

JUNE 1989
GENTLEMEN FARMERS
OF THE TERAI

(V.12)

A Report on the Struggle for Land
and State Repression in Nainital

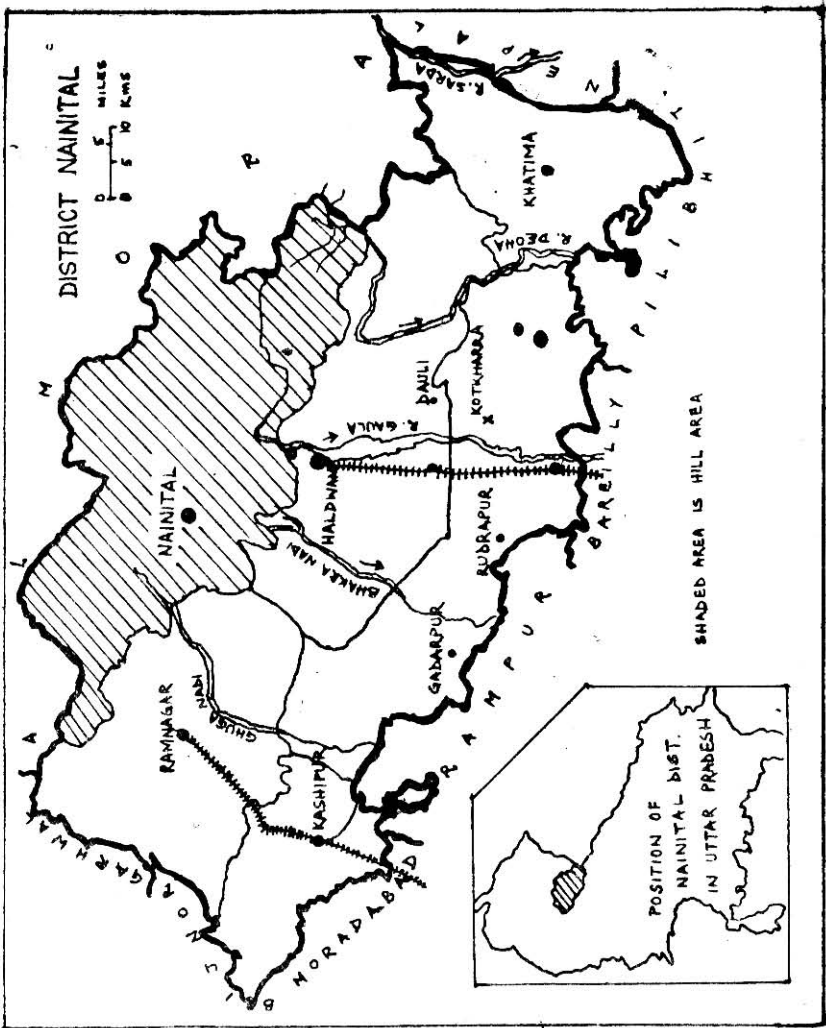


PEOPLE'S UNION FOR DEMOCRATIC RIGHTS
DELHI
JUNE 1989

PREFACE

In December last year, around 4000 landless people under the leadership of the Uttarakhand Bhumiheen Kisan Sangathan (UBKS) occupied forest land at Kotkharra, near Haldwani in Nainital district. Reports of molestation, beating, arrests and torture of the landless at the hands of the police, forest department and the PAC were carried in some newspapers.

In order to investigate these incidents and to examine the factors that led to the occupation of land by the landless, the People's Union for Democratic Rights sent a three member team to the area. The team toured Haldwani, Kichha and Nainital tehsils from 25th to 29th May 1989, and talked to the activists of the UBKS and the Uttar Pradesh Kisan Sabha, several labouring families near Kotkharra, settlers on occupied lands at Bindukhatta and the victims of police violence staging a dharna at Haldwani. The team also interviewed the DM, Nainital, the SDM and the Assistant SDM, Haldwani and the DFO, East Terai. The team acknowledges the help received from the offices at the Nainital Collectorate and from the lawyers representing the state in the land ceiling cases. The following is their report.



