be formed to review the Act to ensure that it benefits *adivasis*.
- Organizing peaceful democratic protests against any project is part of democracy and must be allowed. Intimidation of *adivasi* rights activists, human rights defenders, land rights and environmental rights activists and organizations must not be tolerated. Authorities should not try to bully them and criminalize them just because they protest against certain policies. It is time for government to listen to them and act.

### ***Sonbhadra, Uttar Pradesh***

- The promises made by the Uttar Pradesh government to the people of Umbha village should be immediately fulfilled, particularly to those who either lost their family members in the conflict or got injured.
- Immediate withdrawal of First Information Report filed by the police against *adivasis* who were fighting for their rights.
- So far, the special court that will hear the case has not yet been formed. It is time that the government fast track the case and punish the guilty.
- The Uttar Pradesh government should form a Special Commission to look into land ceiling laws and how they are being abused by high-ranking officers and politicians. All cases pending in the courts must be expedited.
- All applications filed under the Forest Rights Act must be approved immediately. A high-level committee must be formed to look into matters involving the Forest Rights Act.

- *Dalits* and *adivasis* in Uttar Pradesh face the biggest eviction threat from powerful feudal lords, particularly in areas termed as “common properties” or village properties. The State government must ensure that access and usage of these resources be allowed to those communities who have long been tilling and using them. They should not be removed or evicted unless they are properly relocated.

### ***Polavaram***

- It is important that *adivasis* be relocated according to their cultural preferences and not imposed from above.
- No eviction should be allowed in the time of COVID-19 pandemic and without prior relocation of the communities.
- Relocation is incomplete if the communities will not have access to the forest, water and land. The State government must ensure that *adivasis* get these in the places where they are being relocated.
- The government must ensure minimum basic facilities (health, education, public distribution system) for the *adivasis* and other forest dwelling people in the new locations.
- The pandemic has already created a food crisis among the forest dwelling communities, particularly those who were evicted. Government must ensure the equal distribution of complete and adequate financial compensation to those affected.
- The government must ensure that forest and police officials will not intimidate tribals and other forest dwellers if they raise their voice against injustice or demand action from the State.
- The Andhra Pradesh and Telangana governments must come up with a status report on the latest situation in the region arising out of the dam project. This must



have complete information on the number of displaced villages, number of communities evicted and relocation programs. It is important for the States to describe in detail the kind of rehabilitation or relocation that was done and when it actually took place. ■

## REFERENCES

- Banerjee, B. and Tiwari, A. (2019, 15 July). Gold rush in Sonbhadra: IAS lobby suspected in land deals. In NATIONAL HERALD. <https://www.nationalheraldindia.com/india/gold-rush-in-sonbhadra-ias-lobby-suspected-in-land-deals>
- Government of India-Ministry Of Law And Justice-Legislative Department. (9 December 2020). *The Constitution of India*. English Version. [https://legislative.gov.in/sites/default/files/COI\\_1.pdf](https://legislative.gov.in/sites/default/files/COI_1.pdf)
- International Labour Organization (ILO). (2013). *Handbook for ILO Tripartite Constituents: Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. [https://www.ilo.org/wcmsp5/groups/public/-ed\\_norm/---normes/documents/publication/wcms\\_205225.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_norm/---normes/documents/publication/wcms_205225.pdf)
- International Work Group for Indigenous Affairs (IWGIA). (2020). *Indigenous peoples in India*. <https://www.iwgia.org/en/india.html>
- Mazoomdaar, J. (2020, 2 July). Explained: Reading the draft Environmental Impact Assessment norms, and finding the red flags. *The Indian Express*. <https://indianexpress.com/article/explained/draft-environment-impact-assessment-norms-explained-6482324/>
- Ministry of Statistics and Programme Implementation (2013). National Sample Survey: India Land and Livestock Holdings Survey August-December. <http://microdata.gov.in/nada43/index.php/catalog/131>
- Office of the Registrar General & Census Commissioner, India. (2011). *Population Enumeration Data (Final Population)*. [https://censusindia.gov.in/2011census/population\\_enumeration.html](https://censusindia.gov.in/2011census/population_enumeration.html)
- Quizon, A. (2012). The rush for Asia's farmland and its impact on land rights and tenure security for the rural poor. In Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) (Ed.). *Land Grab: Changing the terrain of land tenure*. Lok Niti Vol. 18(1): 7-18.
- Rawat, V. B. (2014, 13 September). *Ecological Disaster At Polavaram*. In *Countercurrents.org*. <https://www.countercurrents.org/rawat130914.htm>
- Rawat, V. B. (2019, 27 July). Systematic betrayal of the Adivasis since independence. In *Sabrang*. <https://sabrangindia.in/article/systematic-betrayal-advivasis-independence>
- Rights and Resources Initiative (RRI). (2015). *Potential for Recognition of Community Forest Resource Rights under India's Forest Rights Act*. [https://rightsandresources.org/wp-content/uploads/CommunityForest\\_July-20.pdf](https://rightsandresources.org/wp-content/uploads/CommunityForest_July-20.pdf)
- South Asia Network on Dams, Rivers and People (SANDRP). (n.d.). *Large Dam Projects and Displacement in India*. [https://sandrp.files.wordpress.com/2018/03/displac\\_largedams.pdf](https://sandrp.files.wordpress.com/2018/03/displac_largedams.pdf)
- Suresh, S. (2020, 20 August). Explained: The Curious Case of India's Draft EIA Notification 2020. *The Quint*. <https://www.thequint.com/explainers/explained-the-curious-case-of-india-draft-environment-impact-assessment-notification-2020>
- The Times of India. (2020, 3 January). Umbha violence: 6,600 acre illegally occupied by cooperative committees, says Sonbhadra panel. *The Times of India* <https://timesofindia.indiatimes.com/city/lucknow/umbha-violence-6600-acre-illegally-occupied-by-cooperative-committees-says-sonbhadra-panel/articleshow/73079814.cms>
- Worsdell, T. and Sambhav, K. (2020). *Locating the Breach: Mapping the Nature of Land Conflicts in India*. Land Conflict Watch. <http://www.indiaenvironmentportal.org.in/files/file/Locating-breach-Mapping-nature-of-landconflicts-India.pdf>

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## DISCLAIMER

The views of this study do not necessarily reflect of those of ILC.

## ACRONYMS

EIA	Environmental Impact Analysis
FPIC	Free, Prior and Informed Consent
IAS	Indian Administrative Service
LAA	Land Acquisition Act of 2013
PESA	Panchayat Extension to Scheduled Areas Act of 1996
SC	Scheduled Castes (a constitutional term used for <i>dalits</i> )
SEZ	Special Economic Zone
ST	Scheduled Tribes (a constitutional term used for tribals or indigenous people)
UDHR	Universal Declaration of Human Rights
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UPZALRA	Uttar Pradesh Zamindari Abolition and Land Reforms Act