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SANDESH

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Focus : Starvation Death and Human Rights Violation, * World conference against
Ralism * Dissolution of NTFP price Fixation committee * Pani Panchayat Lessons to
learn.

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Dear Friends,

Time has been playing its part unfailingly since we launched Sandesh two years back. Emboldened by our success in disseminating information of your choice, we have decided to start a new phase right with the publication of this issue. Our major focus is now Sustainable livelihood, Empowerment and Advocacy. This issue contains information like the need for a closer look to the Fifth schedule of the constitution of our country, the burning issue of Starvation death in Orissa, the new horizon of the Adivasi struggle in the remote rural belt of Sundergarh district and landmarks of the NGO declaration of world conference against racism. In our own humble way we tried to highlight the issue affecting the livelihood of the Adivasi community.

Here comes our earnest request to you. Please make us grateful through your sincere proactive comments and valuable cooperation by sending news of your organisation and area for the growth of this newsletter.

In solidarity.

Editorial Board, SANDESH

Starvation Deaths, Human Rights violation and state responsibilities

Bibhu Prasad Tripathy

Kashipur is in the news once again. But this time Govt. is with all excuses half truths, lies and outright whoppers. Govt. has also informed the Prime Minister that all is well with the Kashipur block. While the Parliamentarians of the state put the blame on the centre for starvation death, the central study team from the food and public distribution ministry had denied the recent deaths in Kashipur as starvation death. At the same time the team has not spared the state Government and blamed it for failure of central schemes. The state Government has issued press releases one after the other to assert that there has been no death due to starvation in Kashipur and the Government has taken adequate steps to prevent any death due to food scarcity. Though government has accepted that consumption of contaminated mango kernel paste along with other poisonous uneatable is stated to be reason for the death of Adivasi and has declared one kg of rice free of cost to the Adivasi in exchange of one kg of mango kernel but Government does not want to own up the responsibility of its failure in providing sufficient food grains to its citizens. The Government was trying to cover up the issue as it became a political stick.

A very pertinent question is to be asked that why people store or swive on wild roots and mango karnel when the government is claiming to have implemented so many scheme to provide food to the needy ones. The heart rending report of death caused by prolonged hunger in Kashipur block forced the National Human, Rights Commission to issue notices to the state government chief secretary asking him to reply within one week giving details of the action taken to give food to the needy and to prevent any such deaths. The supreme court also seized the mater of Kashipur starvation death while hearing a public interest petition filed by the peoples Union for civil liberties on starvation death. The pertion had raised three impartment question to be settled by the supreme court. The questions are

- (a) Starvation death is a natural phenomenon when there is a surplus stock of food grains in the Government godown. Does the right to life enshrined in the constitution as fundamental right mean that people who are starving and who are too poor to buy food grains ought to be given food grains free of cost by the state from the surplus stock lying with the state, particularly when it is reported that a large part of it is lying unused and rotting.
- (b) Does not the right to life under Article 21 of the constitution of India include the right to food ?
- (c) Does not the right to food, which has been upheld by the Hon'ble court imply that the state has a duty to provide food especially in situation of drought, to people who are drought affected and are not in a position to purchase food.

In this petition, apart from the state of Orissa, state of Rajasthan, state of Gujarat, state of Himachal Pradesh have also become the opposite party.

The supreme court in its order on 23rd July (before the Kashipur starvation death) had observed that the anxiety of the court is to see that the poor and the destitute and the weaker sections of the society do not suffer from Hunger or starvation. The prevention of the same is the Prime responsibility of the Government whether central or the state. The court had further observed that food must reach the hungry. On September 3rd the court while hearing this petition, pulled up the Orissa Govt. for its failure to identify the below poverty lines (BPL) families even as the state contemns to reel under starvation death. And since identification of BPL families is necessary food to be supplied to them at specially subsidised price asked 16 states and Union territories including Orissa to do so within two weeks. While hearing the petition, the central Govt. told the Govt., that the centre has issued necessary order for speedy supply of grain from the food corporation of India godowns to public distribution system operated in the state. However this was not 'successful as many states have not yet identified the BPL families.

The inordinate delay by the state Govt. in finalization of BPL list has among other things brought into focus the preference of the state Government. Today the question to be asked by the people that how has the Government meant for protecting the people become the perpetrator of the monstrous injustice ? How has a public Distribution system that was originally designed to protect the poor against extortionate pricing during the time of drought been turned to an engine of death ? Poverty is stark in the Adivasi region and the Government knows it but is the Government serious to check the bad news of hungry Adivasi deaths ? The question is whether the Government feels that starvation death is a violation of human rights by the government ?