The hill areas of Uttar Pradesh comprising Garhwal, Kumaon and Dehradun are jointly called Uttarakhand. Nainital, one of the three districts of Kumaon, contains most of the plain areas of this region. The plains of Nainital are 18 km wide and are divided into two parallel strips. The less fertile 'bhabhar' area lies at the base of the Shivaliks and the more fertile 'terai' falls to the south. It stretches from Sarada river in the east to Kashipur town in the west, and merges with the gangetic plains in Bareilly, Rampur, Pilibhit and Moradabad. Rice, wheat and sugarcane are the major crops of this region. Crop yields are amongst the highest in the country.

ADVENT OF THE "GENTLEMEN FARMERS"

Till as late as 1950, the lands of the Nainital terai were covered with forests and marshes. The entire stretch was called "kham" lands i.e. ownership rights were vested in the government. Plans to bring these forest lands under cultivation had started under British rule. This was to enable the settling of war veterans, jawans from the Second World War. All the paper work had been completed by 1945. After independence, this plan was given over to the Defence Ministry for implementation.

With the first state legislature in Uttar Pradesh, in 1946, another plan was drawn up to make the terai regions more inhabitable. This plan aimed at providing lands to the hill people of Kumaon and Garhwal since the terraced fields at high altitudes are uncultivable for most of the year and crops are completely dependent on the weather. The plan remained unsuccessful since the terai forests and marshes were uninhabitable, being the haunt of wild animals and the breeding ground of recurring diseases like malaria.

However, with the influx of refugees after the Partition in 1947, plans were made to provide lands for them in the terai forests. The first settlement started in 1952 when the refugees from Punjab were granted 12 acres of land per family. The settlement of refugees from the camps in West Bengal followed soon after, and each family was sanctioned 8 acres. However, only the refugees who owned land in their native regions were granted land in the terai. In addition, plans were drawn up to provide land to freedom fighters.

Apart from allocations under the above mentioned plans, lands still under forests were also given, under 99 year leases, to individuals and cooperatives so that the land would be developed. In part, the incentive for this scheme came from the "Grow More Food" campaign. Many influential people such as politicians, industrialists, nawabs from former princely states and Bombay film actors obtained large tracts of land

under this scheme. The largest privately owned farms in the terai, the Prayag Farms (16,000 acres from people's estimates), came up at this time, as did farms belonging to big industrialists including the Tatas.

A similar process in the formation of large farms took place through allocation of land and settling of people during the implementation of the other plans mentioned above. The Defence Ministry plan for settling jawans enabled high ranking officers of the armed forces to occupy large stretches of land, many over a thousand acres. Some of the prominent beneficiaries, as reported to us, are Major General Chimni (4000 acres), Col. Lal Singh (3000 acres) and Air Marshal Arjun Singh (1000 acres).

Under the plan to settle refugees from Punjab, a few Jat farmers, who had political patronage, became the main beneficiaries. Well known among these are Prakash Singh Badal and Surjit Singh Barnala. Others increased their holdings by purchasing lands allotted to the Bengali refugees. Under the plan to settle hill people, many local bureaucrats and politicians amassed big areas of forest land. These include the late H.N. Bahuguna, Kamlapati Tripathi along with many Block Development Officers and patwaris. After the allocations, large landholders often increased their holdings by encroaching on unallocated government lands adjacent to their estates.

Thus forest lands cleared for distribution to small peasants and the landless, were transformed into large estates and farmhouses belonging to influential people from various parts of north India.

Nainital terai witnessed the implementation of the Zamindari Abolition Act in the late 1960s—around 20 years after the law had been promulgated. This piece of legislation aimed at providing ownership rights over land to tenants of long standing. As cultivation had started only after the settlements, the terai had no history of zamindars. Leaseholders were the tenants of the government. While this law had remained ineffective in other parts of U.P., it provided legal sanction to the large estates in this area by granting ownership rights to such "tenants". Hence by a dramatic inversion, the Zamindari Abolition Act created a class of landlords in the Nainital terai.

