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# The mess over land keeps growing

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FIRST the people of Goa got together to reject the approval given to special economic zones (SEZs) in the state. Then in West Bengal, prolonged clashes resulted in a chemical hub being turfed out of Nandigram. Now in Raigad, in Maharashtra, farmers have voted in a referendum to reject Mukesh Ambani's Reliance. Finally, at Singur, the Tatas couldn't get production of their new small car going because a sizable number of local people felt they hadn't been compensated and perhaps did not want to give up their land at all.

In the short time since the SEZ policy was formulated by the Congress-led government at the Centre and pushed through as a law with little discussion in Parliament and certainly no consultation at the grassroots, disputes over land have pitted people against companies like never before.

The SEZ law's provisions are cloaked in intricacies. A rehabilitation policy meant to soften the blow of displacement is similarly lacking in clarity. The result is an atmosphere of suspicion. Industry's need for land is itself being questioned and if you ask around at the grassroots, there are fewer takers for the promises of jobs coming out of the proposed new investments.

Two new laws on land acquisition and rehabilitation have been drafted, but their provisions are hotly contested by activists. People fearful of losing their land, rightly or wrongly, believe government and industry are working in tandem to dispossess them.

Activists are particularly unhappy that the concepts of "eminent domain" and "public purpose" have not been clearly spelt out. They want the rights of the community over natural resources to have primacy over the concept of public purpose.

The definition of "public purpose" has been loose. The government can acquire land in the name of "any other work vital to the State" or "any other purpose useful to the general public" or any "project

**ABSENCE OF CONSULTATION:** Under the 73rd and 74th amendments to the Constitution, gram sabhas and municipalities are supposed to make their own development plans. If land is to be acquired, they have clearly to be consulted. It is up to them to decide if a project is for public purpose or not.

When the farmers of Raigad recently voted in a referendum to oppose the Reliance SEZ, they were merely belatedly exercising their constitutional right to say 'no' to a form of development that they do not see in their own interests.

The authority to decide whether land should be given to a company, on what terms and conditions it should be given and how it should go about setting up its SEZ or factory should be vested with the gram sabhas.

The SEZ Act has been passed in outright violation of this constitutional provision. It was championed by Commerce Minister Kamal Nath in collaboration with industry.

Many industry leaders conceded at the time that they saw the SEZ policy as nothing more than land-grab to serve a few interests.



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Companies on the other hand believe that they are being caught in political crossfire. They also decry interventions made by activists and environmentalists and accuse them of coming in the way of industrial growth.

Just as activists and politicians have their critics, not everyone would agree with industry. Moreover, the experience worldwide has shown that there are serious dangers in corporate interests leading development initiatives. There is a growing sense that there is a need for dialogue and transparency about industry's requirements.

The root of the problem is in the absence of a democratic framework within which these issues can be decided. Not only is the revision of laws long over due, but a consultation mechanism acceptable to all is lacking.

**ANTIQUATED LAW:** Land acquisition continues to be governed by an antiquated colonial law passed by the British. It is under this law that the CPI(M)-led Left Front government in West Bengal acquired the Singur land.

Activists under the National Alliance of People's Movements (NAPM) have pointed out that the proposed new law on land acquisition has serious flaws.

relating to the generation, transmission and supply of electricity" and even "mining activities".

Activists question such a definition of "public purpose" saying it is open to abuse for private purposes.

This was precisely one of the contentious issues in Singur. The Tatas often defended their car project saying that it was in the public interest because of the local employment it would provide and the economic uplift it would usher in.

But there were few takers for this view. The principle of eminent domain can hardly be applied in favour of a company in which the liability is limited and the sole intention is to generate profits for the shareholders, it is pointed out.

For the State to compel people in the national interest to give up their land in favour of a commercial entity, which would then show this land on its books as an asset, would not only be unfair but legally untenable, it has been pointed out.

Activists want companies to deal directly with people. They do not want the government to acquire land on behalf of companies.

In its amended land acquisition law, the government has dropped the word company from the preamble, but has said that land for a "public purpose" can be acquired for a "person". And then, strangely, in the fine print of the law a person is defined as "company, association or body of individuals".

Now in the eyes of the law a company is a person. But surely in legislation on such a contentious social issue as land acquisition, the government needed to be more transparent and reassuring.

The fact that it has not been so creates room for further mistrust and makes people believe that the government is only serving the interests of compa-

In West Bengal, too, the process of consultation has been inadequate. One reason is that the Marxists have invariably had their own way. But a more important reason is that neither governments nor industry are accustomed to dealing in an even-handed way with people. When they do so, there are fewer problems. Successful examples exist in West Bengal itself.

As disparities have grown in the past decade of reforms, people worry about giving up their precious land for the promise of jobs for which they do not have the education. While the commerce ministry and companies like Reliance have repeatedly talked of tens of thousands of jobs being generated from SEZs, the fact is that there is no evidence to support these claims.

**INADEQUATE REHAB:** Over the years, millions of Indians have been made to give up their land for dams, power plants and factories without being adequately compensated. Many of them never received the cash compensation that was meant to be theirs. Others who got money did not know what to do with it and blew it up. These people finally became squatters in the cities.

Activists across the country have been asking for land for land. It has also been suggested that resettlement locations should be chosen in consultation with villagers who are being displaced. The rehabilitation should be endorsed by the gram sabha and completed within six months before the project starts.

With none of these issues being seriously addressed, there will be more flashpoints and industry will continue to be viewed with suspicion.