Deaths due to starvation, not gruel

Ankuran and Orissa Adivasi Manch

The Orissa Adivasi Manch and Ankuran, two non-government organisations (NGOs) working in the Rayagada district have contested the State government's clarification that the deaths in Kasipur block of the district was due to intake of poisonous food.

Bidulata Huika and Badal Kumar Tah of the two organisations claimed that eating mango kernel and wild mushrooms id prevalent among Adivasis are more knowledgeable than anyone else in this regard. The gruel prepared from kernel is generally supplemented by other foods which was not available because of several factors including heavy rains during the period, they added.

Claiming that the deaths occurred due to hunger they said that irregular availability of PDS rice in villages and lack of work were the major reasons behind the incident. They said collection of other supplementary food like greens and tubers from forest was not possible due to heavy and continuousrainfall.

The health system had become dysfunctional and sanitation in the villages was horrible, they added.

The Organisations suggested that some steps should be taken immediately to tackle the situation. They are, immediate launching of Food for Work Programme by repairing link roads to villages with locally available material, cleaning of the village, renovation of drinking water source and reconstruction of broken house due to heavy rains.

They maintained that village committees consisting of youths including women have to look into the implementation of FWP. For the next two moths the Government should implement the FWP so that all working adults in the effected villages get work. They also demanded that a long term agro based and labour oriented plan should be made for the uplift of the triabals.

REPORT

Adivasis of sundargarh district languished in jail for one month because of the their constant fight against the polluting iron industries and restless crusade for grame ganarjya.

“Because we dared to stand firm against the wealthy owners of polluting iron industries of our forest area and the powerful district administration which is not taking steps to stop these industries we had to bear the brunt of police atrocities and languish in jail for a month. They granted us bail because we were women and children but nineteen of our male members are still in jail. While in one side the netas are declaring that they want to make us empowered, in reality they sent us to jail when we sat in dharana against the industrialists. Is this rule of law ? Is the way the Government and bureaucracy wants to protect the interest of the Adivasi of the state.” Thus asked a young Adivasi girl from Balanda village in the Adivasi populated Sundargarh district of Orissa, Ms. Manjula Topno to a Fact-finding –team of Bhubaneswar which visited recently to jail in Panposh.

Manjula was not the sole example of helplessness. There were 39 women including old women and minor girls like Anjella Tete, Malika Jojo, Selma Lugun and others who were beaten mercilessly by police on June 26. Thirty children were also arrested and kept in jail for nearly a month. “There were nine women-police but they stood like statues when nearly 200 male-police molested, squeezed, torn our blouses, threw us to water, then threw us to police vans, went on beating us mercilessly inside the vans, opened blank fire at us and what not. Then they took us to jail where 50 persons including women and children were kept in a cell which had the capacity of keeping only 16 prisoners. There was no question of sleeping. When we felt exhausted by standing for house together in that cell we fell one above another,” said Majula.

When asked the police Inspector of Panposh police station, Mr. Nihar Ranjan Das said the fact-finding-team (which included this reporter) that police had no other option but to use force because the Adivasis became violent and threw stones and arrows towards the police. More than a dozen police became injured while I myself got head injuries. I was admitted into the Indira Gandhi Hospital (IGH) and had seven stitches on my head, said the inspector. He also agreed that all total 90 people including women and children were arrested from the spot. Four cases including attempt to murder were lodged against each of them.

It was seen that for years together, few polluting sponge iron industries established in the district have remained the bone of contention between the Adivasis and the district administration. A sponge iron industry called Reckson Strips could be taken as a case in point. As said Benjamin Barla, an oldman of Champajharan in Sundargarh, due to the flying dusts of the Reckson Strips sponge iron industry established near their village they have lost 30 acres of cultivable land. Dust setting six feet high on the land has turned agricultural land barren. Nothing is growing in this land. The dust blackens the leaves of trees and grass. Goats and cows die after consuming these leaves and grass. Even one cuts the goats for meat they get only black coloured meat. As said Barla his village has lost 30 goats and equal number of cows. Twenty persons have lost their lives in Tuberculosis. Drinking water sources have become totally black and arsenic contents has turned the water of ponds and wells poisonous. The villagers wrote about it to everybody who matters in the district and state administration but nothing happened. The pollution control board of Orissa came with a machine last summer but they did nothing. The district administration arrested 107 persons when they went to demonstrate in front

of the factory and the collector's office. The arrested youth includes juveniles studying in class eighth and ninth in local High School. Police even did not bother to provide us a glass of water in the police station says Ujjwal Pal, a student aged 16 years.