LAND AND LABOUR IN TERAI

The very same processes which were responsible for the creation of big landlords also created a large mass of landless labourers in the terai lands. The labour force comprises of the people who were either denied land during the time of settlements or who were dispossessed of their allotted lands. Still others migrated to the terai as landless labour or were local tribals.

The original inhabitants of the terai forests were the Boxa tribals. They cultivated small clearings in the forest and were in virtual isolation from the plains people. After independence, they were classified as Scheduled Tribes and their land rights protected by a legislation banning the purchase of tribal lands. However, most of the Boxas today are landless. Their story follows a familiar pattern. Plunged into chronic indebtedness through loans at exorbitant rates of interest, they have been forced to part with their lands which have been bought up by rapacious landlords. The local patwaris have even brought out a 'form' which allows the illegal purchase of tribal lands. Interestingly, the legislation banning the purchase of tribal lands has led to the lowering of prices of their lands from the local rate of Rs 20,000 per acre to around Rs 8 to 10 thousand, thus aiding in the process of their dispossession.

Others to join the labour force were the Punjabi refugees, mostly lower caste Sikhs, like the Rai Sikhs, who did not receive land. The migration of impoverished peasants from the hills and the labour from eastern U.P. also added to the labour force in the terai. But the vast majority are people who came from the refugee camps in West Bengal. Many families who did not get land found it difficult to practice agriculture in a terrain so unfamiliar to them. Their lands were bought by the richer farmers and hence they exist either on very small holdings or as wage labour. Many people informed us that if the Bengali

labour were to go on strike for even a single day, there would be chaos.

But, inspite of the extremely important role of labour in agricultural production, and the prosperity of this region, agricultural labour do not even get the minimum wages the whole year round. While wages do rise to Rs 25 per day during the harvest, they are only about Rs 9 per day in the lean season, well below the prescribed minimum wage. Women get paid one rupee less and children are paid half the amount. But in fact the labourers actually get less than this. Those who reside on large estates have to buy their necessities at very high prices from shops owned by their landlords. Thus part of the wage goes back to the landowner. Those who do not reside on the farms are hired by labour contractors who take away nearly a third of the wage.

Wage labour is not the only occupation of the landless. They also work as bataidars (sharecroppers) who bear all the costs and give half the produce to the landlord. In some cases part of the costs are shared. Still others work the land under different kinds of leases, paying a fixed rent in cash or in kind.

All these different kinds of work relations are simply a reflection of the different kinds of landowners, ranging from absentee landlords of former nawab families to cooperative land-owners and industry oriented farms. Some have even started small industrial units on their farms. What all these landowners share is the brutal attitude towards the workers whenever they demand rights or protest against atrocities committed on them. The labour on the farms face various forms of oppression at the hands of the landlords, while the labour residing by the sides of the road lives at the mercy of the police and hoodlums. The landless, therefore, place their hope of freeing themselves of the tyranny of landlords, police and hoodlums, on their being able to have some land of their own.

This hope arose in them when the implementation of the Land Ceiling Act began in the terai in 1972. Under the Act, no family could own more than 18 acres of irrigated land. However the implementation of this Act belied the hopes of the landless.

We have already mentioned the huge estates the landlords own and operate in this region. Government statistics relate only to operational holdings, which do not give an idea of actual land owned by households and in any case do not include the massive encroachment on government land which some of these large estates have done. Hence inferences drawn from this data about inequality in land ownership are severe underestimates. However even this shows that while the top 3% of the holdings are above the land ceiling and cover 24% of the cultivated area, the bottom 55% of the holding cover only 15% of the cultivated area. By this reckoning almost one fourth of the cultivated land is surplus above the ceiling limit.

