

Opening Talk by Chitta Behera at the Annual Plenary Meeting on Plan and Budget of Actionaid Orissa, held at Panthanivas, Bhubaneswar at 11AM on 3rd Aug. 2010- A Synopsis

After the self-introduction of the participants was over, Ms.Madhumita Ray gave an introduction about the objective of the two-day meeting and also about Mr.Chitta Behera, a close associate of Actionaid, who has been invited to deliver the opening talk to the participants. Then on the request of Mr.Amar Jyoti Nayak, Regional Manager, Actionaid Orissa Mr. Behera spoke about an hour on various themes, the gist of which is as follows.

Dear friends,

1) Let me first confess that I am at a loss as to what essential theme I should harp on in course of the hour that has been allotted to me. When I was contacted for this occasion a few days back, it is Madhumita, Biren and then Amar who told me to focus my talk on agrarian crisis of Orissa and also, if possible, to touch on mining and such other correlated issues. In fact, I prepared an outline for such a thematic talk under the caption '*Orissa's land scenario, what a mess!*' (downloadable at <http://www.box.net/shared/2gbz578obi>) which I believe, has already been circulated to each of you. However, given my anxiety that such a theme-specific talk might prove misplaced in an assembly comprising development activists drawn from a diversity of environs and fields, I wanted to ascertain from Madhumita again what exactly the Actionaid activists and especially the friends coming from Delhi and other parts of the country would be interested to hear from me. Then she suggested that I present a general sweep of existing socio-economic-political scenario of the country with Orissa as its focus. Accordingly, I decided to address this talk to the core issues that in my opinion our Indian polity including Orissa is still afflicted with and civil society groups are struggling to grapple with. I would therefore decidedly refrain from treating the details of Orissa land reform legislations and their eventual malfeasance, the main theme of the abovementioned paper, except by way of reference necessary for articulating the core issues.

2) Keeping the composition of this house in mind, I propose to adopt the 3-language formula (Rashtra Bhasha Hindi, Lingua franca English and Regional language Oriya) as the medium of my talk, though I am afraid, my poor skill in both Hindi and English may not satisfy many of you.

3) First of all, let me tell you that we can't get at today's messy scenario of India, unless we have a minimum understanding of the leitmotif that worked behind the colonial regime built up by the British during more than 2 centuries of their rule and that of the succeeding post-independence regime which has been being manned by the Indians themselves to this day. I am not a Marxist in the conventional sense of the term or an adherent of any particular ism either. However, I think, no other thinker provides a better historical perspective to grasp the riddles of Indian polity than Karl Marx through his concept of Asiatic Mode of Production. He had worked on it intermittently right from early 50s upto 1882 the year before his death. According to this concept, the first class-divided social organization that emerged from the dissolution of primitive-communal societies of pre-historic period took a form in Asiatic societies (by 'Asiatic' Marx meant non-Western societies spread across Arab, African and Latin American regions), which is essentially different from the one that evolved concurrently in Western societies. While the well known stages-theory of transition, that is, a succession of primitive-communism, slavery, feudalism and capitalism applied overall to western societies, the Asiatic societies, though no less class-divided than their western counterparts, didn't however present such neatly drawn transitional divides, and rather continued to build up on the foundation of communal ownership of land and natural resources, that was carried over from the preceding phase of primitive communism. Not that there didn't occur any spectacular development in techniques of production and corresponding social changes in these Asiatic formations. Far from it. One still marvels at the material opulence and spiritual splendor that distinguished such ancient

civilizations as Egyptian, Mesopotamian, Mayan and Chinese etc., not to talk of the mind-boggling Mahenjodaro-Harappa civilization that flourished in remote antiquity in Indian subcontinent- all falling more or less under the category of AMP. The coins made of gold, silver and other precious metals excavated from such regions point to the prevalence of commodity production and even of money capital in those societies, which as we know, are just the stepping stones for the transition to a mode of production based on industrial capital, the other name of capitalist society proper. But according to Marx, for peculiar geo-climatic reasons, all these startling advances took place in Oriental societies maintaining in tact the primitive symbiosis of agriculture and handicrafts and of town and country alongside of the communal ownership of means of production, a spillover from the preceding epoch of primitive communism. The communal mode doesn't mean that no body had a private possession of the land or there existed no exclusion of a section of section of society from the access to means of production. As a matter of fact, the Asiatic Society was also a class divided society like its occidental counterpart, but the chief difference between the two rested on the nature of ownership of land, the principal source of sustenance for both the classes ruling and ruled. While the private property proper i.e. the right of an individual or a family to the ownership of land and other means of production evolved and developed assuming more and more distinct forms in Western societies, the Asiatic societies however presented a different course of development of property. Here no particular individual owned the land, and all land belonged to the sovereign, the earthly representative of the supreme God, who allotted the land to the inhabiting families in each village or settlement, allowing them to collectively enjoy it, subject of course to regular payment of tributes or tithes in cash or kind or performance of involuntary labour in the form of corvee or soldiering in war. The village community would in turn either cultivate the land collectively and share out the produce among them or alternatively apportion it among the residing families, who would possess the land, often on a hereditary basis, for their use, but can't transfer it by way of sale or gift. Thus, here in Asiatic societies the individual's 'right to possession', not 'right to ownership' existed alongside of the communal ownership of the land at the village level, the ultimate and iconic repository of which was the sovereign, or oriental despot as Marx used to call him in some of his early writings on AMP. The oriental despotism was a highly centralized and bureaucratized political superstructure that fitted in with the AMP in economic sphere, and derived the rationale for its absolute authority from the need for undertaking and maintaining gigantic public works such as irrigation networks, roads, maritime ports and world class universities, to name only a few undertakings. The AMP along with its oriental type of absolute ruler sustained and was sustained by 'self-sufficient village republics'. The inhabitants of a village, engrossed as they remained in their narrow confines day after day, bothered least about what was going on in the neighboring village, not to talk of the changes in political realm atop.