Now the people of Balanda donot want to face the same fate faced by the people of Champajharan area. As said Gullu Lakra, Pradeep Tapno, Suman Barla, Gudu Lakra and Rabindra Ekka of Bolanda who were in jail, the Tarini Sponge Iron Factory ran for ten days and within ten days the dust settled over a pond and a well of their village turned the surface black. How can they allow such a factory to run in their area, asks Manjula Eom. When none bothers to pay heeds to our representations to the state machinery what other forum do we have to express our displeasure of establishing these polluting industry except going for dharanas says an old women of Balanda who at any point of time may meet her maker. She asserts and justifies the steps of her fellow neighbors against of the polluting industries and make vows to fight for their rights.

A closer analysis of the situation reveals that way back in 1999 the Adivasis of these areas were sensitized about their rights as enshrined in the fifth schedule of the constitution and the Provisions of the Panchayats (Extension to the Schedule Areas) Act. The Adivasis understood the special rights provided in these protective legislations and started asserting their rights by questioning the authorities on various issues. Without a visible drama or fanfare this village witnessed the writings on the stones about rights of Adivasis in the scheduled areas. For nearly six months the innocent Adivasis were educated by Demi Kindo and his groups about their system of governance and their control over productive land and forest. The assertion of these Adivasis were powerfully summed up in one of their slogans "our rule in our village" is considered as unconstitutional by the present Adivasi welfare minister Juel Oram the Parliamentarian from Sundergarh. In a press statement the Hon'ble Minister even had gone to the extent of threatening the Adivasis that their act amounts to insurgency activities in the state. The poor innocent Adivasis believe that their struggle is unique and remarkable because they have never bow down their head before the Factory owner's power and wealth. But they have understood that during the last few years their forest and other resources were increasingly seen as commodities their lands expropriated as private property and their growing dependence on ruthless money lenders linked with feudal landlords and local politicians led to mass land alienation in their area. The fact-finding team after meeting the police administration realized that the district administration deals the problem from the law and order point of view and not from livelihood of the Adivasis angle. For them the police brutality is justified as the Adivasis were allegedly obstructing the functioning of the factory, which has got a conditional consent from the Pollution Control Board to run the Industry. For the police officials it is immaterial how the ruffian elements of the industry are violating the basic norms of the rule of law. One may legitimately wonder how the people can fight against the polluting industry in the court of law when it is evident from the fact situation that it is difficult for them even to arrange a lawyer for their bail what to talk of fighting pollution cases in the High Court.

Fifth Schedule Update

Bid to amend fifth schedule flayed

Around 200 Adivasis from scheduled areas of ten states gathered in Indian Social Institute New Delhi and launched a national Protest against the proposed amendment to the fifth schedule of the constitution. Fearing that the historic Samatha Judgement of 1997 pronounced by the Supreme Court which reinforced the right of the Adivasi communities over their own land is at risk to be reversed by judicial review or constitutional amendment, the Adivasi leaders staged a demonstration in front of SC and ST Commission to express their anger and wish.

In the two days deliberation the Adivasi communities criticized the Govt. for collusion of the centre and state Government with the industrial lobby who for their own interests are dispossessing the Adivasis from their land, forest and other livelihood resources. The Adivasi communities worried that the Government would certainly face resistance from Adivasis if it went ahead with changing the laws and leased the forest tracts to MNCs. Speakers at the meeting lambasted the Government for trying to subvert hard won rights of the Adivasis by seeking to bring an amendment to the fifth schedule. Later on the day the Adivasi leader met the president of India and expressed their unhappiness over the Govt. move to amend the fifth schedule.

It may be noted here that the Govt. has initiated a move albeit secretly, to de-reserve scheduled Adivasi land, opening up Adivasi owned properties for acquisition and commercial exploitation. The Union Ministry of Mines has put up a note marked secret for the committee of secretaries to push for an amendment of the constitution's fifth schedule which reserves Adivasi land. This initiative is meant to circumvent a Supreme Court ruling of 1997: any lease or licence to non-Adivasi is absolutely void and impermissible.