Despite this, the state government declared a mere 1.4% of the cultivated area as surplus. Of this 64% was taken over by the government and the rest is entangled in legal cases at various stages. Of the land actually taken possession of, only 61% was allotted of which three-fourths was given to the landless and the rest to various state departments. In sum, a negligible 0.4% of the cultivated area was actually distributed among the landless, according to government reports. But this is not the end of the story.

A study conducted by the U.P. state government shows that 18% of those who received land were dispossessed from their holdings. Either allotments were done only on paper or the landlords physically stopped them taking possession. The report further states that of the rest who managed to retain their holdings, a little less than half (43%) were either "close to the gram sabha" or possessed "enough muscle power" not to be intimidated by the landlord. Another 10% were allowed to hold on to the land allotted simply because it was virtually uncutivable. During the course of the fact-finding, the team received reports of allotment of surplus land to already landed families in Gadarpur Block for example, a "freedom fighter", said to own 250 acres of land, received an additional 30 acres under this scheme.

The landlords of the terai have also used various ways to circumvent the land ceiling laws. For example they get their land declared as unirrigated, which doubles the ceiling limit to

36 acres. This is despite the fact that 70% of the cultivated area is irrigated and many areas even produce three crops in an year. In addition, land use of large parts of the farms is falsely shown under schools, roads and other construction, which are exempted from the ceiling limit. Land may also be registered in the name of tenants. According to people interviewed, this is done without their knowledge and they are promptly thrown out if they get to know of the fraud. Recorded evidence shows that land has also been registered in the name of household pets. Even when land is declared as surplus landlords intentionally give plots in the middle of their fields, so that by harassment and intimidation they can prevent the allottee from cultivating. The team also discovered that the Land Ceiling Act has affected only the relatively smaller farms of 25 to 50 acres, while the really big farms have been left untouched.

But even if all the declared surplus land is actually distributed among the 70,000 landless, it cannot provide even an acre to each household. It is in this context that the hopes of the landless have increasingly focussed on the areas notified as forests which constitute 60% of Nainital district.

FORESTS AND PEOPLE

The forest areas in India are managed by four main agencies --the forest department, the development department, panchayats and private bodies. In Nainital, 80% of the forests are under the jurisdiction of the forest department. Another 15% is under the development department (also called Civil or Soyam forests) which mostly lie in the hill areas and are either rocky or denuded of all green cover. The forest department, thus, virtually controls all the forests in the terai.

All the forests are divided into reserved, protected and other forests. This classification was first made in the Indian Forest Act 1878 and was retained in the Act of 1927, though the government acquired more powers over the forests. The government of independent India formulated the new forest policy in 1952 which continues till the present day. As new states and union territories came into existence, they passed their own forest acts and the gap between the forest policy and these acts widened. While the forest policy talks of forest and environmental conservation, these acts are concerned with the regulation of the rights of the people. The 42nd Amendment was brought during the Emergency which shifted the forests from the states to the concurrent list. This process of the Centre taking more powers was carried on further with the Forest (Conservation) Act, 1980 and its amendment in 1988. This latest Act gives the Central government all powers in deciding changes in land use of forest areas. But the initial classification of forests into three categories remains the same.

“Reserved forests” are those over which the people have no rights whatsoever. In “protected forests”, the rights of the villagers are recorded and they cannot be taken away. People have all rights in other forest lands. But in Nainital, 98% of the forests are classified as “reserved” while the remaining 2% are “protected”. Therefore, for all practical purposes, the forest area is out of bounds for the people.

Despite this, the term "reserved forest" has no relation to land use. It simply refers to any area notified as reserved. This was made amply clear when the Divisional Forest Officer (DFO) (East Terai), informed us that his office in the heart of Haldwani town was a "reserved forest". In fact most of the lands in the terai are classified as "exploitable forests". This means that these "reserved" and "protected" forests can be clear felled by the forest department and its contractors and can then be replanted with "useful" species. Hence it is not surprising that very few natural forests exist in the terai which otherwise boasts of 60% forest cover. The latest forest Acts have, in this regard, only transferred the powers of felling the forest from the state governments to the Centre. Our team found that most forests were in fact plantations of eucalyptus, teak and khair. Eucalyptus, seems to have been planted with the sole purpose of providing the raw material for setting up of a paper mill.