4) It is only during nearly one and half centuries of British rule, precisely speaking, since the year 1793 when Lord Cornwallis of East India Company introduced forcibly the private property in land through his notorious Permanent Settlement that the AMP together with its tradition of communal ownership of land and self-sufficient village units suffered terrible distortions; so much so that it is now very difficult, if not impossible, to reconstruct a near reliable picture of rural India that existed prior to British predation. However, even today one can notice here and there across rural India remnants of the communal ownership of by-gone era. For instance, in a typical village of plains in Orissa or even elsewhere, the tradition of herding the entire cattle of the village to the grazing field by villagers on a rotational basis is still in vogue. This practice is more or less same as the one depicted in ancient Mahabharat about Bal Krishna, son of King Nanda who along with his cowboy companions used to herd the village cattle to the grazing field.

5) Though the British introduced the private property in land (which is now called Patta or Record of Rights), they also created an intermediary class called Zamindars (euphemistically styled as Rajas or Maharajas), each entrusted with collection of land revenue from one or several villages

and depositing the same to the Company's treasury within a strict timeline, failing which their estates along with titles were subject to confiscation. Moreover, contrary to the myth that the British brought modernist reforms in the Indian society divided along caste and religious lines, they in fact maintained and even fostered the sectarian divisiveness as a part of their policy of divide and rule. As I have read from history, a typical British court of those times offered seats to both a Hindu Pandit and a Mohammedan Mulla alongside of the white judges to interpret their respective customary laws, based upon which judgments were finally pronounced. Thus what emerged at long last is a hotchpotch of a perverse, colonial version of capitalism and ineradicable spill-over of AMP's formidable format i.e. the communal ownership of land, forests and water bodies. The proclamation of Queen Victoria's rule in 1858, far from doing away with the regime introduced by the East India Company consolidated, nay perpetuated its essential framework.

6) Not only that. India's political independence from the British in 1947 was not followed by any decisive break with the regime called Raj, which was, as we know, introduced by the East India Company but perfected over a period by the British crown using the rhetoric of white man's burden. And as irony would have it, the Constitution of India proclaimed on 26 Jan 1950 did nakedly legitimize an unalloyed carryover of the Raj, as is evident from its Article 372 (Continuance in force of existing laws and their adaptation), and even from Article 35(b) appearing in its Chapter-III (Fundamental Rights). Thus the post-independence system of governance which has evolved to this day is in its quintessence the selfsame mishmash, the skeletal foundation of which was laid by East India Company, given flesh and bones by the British crown, and then merely treated with a grandiose facial of 'secular, democratic and socialist republic' by the post-independence Indian regime.

7) It may be relevant here to note that post-revolution China recognizing its Asiatic character adopted a system of governance for its countryside, which has stood the test of time. I have gathered from a Chinese woman who is married to a close relation of mine that till date there is no private property in agricultural land, and it is the village Commune which in its routine annual meetings apportions the plots of agricultural land among the families keeping in view the productive capacity of each family. If a family fails to produce as was envisaged, then it would be allotted less land in the next year, and another family, which has proven its capacity, is allotted more. The Communist Party normally keeps itself away from interfering in the decision-making process of the Commune. Thus the Chinese society might have suffered problems on several other fronts owing to the autocratic rule by a single political block Communist Party, but its countryside has presented a more or less cool picture over the past decades. Am I wrong if I say that this is principally due to the timely adaptation of their indigenous brand of Asiatic Mode of Production by the Chinese Communist Party to the post-revolution conditions?

8) Coming back to India, can there be a better proof of the still pervasive British orchestrated top-heavy regime than the very imposing, ubiquitous institution of Collector-cum-District Magistrate which exists to this day along with all its glitter and glare that was once bestowed upon it by the East India Company for their colonial purposes. The overarching outfit of this office is still projected as an omnipotent, omniscient and even omnipresent authority in respect of any matter trivial or terrible falling within the jurisdiction of the concerned district, be it sanctification of an emergency marriage or justification of police firing on a crowd. Do you know who had instituted this office of District Collector and endowed him with the sweeping powers of a Magistrate, in a word reposing in a single authority both executive and judicial powers? Does any democracy of the world today including even England who fathered such an administrative novelty for the colonized India, tolerate such an office in their system of governance? The bare fact goes, it is Warren Hastings, the first Governor General of India under East India Company, who in 1772 put both revenue collection and civil judiciary into the hands of a newly created post called District Collector and it is then Charles Cornwallis who in 1790 added criminal judiciary to the portfolio of District Collector. Thus was completed the process

of transmogrification of a mere Revenue Collector (a Kotwal) into the District Collector-cum-District Magistrate wielding at a stretch both executive and judicial powers civil and criminal in one person. Pretty more than two centuries have elapsed since then and the British have also physically left India for good. But alas! The impeccable creature of the Raj i.e. DC-cum-DM, still stalks the labyrinthine, impenetrable empire of red-tape that governs today's free India throughout its length and breadth.