No Adivasi land can be acquired without the consent of Gram Sabha - Orissa Govt:

The revenue department of the state Govt. has issued a circular to all the District collectors to ensure that no Adivasi land can be acquired without obtaining the consent of Gram Sabha or Gram Panchayat. The circular further states that, no land can be acquired in the Adivasi areas without proper rehabilitation and resettlement of the Adivasis. The circular clarifies that before proposing to acquire Adivasi land, the Gram Sabha of the concerned area must approve the same. The approval letter of Gram Sabha should be sent to the Revenue Divisional Commissioner through the District Collector. The resettlement and rehabilitation programme for the displaced Adivasis of the region should also get the approval of the Gram Sabha. The circular further clarifies that, even though the Adivasis may not have legal right over the land which they are claiming to be their own, the developer or state Govt. planning to acquire the same has to apply to the Gram Sabha to obtain their consent. The Government in their letter to the District collector has asked the District Administration to follow this circular and it is to be noted here that following

the historic samatha Judgement, the state Govt. on 8th July, 2001 had formed a secretariate level committee and cabinet sub committee to study the impact of samatha judgement. The circular of the Govt. is being seen as the first step of the Government to understand the plight of the poor Adivasis. (The editorial board of sandesh tried to lay hands on the circular, after a news item published in local daily but they could not get the same. In the next issue we will publish the circular in English and Oriya)

DISSOLUTION OF NTFP PRICE FIXATION COMMITTEE

The Non Timber Forest Produce price declared by the state Govt. barely one year ago has received a severe jolt as the Government has decided to dissolve the state level price fixation committee for NTFP without providing an alternative. The Government had formed the price fixation committee in the erstwhile welfare department for fixation of procurement price of minor forest product and surplus agricultural produce in 1997. Following implementation of the new NTFP policy, the committee was reconstituted under ST and SC Development Department in June 2000. Subsequently, a three member committee of secretaries was set up to review the implementation of the New NTFP policy and suggest measures to remove all bottlenecks in its smooth and effective implementation to enable the Adivasis to derive full benefit of it. Based on the recommendation of this committee of secretaries Govt has decided to dissolve the price fixation committee. Here is the notification.

Government of Orissa
SC & ST Development department
No. 20665 / SSD / Bhubaneswar, the 9th July, 2001.

NOTIFICATION

Sub : Dissolution of the State Level Price Fixation committee for fixation of procurement of price of minor forest produce (MFP/NTFP) and S.A.P. in the State.

The State Level Price Fixation Committee was constituted by the Government in the erstwhile Welfare Department for fixation of procurement price of Minor Forest Produce (MFP/NTFP) and S.A.P in the State vide Government order No. 36350 dt. 30.12.97. After implementation of the New NTFP Policy it was reconstituted vide Notification No. 20343 dt. 30.06.2000 in the ST & SC Development Department.

A three member Committee of Secretaries was set up by the Government to review the implementation of the New NTFP Policy and to suggest measures to remove all bottlenecks in its smooth and effective implementation to enable the Adivasis to derive full benefit from it.

After careful consideration of the recommendations of the Committee of Secretaries, Government have been pleased to dissolve the State Level Price Fixation Committee Constituted vide notification referred to above.

Order : Ordered that the Notification shall come into force from the date of issue in the official Gazettee.

*By order of the Governor
Sd/ A. K. Samantaray
Commissioner-cum-Secretary to Govt.*

From International News

Queensland Indigenous People Approve Mineral Exploration SYDNEY, Australia, Indigenous land use agreements have been signed between the Kalkadoon People, the Queensland Government and a number of mineral exploration companies, the National Native Title Tribunal has announced. The indigenous land use agreements (ILUAs) will allow about 90 exploration licences to be granted within an area near Mt. Isa covered by a Kalkadoon native title application. Tribunal president Graeme Neate said Thursday that the agreements give indigenous parties economic security and cultural protection while providing certainty to exploration companies. Richard, a Kalkadoon, conducts visitors to native sites around Mount Isa. (Photo courtesy Mt. Isa City Council) Representatives from the Kalkadoon People and exploration companies in the Mt. Isa region joined Queensland Premier Peter Beattie to sign the agreements at a ceremony in Brisbane today. Neate said parties to the ILUAs had invited the National Native Title Tribunal to help them overcome an impasse in negotiations in May. Tribunal mediators worked the parties for four months to help them reach a final agreement. The indigenous parties have a right to provide induction training so that exploration staff have a basic understanding of Kalkadoon culture and attachment to the land. They obtained a commitment that explorers take “reasonable steps” to preserve and protect their cultural heritage; and they will have access to employment opportunities and benefits from exploration. Neate said once registered with the National Native Title Tribunal, the ILUAs will be legally binding and enforceable, allowing developments to proceed while protecting the interests of native title holders and claimants. Tourists drawn by lakes, mountains, aboriginal rock art and culture now flock to Mt. Isa, a town of 22,061 people. The area once was a bustling mining center and the old gold mines of Mount Cuthbert and Kajibbi still stand as reminders of those days. In the near future, miners will be making their appearance once again. Nicaraguan Tribe Sets Indigenous Rights