In 1981, the Birlas started the Century Pulp and Paper Mills at Lalkuan in Haldwani Tehsil. Though the factory was initially sanctioned 25 acres of forest land, the area given to them was increased while construction was in progress. Today the mills enclose 500 acres of reserve forest land, on a 99 year lease.

This forest land was procured by the displacement of about 500 families, but since they were encroachers, no compensation or alternative arrangements were made for them. In their struggle to keep the land, the people were fired upon and beaten at Ghoranala—within the premises of the paper mill. On the other hand the paper mill has been provided its raw material at dirt cheap prices by the administration. While the market rate for eucalyptus is Rs 80 per quintal, the mill pays only Rs 17.30 per quintal. The Birlas are not the only people who have been granted reserve forest land, the Central Indian Medicinal Plants Organisation has been granted 286 acres, and others to receive land are the Haldwani Stone Company and the Falahari Baba Ashram Samiti.

The forest department has also started a scheme granting forest land on short term leases for cultivation. The lands are

given for cultivation after the felling of one crop of trees. The lease holders are allowed to cultivate the land between the rows of saplings, till they grow up—usually a period of three years. The lease is extended if the plantation fails. But the leases are in any case not meant for the landless poor. The lease rights are given to the highest bidder in an auction and are usually claimed by the already landed people. In many cases, the land is given by these lease-holders to landless people for cultivation. The District Magistrate (DM), when we talked to him, told us that these leases cannot be given to the landless, since the forest department fears that they would not vacate the land after the lease period is over. But the people told us that many of those who receive the leases, themselves destroy the plantation so as to extend the lease.

In sum, the government can declare any area “reserved” in the name of environmental protection and forest conservation, thus taking away the rights of the people. During the operations for clearing the encroached land, people are fired upon, beaten, their houses burnt and their property looted. The same lands are then given over to industrialists, other influential people or the forest department destroys the forest to start commercial activities. While the felling of a tree or raking twigs from the forest by the people is termed “stealing of forest produce” (Section 26, Forest Act), the forest department cuts the entire forests and markets the wood at less than one-fourth of the market price to big industrialists. The entire forest policy thus, prevents people from receiving any benefits from forest lands. The landless of the terai have shown, through over a decade of struggle, their determination to defeat this lop-sided policy.

PEOPLE'S STRUGGLES AND THE STATE

The struggles of the people of the terai have a history of over two decades. Most of this history remains unrecorded, but the central issue of all these struggles is the same - a fight of the landless for rights over land. This forgotten rhetoric of the freedom movement seems to have become the goal of the movements in the terai.

I

Led by the CPI, the earliest struggles were by refugees who had been brought by the government to the terai but had not received land. Many new villages came up on land occupied during these struggles in the late sixties. In the early seventies, the CPI(M) organised struggles to take over surplus lands of the large estates above the ceiling limit. One of the most notable, was the attempt to capture the surplus land on the Prayag farms, the largest private farm in the terai. The struggle was crushed by the private army of the farms (also called security guards) which is made up of local musclemen. Three labourers were killed and many beaten in the attacks on the workers. Brutal attacks are however not limited to the private estates. Even on the state owned farms of Pantnagar Agricultural University, there was a merciless massacre of struggling labourers in April 1978.

A struggle for the takeover of forest lands also started under the banner of the Shramik Bhumiheen Kisan Ekta Manch during the late seventies. This is the first struggle in which labourers of different places of origin came together. By 1980, the people had taken over about 7,000 acres of reserve forest land called Bindukhatta, which stretches from the Haldwani-Pantnagar Road on the west to the Gaula river in the east. In 1979 attacks started on the settlers in Bindukhatta and the neighbouring areas of Khuriakhatta and Baurkhatta. Forest guards and the police trampled on people with elephants, broke their limbs, incapacitating several. The leaders were

arrested under NSA. Such attacks carried on till 1983 when the settlers were granted voting rights and the process of issuing them ration cards was started.

