




By ALBERTINA ALMEIDA

## Privileging Investors' Rights over People's Rights: That is what it all adds up to

We have seen several developments as well as utterances by ruling party members in Goa in just the last couple of months, in flagrant disregard of their wide ranging adverse implications for the people in Goa and their livelihoods. The justification of the proposed coal hub, of the declaration of six of our river stretches as 'national waterways', the hasty passage in the last Assembly session of the Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Bill, and of an amendment to the Town and Country Planning Act against the backdrop of the 'transferable development rights' policy as a bait for succumbing to what those in Government call development, the Central Government's approval of the Revenue Generating Scheme for the Golf Course Resort Project of Leading Hotels Pvt. Ltd. at Tiracol...these are but some of the ominous signs of suppressing the rights and voices of people in order to privilege investor rights over people's rights, and to completely overlook the lack of credentials of the proposed investors.

There has been no talk, however, of reflecting *Goemkarponn* by bringing the Town and Country Planning Act in consonance with the 73rd and 74th amendment to the Constitution of India, which clearly mandated people's participation in the shaping of the Regional Plan, through gram sabhas, ward committees and the like. This when, ironically, the person who misses no opportunity to fly the banner of *Goemkarponn* is the TCP Minister. Moreover, there has been no talk of repealing the amendments to section 16/16A of the Town and Country Planning (TCP) Act, 1974 carried out in 2008 or of repealing the unjustified and draconian Goa Investment Promotion Act, 2014, which was brought into the picture to give primacy to investors' rights over people's rights, by the setting up of an Investment Promotion Board.

Instead, more carrots have been dangled before investors. The Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Bill, 2017 is in so many ways a rerun of the Land Acquisition Act, 1894, which empowered the State to forcibly acquire land in public interest, without the participation of people in determining that public interest. The draconian Land Acquisition Act has since been completely transformed into the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, thanks to the persistent efforts of the struggling people and activists all over India who pushed for the same. But the aforementioned Goa Compensation Bill is going to completely



reverse that forward move. It provides for vesting of land in Government where the land is needed for 'public purpose' which includes infrastructure projects on any land relating to airport and for industrial corridors or mining activities. Moreover, the said land shall vest in the Government encumbrance free irrespective of whether that land actually has encumbrances or not. For instance, what this would imply is that instead of Leading Hotels Pvt. Ltd, if the Government were to acquire land from the landlord at Tiracol, given that its landlord had represented it to be encumbrance free, the Government would have treated that land as encumbrance free notwithstanding the claims of the mundkars and tenants on that property.

Add to this the announcement by the Chief Minister to shift the casinos to Mopa, as apparently the casinos cannot be closed down because that will send a wrong signal to the investors, and you have a motley mix of yet another set of big corporate investors such as Delta Corp Ltd and the likes, who are being given a free reign.

The Goa Requisition and Acquisition of Property Bill, 2017, also introduced in the last session of the Legislative Assembly is yet another move in the same direction. It virtually gives powers to the State to requisition or acquire land for State's so-called 'public interest' purposes. We are all aware of how lands have been acquired for a song by the Goa Government and again sold for a song to five star hotels and big corporates, in the past, all in the name of public interest, completely bypassing the people. We certainly do not need a replay of the same.

Needless to say, the justification for the declaration of six whole river stretches as national waterways is yet another cover to further facilitate the corridorisation of Goa, abusing its port location to transport coal at the cost of people in Goa, despite the strong voices against the coal hub that resonated at the Public Hearing at Tilak Maidan.

The Union Tourism Ministry has just sanctioned the Large Revenue Generation Scheme of the Central Ministry of Tourism, to Leading Hotels for their Tiracol Project, where Leading Hotels is a subsidiary of Asian Hotels (North) Ltd., and Asian Hotels (North) is a company of the Jatia Group that has 100% stakes in a hospitality company in Mauritius, that in turn has substantial

stakes in Lexon a Mauritian company that has about 80% stakes in Leading Hotels. That only indicates who is benefitting from such schemes.

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All this then ties up with the primacy-to-investor-rights policy that the Central Government of the day is aggressively promoting as it negotiates the Regional Comprehensive Economic Partnership (RCEP). The RCEP is talking of encouraging free trade and competition on the same playing field between local producers and small enterprise and foreign investors, obviously to the disadvantage of the small farmers and local producers and enterprise. Further the same RCEP seeks to place the Investor State Dispute Settlement Mechanism (ISDS) within its framework. This ISDS is exclusionary in that it enables the foreign investor corporates to sue Government if their profit maximization is threatened, and at expensive fora that are completely out of bounds anyways even for the local people to witness what their Government is doing.

In other words, this time around, we have a different type of colonization with the backing of law - by the big corporate investors that the State is in cahoots with, and whose interests it seems bent to foster, never mind the consequences for common people by way of denial of their livelihoods, of denial of access to resources, of lack of decent living wages, denial of equality, and lack of accountability.

*This column is dedicated to colleague and friend Thalmann Pereira who breathed his last barely four days ago. His clarity of thought and probing nature was a great aid in sharpening my thoughts.*

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