WASHINGTON, Sep 19 (IPS) – Nicaragua’s Awas Tingni community has won the first lawsuit brought before the Inter-American Court of Human Rights over the territorial rights of an indigenous population. The court has ruled in favour of the small indigenous group and ordered the Central American country’s government to protect the tribe’s land rights. Attorneys for the tribe hailed the decision as a “landmark victory” for indigenous people throughout the Americas. The Nicaraguan embassy here did not respond to repeated requests for comment. The eight-member, Costa Rica-based court is ordering the Nicaraguan government to demarcate the community’s traditional lands. The 650 strong tribe has occupied land – sought by logging companies – on the Atlantic coast

of Nicaragua for many generations. Judges also have instructed the government to pay 50,000 dollars in compensation and 30,000 dollars for legal fees to the Awas Tingni.

Their ruling, made Aug. 31 and unsealed Monday, held that Nicaragua violated the 1979 Inter-American Convention on Human Rights by denying the community its rights to property and equal protection under law. The court said it would supervise Nicaragua's compliance with its ruling and require the government to submit implementation reports every six months. Nicaragua must adopt legislation and administrative measures "to create an effective mechanism for official delimitation, demarcation, and titling of the indigenous communities' properties, in accordance with the customary law, values, usage and customs of these communities," according to a summary of the judgement. "This ruling requires every country in the Americas to rethink the way it deals with indigenous people within its borders," said Armstrong Wiggins, Latin America programme director for the U.S. based Indian Law Resource Centre, which represented the Awas Tingni. Since the 1950s, the tribe had unsuccessfully requested the Nicaraguan government to demarcate its traditional territory. Fearing that loggers would decimate its natural resources, the indigenous community sought legal title over the land. In 1996, Nicaragua granted a 30-year timber license to the Korean company, Sol de Caribe S.A., or SOLCARSA, clearing the way for exploitation of nearly 62,000 hectares of tropical forest on land claimed by the Awas Tingni. The company could not be reached for comment. The tribe said it was never consulted over the timber contract, which they vehemently opposed. A protracted fight in local culminated in a Supreme Court decision to void the timber license. But the Awas Tingni said the government failed to end the company's operations. "We tried all the remedies available in Nicaragua," said Wiggins. "Meanwhile, the indigenous people's lands and resources remained unprotected." The Awas Tingni then sought justice through the Inter-American Commission of Human Rights, the independent body of the Washington based Organisation of American States. The Commission ruled in favour of the tribe and in 1998 referred the case to the Inter-American court on the grounds that Nicaragua had not acted, as requested, to delineate the community's land and compensate it for lost resources. "Nicaragua failed to define the communal lands of the Awas Tingni, or the lands of other indigenous communities in Nicaragua," said Claudio Grossman, president of the Commission, who also represented the community during Court proceedings last year. James Anaya, special counsel to the Indian Law Resource Centre, said the latest ruling "vindicates" the rights the Awas Tingni has struggled so long to protect. "Members of the community have fought for decades to protect their land and resources and against government neglect and encroachment by loggers," said Anaya, a professor of law at the University of Arizona. Many land and resource disputes similar to the Awas Tingni case exist throughout the Americas. Rights advocates said the tribe's victory offers hope to other groups that they can successfully pursue such cases through the Inter-American system. The ruling also is important, Grossman said, because it proves the strength and relevance of Inter-American human rights and legal institutions. "It shows the value of the Inter-American system as an avenue to debate, and hopefully settle, very important and complex legal matters," he said.