9) As a matter of fact, the present Constitution except its Part-III (Fundamental Rights) and Part-IV (Directive Principles of State Policy) is by and large a replication of Government of India Act 1935, enacted by British Parliament for governance of colonial India. As regards Part-IV, as you know, none of its glittering promises is justiceable, and as regards Part-III, which is often likened to English Magna Carta or American Bill of Rights or even French Declaration of Rights of Man, every so-called Fundamental Right mentioned therein is hemmed in by so many ifs and buts that it is virtually reduced to naught, should any ordinary citizen ever happen to assert it. Then read Articles 112 and 113 that deal with how budget is made and passed in Parliament. While the Article 112 provides a long list of items (such as salaries and allowances of all functionaries of State including judges, repayment of all debts and litigation expenditures made by the State etc) to be placed under the category of Charged Expenditure from Consolidated Fund of India, the Article 113(1) keeps the said category outside the voting power of the Parliament. And funnily enough, in respect of the category of 'Other Expenditure' or 'Demand for Grants', which ordinarily means the expenditure on developmental items like education, health, agriculture, industry, labor and so on and so forth, *'the House of the People shall have power to assent, or to refuse to assent, any demand, or to assent any demand subject to a reduction of the amount specified therein'*. And to cap it all, Article 113(3) says, *'No demand for grant shall be made except on the recommendation of the President'*. These provisions are literally adapted from corresponding Articles 33 and 34 of Government of India Act 1935. Do the British, or for that matter, any well-known democracy of the world have in place such a system of budget-making where the Parliament has no voting power over it? How can it be? Next, look at the Second Schedule of the Constitution (obviously, again adapted from Third Schedule of Government of India Act, 1935), where the salary and allowances of key functionaries of the State, namely President and Governors, Judges of Supreme Court and High Courts, Speakers of Central and State legislatures and Comptroller & Auditor General are mentioned in monetary terms, without any reference to the obligations each of them has to perform in lieu of the fixed entitlements from the State exchequer. Not only that. For obvious reasons, any self-respecting Indian of today would smell foul when he reads such odious expressions occurring in the Second Schedule of the Constitution- *"There shall be paid to the President and to the Governor of the States such allowances as were payable respectively to the Governor-General of the Dominion of India and to the Governors of the corresponding Provinces immediately before the commencement of this Constitution."* . Moreover, just as the Fourth Schedule to the Government of India Act 1935 enjoined upon every Member of Legislature and a Judge to swear 'an oath of true allegiance to His Majesty, the King, Emperor of India, His Heirs and Successors', the Third Schedule to the present Constitution binds every Minister by an obnoxious 'Oath of Secrecy' which reads, *"I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be known to me as a Minister"*. It is a matter of great ignominy that not a single political leader or academic pundit of free India has ever made a pointer to such egregious provisions in our Constitution and demanded a debate on them.

10) It is of course the *Report National Commission to Review the Working of the Constitution chaired by Justice M.N.Venkatchaliah (2002)*, which for the first time pointed out the redundancy of this Oath of Secrecy and the need for its replacement by an Oath of Transparency. The said Commission did also recommend the abolition of the post of District Collector-cum-District Magistrate, another anachronism handed down from colonial regime and its replacement by a District Officer, the chief job-profile of whom shall be coordination between different agencies for developmental purposes. However, the Commission refrained from touching on other outrageously

non-republican features of Constitution such as Parliament's lack of voting power over the budget or unconditional bestowal of financial and other privileges to the top functionaries of the State.

11) By the way, we in India are accustomed to using such superlative expressions as 'Zilla Pal' (meaning Protector of District) for District Collector, and 'Rajyapal' (Protector of State) for Governor, while their literal translation would be altogether different. Perhaps somebody of their tribe craftily pushed such vainglorious renderings into our regional lexicons, and we the unthinking laity, as in many other matters, naively internalized the same.

12) As a result of the continuing Raj-orchestrated system of governance post independence, none of the basic problems that afflicted people's life during the Raj has shown any mitigation, let alone solution. Moreover, new, more serious problems have surfaced and are getting aggravated each passing day. While most of the countries of the world including the ex-colonies like China, Taiwan, Malaysia, Singapore, South Africa, and even neighboring Sri Lanka seem to have succeeded in grappling with their basic problems, India and Pakistan remain stuck up as if in a never-ending vicious spiral of misery the like of which is noticeable only in sub-Saharan region of Africa. And that is, I would say, only thanks to a wretched sort of mal-governance that is in place. And I feel, to label India's ills as problems is to indulge in some sort of euphemism. Better call them irritants or nuisances instead of problems. Please tell me how many developing countries, not to talk of developed ones are still facing mosquito menace! Once in Singapore in 2003 I asked the hotelier for a mosquito net for use during night sleep. He couldn't follow me and thought I was asking for a sort of fishing net that had mosquito-size meshes.

13) I would tell you another amazing experience that I went through during my trip to South Padre Island in Texas, USA for attending the 19th International Sea Turtle Symposium in 1999. One day during a Conference session I came outside and searched for Aqua-guard to collect drinking water. Several persons, all Americans and employees of the auditorium couldn't follow what an Aqua-guard meant; they guessed it might be something like a life-jacket that one needs during cruising. Only when I gave a graphic description of Aqua-guard as a water purifier from which one collects safe potable water, the reply they gave simply stunned me. "Sorry, they said, "we don't have that kind of device, but any tap you see around shall give you good drinking water, including even the tap in the washing basin or even lavatory". It was an eye-opening revelation for me. I kept on surmising, is it barely required for a country to be rich enough like USA just to ensure supply of potable water through its pipe-lines? Doesn't the increasing use of Aqua-guards, mineral water bottles and pouches result in a steady drain of resources of public and government to a few companies, which thrive on India's messy water management? Again, what sort of logic it is to install Aqua-guards in the chambers of higher-up bureaucrats and Ministers while compelling the common public and lower rung of employees to drink from open taps?