By 1985, the movements in Bindukhatta joined up with struggles for land in other parts of the terai and the Terai Kisan Sabha was formed. Today it is called the Uttar Pradesh Kisan Sabha and is affiliated to the IPF, the Indian People's Front. The organisation is fighting for ownership rights to the people over Class 4 lands, i.e., lands for which no records of ownership exist. Other demands include the implementation of land ceiling laws, the distribution of surplus land to the landless, and the granting of loans to the poor.

Issues of social oppression have also led to militant struggles. In November last year, the PUDR and a women's organisation, Saheli, conducted a joint fact-finding into the incidents of police torture of landless poor and mass rape at Mahtosh Modh in Gadarpur block of Kichha tehsil. Since then, a local women's organisation, the Pragatisheel Mahila Sangathan has taken up three more cases of rape in Gadarpur block itself and has recorded many more cases of rape and abduction of women. The strength of the forces they are fighting is perhaps seen in one case where labourer women were attacked when they had gone to fish in a nearby stream. The Gram Sabha of the village banned the women from going to catch fish since it was unable to take action against the landlords and their hoodlums. This incident shows how sexual oppression presses upon the everyday life and activity of the women from landless families. Rape and other atrocities are manifestations of this relentless oppression.

However, the land question remains most crucial to the labourer families. In their perception, a life of self respect and freedom from the social tyranny rests on being able to obtain some land of their own. This has meant struggles to take over forest land, or surplus lands on large farms. In the latter case the social and political clout of the big landowners has to be confronted in addition to the terrorism of the state agencies. At present, for the labourers, the struggle to take over forest land has become the only viable alternative. The

people seem to view the repression of the state as a lesser evil. According to them, the "sarkar at least uses lathis first but the big landlords shoot on sight."

The struggle to take over forest land crystallised in late 1988 when the landless from Pantnagar, Shantipuri, Shakti Farms and adjoining areas in Haldwani and Kichha tehsils got together under the banner of the UBKS to take over the forest land at Kotkharra. This land is officially classified as reserve forest but has been clear-felled by the forest department and at present supports no vegetation whatsoever.

II

Kusum Debi Mondol's family came to India as refugees from East Pakistan during the partition. They were unable to get employment and went back to their homeland after Bangladesh came into existence, only to find their lands usurped. They on returning to India, shifted from one refugee camp to another for a long time, till they reached Shakti Farms and worked as labour in a nursery. The low wages forced them to move to Pantnagar where they now work on a stateowned farm. The farm has some 20,000 workers and while some have managed to obtain land for their houses and a higher wage, most of the newcomers do not have any accomodation, receive low wages and get employment for not more than six months a year. This has forced them to look for employment on the large estate farms.

Gurdial Singh and his family had lost their lands in the Partition and for a while worked as landless labour in Ferozpur district of Punjab. After working many years in the terai, they occupied an acre of land belonging to the irrigation department. Alongwith many other landless, both from Punjab and eastern U.P., they settled in a village - Dholadam.

A family from eastern U.P., which came to the terai over 20 years ago became bataidars on the farm of a nawab. After the land worked by them was declared surplus under the land ceiling, this family alongwith some 30 other bataidar households decided to stop paying half their produce to the nawab. The

nawab sent some armed hoodlums who beat up the bataidars and removed them from their lands.

A family from northern limits of the Chamoli district in the Garhwal had been surviving on the income of a family member, a soldier in the Indian army. After his retirement, they found it difficult to live on the pension and migrated to the terai.