**WORLD CONFERENCE AGAINST RACISM:
Caste based discrimination : Govt urged to initiate time bound programme.**

The United Nations Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held at Durban, South Africa from 31st August to 7th September 2001 and prior to this there was a World NGO Conference held in the same town near to the UN Conference Venue on the same theme from 28th August to 1st September 2001. On these two Conferences many issues connected with the discriminated people of the world were on the agenda for discussion. But only three issues like Slave, Slave Trade and Reparation, Plight of the Palestinians and Casteism and Dalits were highlighted to the maximum. This is the first time the issue related to Dalits was taken to the world bodies to the maximum the history ever witnessed.

Nearly 225 representatives from Dalit Community and from Non-Dalit supporters of this cause were there representing different parts of the world like India, Nepal, Sri Lanka, Pakistan, United Kingdom, America, Canada, South Africa etc. Roughly 150 members from India, from different NGO Networks, like National Campaign for Dalit Human Rights (NCDHR), Tamilnadu Women's Forum (TWF), National Dalit Women's Forum (NDWF), Dalit Resource Centre (DRC), Development Council for Churches in India and Federation of Dalit Action for Liberation are participated. Indian Government also sent a sizable number of Dalits and Non Dalit NGO's.

The Indian NGO delegation made a very good impact in the NGO forum on the Dalit issue through various forms expressions, like active participation in many of the discussions, exhibition of posters, doing advocacy and lobbying procession, distributing various pamphlets describing the plight of the Dalits, issuing Tee Shirts, Badges, Overcoats and Ribbon to tie on the head, all with the slogans related to Dalits and Casteism. Unfortunately the Dalits and Non-Dalits NGO sent by the Indian Government tried to counter the efforts by saying that the caste is not at all a problem, Untouchability does not exist in our country and even went to the extreme of saying that the issues are unnecessarily exaggerated. Many NGOs criticize the National Government for sponsoring such NGOs and also condemn that NGOs for speaking against the Dalits by giving false statements.

The NGOs appreciate the UN NGO Forum and the International Steering Committee for recognizing the Dalit issue very much by saying in their final document that "The practice of Untouchability, rooted in the caste system, stigmatizes 260 million Dalits in South Asia as 'polluted or impure, thereby denying them entry into places of religious worship, participation in religious festivals, assigning them menial and degrading work including cleaning toilets, skinning and disposal of dead animals, digging

graves and sweeping, and the forced prostitution of Dalit women and girls through the traditional system of temple prostitution (devadasi)". "The vulnerability of the victims of work and descent based discrimination, including caste discrimination and Untouchability, is aggravated by legal systems and law enforcement machinery that fail to protect them and hence are responsible for the continued perpetuation of discrimination, and by states that are themselves often the law breakers."

The forum also suggested 10 points Programmes of action such as "take immediate steps to create transparent and effective monitoring mechanisms including the establishment of time-bound Programmes to ensure effective implementation of such legislation, even where the perpetrators are states and state agents," and suggests that the "NGOs to lobby to ensure that the relevant Governments are made accountable to parliament and the UN Committee on the Elimination of Racial Discrimination for their implementation of policies and Programmes aimed at eradicating work and descent based discrimination, including caste aimed at eradicating work and descent based discrimination, including caste discrimination and Untouchability, by constitutionally mandating their Governments to submit and openly discuss the annual reports of National Human Rights Institutions."

The Federation of Dalit Action for liberation, NGO working for Dalits, condemns the dictatorial attitude of the Indian Government for hiding the truth and also for its Brahmanical attitude. FeDAL questions the integrity of Mr. Omar Abdullah the State Minister for external affairs who led the official Indian delegation for his arrogant statement that "In the run up to the world Conference, there has been propaganda, highly exaggerated and misleading, often based on anecdotal evidence, regarding caste-based discrimination in India."

FeDAL also worries about the effort of Mr. Omar for restricting the democratic space of the Dalits by saying that, "We are firmly of the view that the issue of caste is not an appropriate subject for discussion at this Conference. We are here to ensure that there is no state-sponsored, institutionalized, discrimination against any individual citizen or groups of citizens. We are not here to engage in social engineering within member states. It is neither legitimate nor feasible nor practical for this World Conference or, for that matter, even the UN to legislate let alone police, individual behaviour in our societies."