14) A few years back, one of my close IAS friends was the Secretary to Dept of Rural Development and in charge of installation of Public Toilets in places of public congregation across the state as a part of Water and Sanitation Mission. One-day with a euphoric feeling he shared with me the progress of this project and hoped this was going to drastically reduce the sanitation problem, especially the centuries old practice of women and men defecating in the open. But I told him straight, "Not only shall your mission fail, but it would ultimately make the environment dirtier than now? Who shall look after the regular cleaning of these public toilets, once installed? And that is where the devil lies." He replied, "The local community shall be entrusted with its day-to-day maintenance but the BDO shall supervise it and remain accountable before the Government for its proper upkeep. The Government is now damn strict about it". Then I told him, "Fine, but tell me, why are the public toilets in the Secretariat, which are under your very nose, are so bad? And unless and until you, the top administrators ensure proper maintenance to the shabbily run public toilets in

the Secretariat, you can't expect it from this or that officer of the Block, who above all operates far off from your office." It is not the story of toilet scenario of Orissa Secretariat alone, but that of the Central Secretariat too. In Shastri Bhavan, New Delhi, for instance, you shall find in every floor 3 Gents toilets in a row captioned 'Officers only', 'Staff only' and 'Public Use'. While the first two are locked for the public and used by exclusive groups of officers and staffs, each of whom is provided with a key, the last one, 'Public Use' is open to anybody and everybody, but practically unusable because of its dirty floor and pungent smell. And now let me tell you the real secret of why the public toilets of India, be they located in Railway Stations, Bus Stops or Government Offices, are so wretched. Except the countries of Indian subcontinent, no country is there in the world where you find 3 separate toilets for 3 separate classes of people in a public office.

15) Moreover, except India, there is no country in the world, where you find the queer phenomenon of 'attached bath-cum-lat' for the chamber of every senior bureaucrat or Minister in the Secretariat. It is just a common sense that these high-up public servants who discharge all their excretory functions in their respective 'attached bath-cum-lat' do rarely have a chance to feel what a hell that the Public Toilets have degenerated to simply owing to mindlessness on their part. What is the harm if all the persons, be they officers, staff or public shall use a common toilet in an office, as in other countries? I am cocksure, this apparently minor and innocuous reform, i.e. no discrimination but equality in access to hygienic utilities in public sphere, if it ever materializes, shall prove to be the first truly republican facelift in our Indian polity and send tremors of change throughout its length and breadth, down to every GP, solving thereby many an age-old, intractable riddle, be it messy hygiene, Dalit bashing or even acculturated alienation of common people from the public offices.

16) As an inevitable consequence of contradictory posturing of our Constitution (on one hand lip-service to tall ideals like democracy, republicanism, secularism, socialism, liberty, equality, fraternity, equality before law and social justice as found in its Preamble, and on the other the real weight assigned in the body of Constitution to such dispensations as lack of Parliamentary control over budget, oath of secrecy by the Ministers, lack of accountability of top functionaries of the State and continuation of a bureaucracy-led regime of governance framed and perfected in East India Company days etc.), the entire corpus of post-independence legislation, howsoever well intentioned, turned sterile, nay, counterproductive, serving only those vested interests of our society who could suck the apparently imposing, but essentially maneuverable mechanisms of the system, by their powers of money, muscle and manipulation.

17) Its glaring instance is the so-called land reforms legislation of Orissa. As a matter of fact, the first post-independence decade in Orissa (1947 to 1956) witnessed a glorious endeavor by the then Congress Government led by N.K.Choudhury, who was successively its Revenue Minister and Chief Minister, to bring about radical land reforms along with a corresponding decentralized system of governance down to village level. Some of the landmark laws passed to give effect to his progressive perspective, though systematically undone in the succeeding decades, are still relevant to this day in a theoretical sense of the term. The paper circulated by me mentions some such important laws enacted during that period [*Orissa Tenants Protection Act 1948, Estates Abolition Act 1951, Orissa Tenants' Relief Act 1955, Orissa Anchal Shasan Act 1955, Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribe) Regulation 1956 besides Orissa Gram Panchayat Act 1948*] and how an organized lobby of landlords of erstwhile regime in league with malleable sections of political and bureaucratic spectrum including Mr.Choudhury's party men, ganged up behind his back to reverse the tide of reforms just initiated and nay, to stamp out the voice of reform for ever from the official discourse itself. And lo! This lobby was so powerful that they could force a change of guard in State's political arena starting with the resignation in 1956 of Chief Minister Mr.Choudhury, who had already grown disillusioned and disgusted with the hypocrisy and capitulationism among several of his trusted colleagues. Soon after his exit, an Administrative Enquiry Committee was established with

an explicit mandate to 'examine and review the existing administrative set-up' on the spacious excuse of ensuring compliance to the planned development envisaged by Government of India. A little afterwards another high-level body, namely Committee on Land Reforms was set up under the chairmanship of then Revenue Minister Mr.S.P.Mohanty and submitted its Report in April 1958. Based upon this Report, the Land Reforms Act 1960, a toothless law, was passed. But the fear of the landlords about the said Act was so pervasive and deep-seated that they successfully roped in the politicians and bureaucrats of the new regime to secure first of all a prolonged postponement of its implementation. It came into force as late as 1st Oct 1965 and that too partially. For instance, the ceiling related provisions of the Act came into formal effect much later, in 1972. By that time the big landowners taking advantage of the umpteen loopholes in the said legislation and gullibility of the revenue officials had already got the official records so much manipulated that not a single acre of their surplus land could be brought under State takeover for redistribution to the landless families.