Such are the people who, under the banner of the UBKS, marched to Kotkharra on the 26th of January, 1989. Preparations for this had started in late 1988, and on 28th December some leaders of the UBKS were arrested under false cases of stealing wood from the forests. They were however released in a few days. The campaign of the UBKS was carried on through January and culminated in occupation of land at Kotkharra in the Dauli range of the East Terai forest division. Around 4,000 people occupied a small portion of land to set up the office of their organisation. The police from Lalkuan P.S. and forest department officials were present on the scene, but they did not try to stop the occupation.

Five days later, a 300-400 strong contingent of the Provincial Armed Constabulary (PAC), U.P. Police and forest guards attacked the people engaged in clearing the land of bushes and scrub for their settlements. According to the people who had occupied the forest lands, the police force lathi-charged them mercilessly and 75 people, including 25 women, were picked up. The DFO, Dauli range, the SDM, Khatima, and the SDM Rudrapur were present during the lathi charge. The victims reported to the team that the SDM, Rudrapur, Ms Alka Tandon, on seeing that one of the arrested, Raj Singh, was not bleeding, reprimanded the officers, saying "tum kaise marte ho, yeh aadmi to abhi tak safed hai". The arrested people were taken to the headquarters of the Dauli range and all their money and belongings were taken from them. At this point the women were released, but the team was told that they were followed by some forest guards who harassed and molested them. For the people who remained in custody, two days of merciless torture followed. First beaten with lathis they were later made to lie down with lathis across their chests and abdomen, while policemen stood on either ends of

the sticks. Pradeep Tamta, an activist of the UBKS and Supriya Lakhnupal, a journalist, were amongst the worst beaten.

After this, they were taken to Pipal Padao, another forest post, where they were divided into two groups of 25 each. One of these groups was taken to Haldwani jail and released only after eight days. The others were taken to the forests of Khatima and Chaukhutiya where their clothes were stripped off and they were left to fend for themselves in the forests. Some of those people are reportedly still to return.

Even after this brutal attack and the ensuing torture, in the second week of February, people reoccupied the land. On 19th February a mass meeting was held in which over 4,500 people participated. By the second week of March most of the families had occupied small plots of land, built their huts, ploughed the land and had sown the seeds. On 13th March the PAC and forest guards from Haldwani, Dehradun and Nainital conducted another attack to oust them from the forest land. This time 271 people were arrested and on refusing to be taken away in government vehicles, they were threatened they would be shot if they did not cooperate. Their money was taken away and despite the assurance of the SDM, Rudrapur, it was not returned.

These people were then taken to the Dauli range in vehicles so tightly packed that two men fainted. When they protested against being treated like cattle, they were told that they were cattle. A hundred of them were then taken to another range where most of them were beaten, stripped and left in the jungle. The people remaining at the Dauli range were stripped and beaten. Later they were taken to Haldwani where the torture continued. A few men were sent to the jails of Bareilly and Haldwani which refused to accept them. They were then taken to Nainital jail where they got their first meal, seven days after their arrest. Three days later, they were taken back to Haldwani jail. The demand of the arrested people to be treated as political prisoners was not granted. On top of this they were made to do labour. The people in jail went on a hunger strike to demand clean food and proper sanitation and after a week their demands were met. On 4th April some of the people

were left off on bail. Another 45 people were released after they gave a written statement that they had acted unlawfully. On 25th March, the UBKS organised an indefinite dharna outside the SDM's court in Haldwani and demanded the unconditional release of the arrested people. Though this demand was met on 16th May when the 42 who were still in jail were released, the dharna continues, pressing demands for a right over the Kotkharra land and action against the guilty police and forest personnel.

The administration ordered an enquiry into the Kotkharra incidents. The DM Nainital told the team that the enquiry was conducted by the SDM's of Rudrapur and Khatima—the very officials who were party to the violence unleashed on the landless poor. The report of course concluded that no force was used in the entire operation. In our interviews with the people of the UBKS we found that no one was informed about this enquiry. The report of the SDMs was written on the basis that “they knew all about it since they were present there” (as the DM Nainital put it).