At the same time FeDAL appreciate the position of the National Human Rights Commission for its statement which openly accepts that "however, the powerful role of the judiciary in ensuring respect for the Constitution, the laws and affirmative action Programmes of the country, it is widely recognized that much remains to be done to bring to an end the discrimination and inequality that have been practiced for centuries and that this requires both sustained effort and time. There are manifest inadequacies in implementation which are deeply frustrating and painful to the Scheduled Castes and Scheduled Tribes and, indeed, to all Indians who strive to end the injustice that persists in several forms and the atrocities that occur". Justice Ramasamy who presented this statement, concluded by saying that "the Commission is acutely aware that the journey to end discrimination, injustice and inequality will be long and often frustrating. But it is

convinced that, in this mission the constitution of the Republic has shown the way. Legislative and affirmative action Programmes are firmly in place, but unquestionably need to be far better implemented.

FeDAL Condemns the attitude and the behavior the Indian Government, for directly and indirectly controlling the civil societies both nationally mternationally, for taking stand with the Dalits against the historical crime of Untouchability and atrocities. FeDAL condemns the effort of the Indian Government for sabotaging all the efforts of the Dalits and stopped the inclusion of the word 'work and decent' in the UN declaration.

The NGOs condemns the Indian Government for silencing the progressive voices of the many other states by using its power in the international politics.

The NGOs urges the Indian Government to implement immediately all the assurances given by the Mr. Omar Abdullah in the UN Conference such as 1) Promulgation of stringent National Laws against these phenomena, 2) Strict Implementation 3) Setting up of independent national institutions with powers to address problems 4) affirmative action.

The NGOs appeals to the NHRC to review the safeguards provided by or under the Constitution or any law enforce for the protection of human rights and recommend measures for their effective implementation and for this FeDAL request the NHRC to include the Dalit NGOs in that process.

FeDAL expresses its thanks and appreciates the International NGOs who supported the claim of the Dalits and the Heads of different countries like the Cuban President Mr. Fiedal Castro and also others who recognized this evil practice and also supported the voices of the Dalit NGOs.

Finally FeDAL calls upon all the Dalit Movements and the national Dalit NGOs in alliance with other progressive movements, to plan together a time bound action plan to follow the Durban declaration very concretely including demand for reparation to the Dalits for the wrong doings of the dominant castes in the history.

News to Look at :

PANI PANCHAYAT CREATES REVERSE MIGRATION

By Usha Rai

Mahur village in Purandhar block of Pune district is like a green oasis in the parched, drought prone district of Mahara shtra. Standing on a mall hillock, for miles around green fields could be seen. At the base of the hillock is a minor irrigation tank into which the rainwater is harvested. This almost perennially full water body is the lifeling of Mahur vullage and its principle of equity in water distribution is its sustenance. In a country where rural people failing to get return from their agricultural lands are migrating to the big cities in search of jobs, in the 30 odd villages of Pune district where Vilasrao Salunkhe's pani Panchayats are in operation, reverse migration has begun. Farmers who

were getting barely 50kg of bajra and jowar per acre and the annual income was Rs. 2500 to Rs. 4000 are now earning Rs. 10000 to Rs. 1 lakh from the same land. In addition to the traditional cereals, farmers in this area are growing wheat, onions, vegetables, a variety of flowers like marigolds, lilies etc., fruits and a cash crop is not a water guzzler. The villagers practice organic farming. They have been able to provide employment to people from the adjoining villages and farmers who had gone to Pune and other cities for work are returning home. Engineer turned farmer the man pioneered the radial technological and social innovations that repair and restore degraded water sheds guarantee each family within the community an equal share of the water harvested, is an engineer with his own factory. It was in 1972, after the terrible drought that affected some 4 lakhs people Maharashtra that Mr. Salunkhe realised the need to intervene. There was just no water available for agriculture of any kind. Even drinking water was scarce and tankers would supply water for basic needs. Traveling extensively in the area, he found villagers breaking stones for road construction in a desperate bid to earn subsistence allowance from the government. The engineer in him realised that environmental regeneration and water shed development with the full participation of the community was the only solution. Rainfall in this region fluctuated between 250mm and 500mm. He initially tried his ideas of water shed development on a 16-hectare plot of hillside in Naigaon village in Purandhar block. The land belonged to the temple trust but it was barren and uncultivable. He got the land from the trust on a 50 year lease and built a hut where he and his family lived and worked with the community. From 2, to 100 quintals. Conserving soil and harvesting water given top priority. A series of contour bunds were raised to trap water and check soil erosion. At the base of the hill slope, a percolation tank that could hold upto a million cubic feet of water was constructed. A well was dug below it and water pumped from there up the hill slope for irrigating the fields. Trees were planted in the rocky areas; fruit trees grown in the more fertile areas and grass and shrubs regenerated on lands not being cultivated. Slowly production from the land increased. As against two to four bags of grain in an year, 100 quintals was harvested and enough employment was generated for the survival of five house holds and their cattle. Half an acre irrigated land could provide a man's food needs for the whole year. The Naigaon experiment experiment was ready for duplication in other parts of the state. Water had to be treated as common property resource with all villagers having equal rights and access to it. So five basic principles of the pani panchayat or Gram Gaurav Pratishtan were evolved. These are in operation to this day. Irrigation schemes are undertaken for groups of farmers, rather than for individuals. Water is allocated on the basis of number of members in a family, rather than in proportion to the land holding. A family unit five is given water rights for irrigation of one hectare of land. Cropping is restricted to seasonal crops with low water requirement. Crops that require perennial irrigation and large amounts of water like sugarcane, bananas and turmeric cannot be cultivated in pani panchayat areas. The water rights are not attached to land rights. If land is sold, the water rights revert back to the farmers collective. All members of community, including the landless have right to water. The beneficiaries of the panchayat have to bear 20 percent of the cost of the scheme. They have to plan, administer and manage the scheme and distribute water in an equitable manner. With farmers paying 20 percent of the cost of lift irrigation, the government provided another 50 percent and the remaining 30 percent was provided by pani panchayat as interest free