18) If we view the first post-independence decade (1947-56) of Orissa as an era of radical land reforms, the next phase spanning about 18 years i.e. from 1956 upto 1974 can be termed as one of reactionary backlash, spearheaded especially by several such Chief Ministers who served in succession, namely Dr.H.K.Mahtab, Mr.Biju Patnaik, Mr.R.N.Singhdeo and Mr.Biswanath Das. In the year 1974 the OLR Act 1960 was again amended, this time with a radical posturing by the then Congress Government led by CM Mrs.Nandini Satpathy. Since the amendment was essentially a populist device to woo the agrarian vote-bank in favour the ruling party, whose credibility was fast fading both at Centre and in Orissa for its outrageously autocratic measures, it didn't go an inch beyond the level of political platitudes. And this short-lived period of populism lasted a couple of years only, i.e. upto 1976 when Mrs.Satpathy had to bow out of office as a price for her open rift with her mentor Prime Minister Indira Gandhi. Then set in a long period of 'business as usual' which lasted upto 1994 presided over by two mega players of Orissa politics, Mr.Biju Patnaik and Mr.Janaki Ballav Patnaik, during which the class of big landowners re-consolidated themselves in collaboration with the revenue officials, who had degenerated further in terms of corruption and servility to vested interests. Then commenced a period, still continuing to this day, of open land-grab by a nexus of Corporate houses and Government. During this period, a series of amendments clubbed under a new provision, Section-8A (*Conversion of Agricultural Land for purposes other than Agricultural*) has been enacted. The title of the new section is suggestive enough of the diametrically opposite direction in which the Land Reforms Act is being led away from its original mandate i.e. protection of agriculture, agriculturists and agricultural production.

19) But what is more perturbing and has a wider implication for the whole country is the Constitutional protection bestowed upon certain land legislations made by the Centre and States including Orissa, which are themselves ridden with built-in loopholes and therefore not worth a pie from the standpoint of redistributive justice, democratization of land administration or boost to agricultural productivity. Following the 17th Amendment to the Constitution 1964 a list of enactments was put under Ninth Schedule so as secure their immunity from disputation in any Court of law. As of today, Orissa Estates Abolition Act 1951, Orissa Land Reforms Act 1960 and Orissa Regulation-2 of 1956 do inter alia enjoy the cover of 9th Schedule. But the moot point arises, when an Act like OLRA 1960 or for that matter any of such ilk has conspicuously failed to fulfill the very objectives for which it was enacted, why should the Constitution accord a special status of hallow and immunity to them? The same question may be raised about the inclusion in 9th Schedule of certain Central Acts like Mines and Minerals (Development and Regulation) Act 1957, the hegemonic leitmotif of which has been subject to controversy even by different mineral-rich States including Orissa, not to talk of the mining-displaced populations, mostly scheduled tribes across the country.

20) Now let me put it straight that I notice a glaring confusion in Actionaid circles in the matter of characterizing Indian state and identifying its leitmotif. As I recollect, once in 2009, while

strategizing an action plan to counter Hindutva offensive in Kandhmal, we had gathered in a common forum at Bhubaneswar convened by Madhumita. In due course Orissa RM Manas proposed to direct our strategy against both neo-liberalism and Hindutva communalism describing them as two sides of the same coin. But I took a strong exception to such mindless clubbing of two altogether different phenomena into one ideological pack. Again, very recently, Madhumita appeared on a local TV channel debating against RSS-BJP strongman of Orissa Mr.Ashok Sahu around Kandhmal riots. While I appreciated very much the bold and pointblank rebuttal by Madhimita of nakedly sectarian and communalist tenor of Mr.Sahu's outpourings, what struck me is a particular countercharge hurled by Ms.Madhumita at her bete noire, worth quoting here – 'For your neo-liberal agenda, you people have engineered Kandhmal riots'. What I like to emphasise here is that we should be careful enough in using jargons like neo-liberalism in Indian context.

21) Yes, as you might know, neo-liberalism is very much a global politico-economic trend that surfaced in early eighties of last century during Reagan-Thatcher era, as a reaction to post-war Keynesian policies, bringing in its train aggressive emphasis on supply-side economics, monetarism, market fundamentalism and use of such Bretton Woods institutions like IMF and World Bank as vehicles of the hegemonic interests of developed capitalist countries across the globe. In a word, the difference between liberalism and neo-liberalism is that while under liberalism the State maintained at least a facade of neutrality and distance vis-à-vis the interests of capitalist class, it under neo-liberalism serves openly, increasingly and even aggressively the interests of capitalist class in respect of their investment, market and profits. The Washington Consensus that emerged a decade later and remained current there-after captures better the quintessence of neo-liberalism i.e. how to restructure the economies and governments of developing countries to further the neo-liberal agenda of advanced capitalism, primarily USA. India and the rest of developing world, who were let down by debt burdens and aid dependence on foreign powers, became easy, nay, willing victims of neo-liberal agenda of advanced west. Under the circumstances, Indian State or its leading political blocks can't be described as neo-liberal themselves, but as appendages or victims of global regime of neo-liberalism orchestrated by the advance-capitalist USA and West.