Therefore, no action has been taken against the guilty officers even while some of those beaten are still in the hospital. While the Chief Minister is believed to have given an assurance that land would be given, to these landless, on lease from the forest department, the conservator of forests at Nainital is reported to have told the UBKS that he can say nothing in this connection as his “decisions” are subject to orders from Lucknow. The DFO (East Terai) was making preparations to leave Kotkharra and examine the security measures, when the team met him.

After our team had returned to Delhi, we were informed that the people who had been released from jail held a meeting at Kotkharra. The next day, 29th May, about 50 of them were at the house of an activist, Jaswant Singh, when the forest guards, along with hoodlums and landlords from that area attacked them. The UBKS activists were badly beaten with rifle butts and iron rods and later driven out of the area. Many were seriously injured.

CONCLUSION

The history of the terai begins from 15th August 1947. Except for the original inhabitants, the Boxa tribals, now a forgotten minority, and some earlier settlers on the fringes, the entire development of the terai begins from this date. The older people among the refugees still remember what it was like when they first came here—the thick forests, the fear of wild animals, the epidemics of malaria. And they remember too the changes—the jungles they cut, the marshes they drained and the land they tilled.

Here there were no local vested interests to confront, no autocratic zamindars nurtured for years on British rule, no moneylenders, industrialists, big traders. And in accordance with the egalitarian rhetoric of the early years of independence, this land was meant for those socially disadvantaged and those who had sacrificed for the nation. Later on too, for the patriotic goal of self reliance in agricultural production, people in urban areas were asked to form cooperatives and invest their money to clear the forests for cultivation.

Yet, the 42 years since independence have seen the emergence and consolidation of “gentlemen farmers” in Nainital, who have as brutal an attitude towards the labour as landlords in any other part of the country. They have seen most of the refugee population, and the tribals, alienated from their land, being converted into landless labour. And when the people have struggled for their rights, they have seen brutal state repression.

Needless to say, the landless have been deprived of any benefits from “social welfare schemes” meant to alleviate their lot. Meanwhile the green revolution strategy has served to increase the profits and the social power of the landlords, making the structures of exploitation and oppression more brutal. And in a dramatic inversion, the legislation which was meant for the protection of the socially disadvantaged, has aided in their dispossession.

The forest, crucial to the interests of the landless in terai, have been made the private preserve of business and landed interests through the forest policy of the state. The history of forest legislation only recounts a tale of the successive and cumulative curtailment of the rights of the people dependent on forest lands. The forest department has felled most of the forests it was meant to conserve. And in the process has perpetuated the deprivation of the landless while giving valuable land to industrialists.

Nowhere else perhaps does the dynamics and inherent logic of the developmental process adopted by the state come out so clearly.

Driven by the exploitation and social oppression of the big landlords, the people of the area turned to the occupation of these forests as the only means of living a life of dignity. The movement of the landless in the terai and the repression unleashed upon them continues. In the light of its fact finding, PUDR urges the constitution of an impartial inquiry into the incidents at Kotkharra from January 1989 to the present, the punishment of guilty officers, and the initiation of talks between the state government and the Uttarakhand Bhumiheen Kisan Sangathan.

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**PEOPLE FOR WHOM LAND WAS MEANT
IN THE TERAI AREAS OF NAINITAL DISTRICT**

Jawans of the second world war

Hill people whose lands are virtually unproductive

Partition refugees from Punjab

Partition refugees from Bengal

Freedom fighters who do not own land

Families of those killed or disabled in war

Scheduled castes and tribes in the district

**PEOPLE WHO OWN LARGE ESTATES
AND FARM HOUSES IN NAINITAL TERAI**

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Air Marshal Arjun Singh

Major General Chimni

Late Hemvati Nandan Bahuguna

Kamlapati Tripathi

Film actor Dharmendra

Prakash Singh Badal

Surjit Singh Barnala

Akbar Ahmed "Dumpy"