loan. The half a dozen landless people of Mahur who have joined the pani panchayat scheme have taken land on lease from landholders and put to good use their quote of water. They too have prospered and now some of them have bought land. Success spreads in the early eighties when the cloth mill in which the villagers of Mahur were working closed down, they came together for their own water panchayat. Ten to 15 percent of the villagers who already had irrigated land have not joined the scheme. People living on the hilltop where the water could not be reached have also stayed away. As have carpenters and others doing different jobs. "Where the cost of development does not ensure returns, villagers have not joined in," says Lakhsman Khedar, who works closely with Salunkhe to ensure that the scheme stays on line. Though the region received close to 1100 mm of rain annually there was no storage facility, villagers recall. Today it is wonderful to see the prosperity of Ramchandra Sripathi Chavan, one of Mahur's early beneficiaries of the Pani Panchayat scheme. The old mud hut in which he lived till the eighties now serves as the go down for his crop of onions. A solid two-roomed cement house with galvanised iron sheets for roof is his new abode. A television set has been given pride of place of the four acres of land that he and his brothers own two acres are now irrigated through lift irrigation. Earlier he was dependant on the rains and grew just bajra and jowar. He was able to harvest just 5 to 6 quintals in a year and earned just Rs. 2500. Today he grows a mix of crops and his income has soared. Others from the village gathered to recount similar success stories. Niranjana Ganpat Rao Chavan and his brother have 12 acres of land. Now under the pani panchayat scheme 4.5 acres is irrigated. Earlier he grew groundnuts in the rainy season and bajra, jowa and rice and earned Rs. 5000 to Rs. 6000 in a year. Now he grows mogra, mariogld and lilies in addition to wheat and vegetables and earns Rs. 70,000 per acre of irrigated land. Niranjana, an MA, LLB had left his village in 1984 and was working in offices in Ratnagiri and Pune and sending home money. In 1987 he returned to Mahur to look after the irrigated lands. Like him Satyawan Gole has returned from Mumbai to work on his fields at home. Paying a donation, he has been able to send his son to an engineering College. Balasahib Chavan and his brothers own 11 acres of land of which three acres are under the pani panchayat scheme. Balasahib who studied till the 12th class is the village patkari, the man who operates the lift irrigation scheme, bills the villagers, collects payments and ensures that each member of the panchayat gets his due share of water. The pumps operate round the clock and Balasahib ensures that each acre gets water for three hours cont inuously. Though there is load shedding in the area, it is not as bad as it is in U.P., the villagers pointed out. Balasahib underwent special training on motor repair and electricity at Sashwath before taking charge in Mahur. He gets a salary of Rs. 1500 as patkari . Every member of the panchayat contributes Rs. 1000 a year towards maintenance. Balasahib who was earning Rs. 9000 from his land now earns Rs. 2 lakh a year. What is more, he has a special status in the village. "Water had to be treated as common property resource with all villagers having equal rights and access to it."

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