22) To elucidate this point I would say, the real architect of India's New Economic Policy of 1991 with its emphasis on LPG was not Dr.Manmohan Singh the then Finance Minister, but Washington Consensus as enforced through IMF and World Bank. Our leaders, be they of UPA, NDA or even Left Alliance, irrespective of their posturing vis-à-vis US-Western hegemony, are more or less the pliant, nay servile carriers of the diktat from these global masters on whom they depend for debt and aid. Moreover, how can a system such as that of India be called neo-liberal, when it has not passed through even a semblance of liberal phase, characterized by free competition, monetization and complete sway of bank-money? By way of analogy, can we ever talk of India's State or its policies to be neo-colonial? Never; India can instead be described as a victim of neo-colonialism of the capitalist West. Similar should be our approach in applying the epithet 'neo-liberal' in the context of India.

23) As a matter of fact, India's economy is vastly dissimilar to that of US and West. For example, when the recent financial crisis first rocked USA in mid-Sept 2008 and then engulfed the whole of Europe and soon thereafter assumed global proportions did the common Indians feel its pinch? No; not at all. Rather a reverse scenario was unfolding here. When the people in USA were losing their houses either by foreclosure or by surrender, the middle class Indians were busy in building new houses taking advantage of reduced steel and cement prices and reduced interest rates. Again, have you noticed prices of land and houses ever going down in India as were recently found in USA? What is the reason? Here in India the land and houses have not yet been overly commercialized as in those advanced-capitalist countries. While most people in India buy land and building basically for their use-values, it is altogether a different picture in USA and West. Since long the people in USA, for instance, have lost for good their natural tie to the soil (Bhitamati as we call in Oriya) and if they

buy land or buildings today, it is only for their commercial values. It is no wonder that those people in USA who had bought land and buildings with the aim of selling them at a higher price in future, became losers as and when their prices plummeted to a great low for reasons beyond anybody's control. Quite many Americans became as a result financial losers, but not homeless paupers. In fact, the recent spate of crises in USA and Europe is rooted in an overly state of financialisation of their economies, and is better explained by the 'Financial Instability Hypothesis' of Hyman P. Minsky (1992) than any other factor. And financialization is nothing but domination of a post-industrial capitalist economy by hedge, speculation and Ponzie finances, in a word, by increasing trading in intangible, speculative futures in place of conventional trading in present, tangible goods and services. Thus the people of India, of whom more than 50% are still outside the pale of banking system, can't be hit, except peripherally and indirectly, by the so-called global financial crisis, which has off and on been rocking the American-Western capitalist world. However, this doesn't mitigate our problems either. India's hotchpotch system, which is predominantly stuck in a pre-banking era, carrying over strong, widespread remnants of ancient, medieval and colonial economies, tinged with distorted forms of capitalism and slavish bondage to global capital for debt and aid and which is above all burdened with archaic, corrupt and ineffective modes of governance, is bound to register more and more degeneration in days to come.

24) It is true, since 2005 onwards, under the unbearable weight of its own contradictions coupled with rising explosion of people's discontent, the Indian State has embarked upon a new phase of legislation starting with RTI Act 2005, that was soon followed by NREGA 2005, Domestic Violence Act 2005, Commissions for Protection of Children's Rights Act 2005, and Forest Rights Act 2006, which are marked by two basic features, time-bound justice to the citizens and penalty against the erring officials. However, of all these Acts, the RTI Act, with its well laid application and appellate procedures seems to be a citizen-friendly Act, while others, though potentially pro-people, suffer from some congenital handicaps that render them into effete instruments. The reason for this may be the bureaucracy's backlash against the massive, enthusiastic response the RTI Act received from the public at large for its promise to bring about transparency and accountability in the entire system of governance that was marked by rampant corruption and chronic incapacity to deliver.

25) For instance, take the case of NREG Act 2005, which for all its assurance of entitlement to rural households for a minimum 100 days wage employment, has shown a miserable performance on the ground. Do you know, why? Precisely for the single reason that it has no appellate mechanism whatsoever to address to the complaints lodged by the workers. Though its Section-25 prescribes a penalty of maximum Rs.1000/- chargeable against any person who violates the Act, neither the Act nor any State Scheme nor even the Operational Guidelines of the Centre mentions anywhere who shall pronounce this penalty. Due to this critical omission, not a single penalty has so far been imposed against anybody anywhere in India, though embezzlement of millions of rupees from NREGA funds has been confirmed even by the Studies commissioned by the Government. By the way, let me frankly say that I felt completely unhappy in the way Actionaid in Orissa organized NREGA Rath Yatras, shouting Jai Ho, with much alacrity in the initial days and even got them flagged off by District Collectors, conveying the message to the people as if it were the panacea to all the ills of rural India. But by now every activist in and outside Actionaid knows, it is far from truth. It would have been in fitness of Actionaid's perspective to offer a modest welcome to the newly launched NREGA and then focus on the troubleshooting of its in-built snags, such as lack of an appellate mechanism and also lack of accountability in respect of its RTI component. There is still time for Actionaid to mend its derailed campaign on the front of NREGA.

26) Again, take the case of Forest Rights Act 2006, which was also enthusiastically welcomed by Actionaid in Orissa, if not with the same gusto as was in case of NREGA. But let me tell you, the FRA despite its robust assurance to undo at the earliest the historical injustice done to the tribals and

other forest dwellers in the past, is now infamous for its tardy implementation across the country. Do you know, why? It is because of a similar reason. Its Section-7 provides for a penalty of Rs.1,000/- against any violator of the Act, but nowhere in the Act or in the Rules made there under by the Centre or States you would find any mention of an appellate authority, who would pronounce such penalty after adjudicating a complaint. In my view, unless and until a dedicated, autonomous appellate authority at national level along with its branches in each State/UT is in place, say in the shape of a National Forest Rights Commission armed with the power to adjudicate the citizens' complaints and penalize the guilty officials, there is little hope that the FRA shall ever fulfill the grand, epochal mandate that informs its Preamble. Rather, as I notice, the FRA process, which is as per law squarely a Gram Sabha-driven one, is surreptitiously hijacked in an altogether different direction by the officialdom. Firstly, it is being implemented only in those areas, which are covered under Maoist influence. Secondly, irrespective of Gram Sabha's recommendations, the SDLCs and DLCs allot only less than 1 to maximum 2 acres of forest land to an eligible family, though the legal limit extends upto 10 acres per household. As you know, the tribal families, though 'landless' in official records, are practically in possession of big chunks of unsettled land in forest areas, say some having 20 acres, 30 acres or even 40 acres of land handed down over generations. Once a tribal family is allotted a meager 1 or 2 acres of land under FRA, then it would be easier for the State to evict him from his existing expanse of real possessions that measure several times the area now being allotted. Further, there is a lurking apprehension that a tribal family, unable to improve the productivity of land by leveling and employing modern techniques, shall in due course abandon it in a fallow condition as it was before. Since the said plot of land can't be mortgaged for availing any bank loan, he is sure to lose interest in it, and may be, this would ultimately pass into the virtual control of the village money-lenders and other vested interests. Thirdly, why is it that the work of allotting the common land to the communities has not begun yet? To me, the radical significance of the FRA doesn't lie so much in allotting small, small plots to individual families, as in transferring 'community claims' over vast spaces of forest land, so to say, the commons, to the villages and communities, who can collectively and sustainably manage them so as to benefit themselves and ensure safeguard against eco-degradation. Under the circumstances, keeping in view the basically just and pro-people character of FRA, what I would like Actionaid to focus on is a strong advocacy at national level for plugging the loopholes in the Act coupled with enabling of Gram Sabhas to frame both individual and community claims independently of any pressure or influence from outside and also to accord primacy to community claims over the individual claims.

27) Actionaid's handling of RTI in Orissa is a chequered story too. Needless to say, this single law is the master key to so many intractable problems that India's system of governance is beset with. Realising this then RM Ms.Supriya and Programme Officer Mr.Biren had initially boosted a State wide campaign for popularizing the Act and as well to press the State Government to frame appropriate, citizen-friendly rules for operationalising it. But as you know, the Rules that was notified in October 2005 and is still in place, is not only out and out ultra vires the parent Act but also the worst of its kind in the country. It is again Actionaid, which continued to support the launching of a website www.orissarti.com and a series of training-cum-awareness programmes across the state, the primary objective of which was to mobilize public opinion for a drastic reform of State RTI Rules and its exorbitant fee regime. In fact, some positive outcome was achieved, when a special session of Orissa Assembly in April 2006 decided on reduction of various fees and legislation of a few provisions known as Orissa RTI (Amendment) Rules 2006. These new provisions though progressive in respect of access to proactive disclosures under Section-4, didn't however touch the villain of the piece i.e. Rules of 2005. Since then the need was utmost felt for intensifying the campaign against these Rules, but slowly and slowly Actionaid's enthusiasm around RTI peter out. For last 3 to 4 years our campaign against the said Rules has been continuing but sans the close involvement of its original promoter Actionaid. Though in some DA areas like Padmapur RTI was used to carry forward the people's movement against corruption to a high pitch, what was agonizing after all was an

inexplicable position of cultivated indifference adopted by the State level think-tank of Actionaid towards the very campaign for reforming the State RTI Rules, which they had once solidly stood by.

28) However, everybody including Government and civil society of Orissa are well aware that it is Actionaid which is passionately involved with the struggles by the displaced communities going on over the years against Vedanta Alumina in Lanjigarh and against POSCO in Erasama. While appreciating such a role played by Actionaid, I must say that it should have been accompanied by a strong and sustained campaign against Orissa R&R Policy, 2006, which though touted as the best one in the country by the State Government, is as a matter of fact the worst of its kind. Without going into a detail critique of it, I just tell you that a policy like this should be judged basically on the kind of grievance redressal mechanism it offers. As some of you know well, Orissa Policy of 2006 has no grievance redressal mechanism worth the name. While the said Policy on one hand explicitly bars the jurisdiction of courts in matters of resettlement and rehabilitation, it on the other assigns the appellate powers of grievance redressal and dispute resolution to the selfsame revenue officials who are directly instrumental in land acquisition in the face of people's protest. As a matter of fact, though Bratindi had helped me develop a comprehensive, radical critique of this policy in the initial phase, and later Madhumita engaged me in popularizing this critique, they didn't however carry forward a campaign against it to the logical conclusion. What happened as a result is the currency to this day of a blatant myth that Orissa Policy is the best one in the country. In this connection I would like you to reflect a bit on National R&R Policy 2007, which though not a foolproof instrument from people's perspective, is much, much better than its Orissa counterpart, precisely for the reason that it provides for a much larger legitimate space to the project affected sections and public at large to ventilate their protest, and even disapproval, such as through social impact assessment by an independent body and social impact hearing with obligatory involvement of landless and marginal farmers, institution of Ombudsman to hear disputes over compensation and rehab assistance, periodical publication of the status of displaced persons on the website, and moreover constitution of an autonomous body in the shape of National Rehabilitation Commission having the final authority over all R&R matters. Hopefully, Actionaid instead of maintaining a reasoned silence over the said National Policy ought to initiate a country wide debate over it. Mind it, the Government doesn't acquire land only for such corporate projects like Vedanta, POSCO or Kalinga Nagar, but also for Defense Projects, Sanctuaries, Aerodromes, Universities, Hospitals, Railways, Bust Stops and the like, for which the public often raise the demand. Given this hard reality, the colonial Land Acquisition Act 1894 or effete Orissa R&R Policy 2006 is not going to vanish, even if people militantly resist the land acquisition in a few pockets like POSCO or Vedanta. So the moot point remains- instead of dismissing these instruments altogether, how to re-script them for providing adequate space for ventilation of public resentment and bargaining power, as required in a democratic polity.

29) By way of summing up, now I would like to iterate my finding on the root cause of India's maladies. Some people say, it is mal-governance, which in my opinion, is too shallow an epithet to capture the kind of all-out mess, indefinable indeed, that India and its teeming millions, with their millennia borne gene for survival are but bound to put up with. But each passing day we are driven nearer the precipice. The very Constitutional edifice- legislature, judiciary and executive- that feeds on public money and is therefore supposed to stem the rot is now a party to its further deterioration. Ironically, it is now only the Maoists with their own brand of ideology and strategy are bringing to the centre-stage a very core issue i.e. who are the real owners of land, forests and water sources, so to say the commons? Is it the people as they were over the major period of Indian history! Or is it the Government who using its so-called 'eminent domain' is out to transfer these commons to this or that corporate house just as our ex-Rajas and Maharajas surrendered their estates to East India Company and then to British crown! As a matter of fact, the Maoists help us clear a deep-seated confusion lingering since colonial times i.e. around the term 'Anabadi' (literally meaning 'not under possession of anybody'). In fact, there are vast patches of 'Anabadi' land in and around every village, as distinct

from such known, recorded categories as ‘Gramya Jungle’ (village forests), ‘Gochar’ (cattle grazing land), Masani (graveyard), Ghat (bathing or boat parking place on the bank of a river or any water stream), Hat (market), Padia (playfield or a space for villagers’ get-together) and the like. ‘Anabadi’ may consist of forests, minefield or a water-body. In the USA or Western countries such categories of land are given the status of ‘commons’ which are managed by the respective local bodies, with Federal or Provincial Governments having nothing to do with them. But peculiarly enough, the colonial rulers hailing from these countries while carrying out land settlement in India introduced two different terms, ‘Sarkari Jami’ meaning the land kept under the outright ownership of Government (for instance, land of the school building, Panchayat office and the like) and ‘Anabadi’, which is owned/possessed neither by Government nor by a private household nor by the village/community, for instance, the rivulet adjacent to 4 GPs Dhinkia, Nuagaon, Govindpur and Garkujang in Erasama the POSCO site. In tune with their colonial predecessor, today’s Government, as and when it likes, equates such ‘Anabadi’ land as ‘Government land’, and simply takes it over for its own use or for hand-over to a company. You would wonder to know that the Land Acquisition Act 1894, deals only with compensation against the privately owned land, and is typically silent about ‘Anabdi’ (commons) land. And Government is able to acquire the vast acreage of Anabadi (commons) simply due to a lingering confusion in public mind that equates ‘Anabadi’ land with Government land. As I told you, it is only the Maoists, who have given a bold relief to a quintessentially democratic and republican slogan- Jal, Jami and Jungle belong to the people and no body can snatch them away.

30) And do you know, how do the people respond to Maoist activities? Very recently I had spent a few days in Khujuria GP under Telkoi Block of Keonjhar district, where the Maoist influence is reportedly on the rise. I was told a true story, which runs like this. On 7th July last, the day of Maoist Bandh call, some people felled a few trees and blocked the road connecting Telkoi to interior villages. The policemen of the nearest outpost, seized by a mortal fear, immediately ceased their duties, abandoned the outpost and fled to Telokoi Police Station to save their skin. Believe it or not, for a complete fortnight, the roadblocks stayed as they were, and not a single Government vehicle dared enter the area, nor did any Government officer visit it. On the other hand, the common people were having a normal life as usual, as if they didn’t need any Government. There was a positive dimension to this episode too. The women of a village, during this period, met the BDO in Block office at Telkoi in connection with acute drinking water shortage, and the latter immediately solved their problem by sending a tanker, and sanctioned money for construction of a tube-well. Moreover, it was noticed that the long pending FRA claims were expeditiously cleared by the SDLC and DLC during this period.

31) What I intend to say that people like you and me, who can’t be gun-holders like Maoists, can nevertheless voice through our discourse two very basic questions facing our nation, first, who owns the commons, and second, why should the legally guaranteed entitlements not reach the people properly and timely. During the freedom struggle, did we not see divergent strategies pursued by different streams of leadership – Mahatma Gandhi, Shahid Bhagat Singh, Netaji Subhas and Dr.Ambedkar- all leading to one goal?

32) As I know from my engagement with Actionaid over last 5 five years, it has the unique potential and orientation to carry forward such a discourse across the country to its logical end, to the ultimate benefit of India and its hapless millions, who are stranded as if at an insurmountable roadblock as a price of their prolonged complacency.

Thanks.
