Public-private discord in the land acquisition law: Insights from Rajarhat in India

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Public-private discord in the land acquisition law: Insights from Rajarhat in India

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The Indian state is empowered to acquire land on behalf of private companies by virtue of 'eminent domain' outlined in the Land Acquisition Act 1894. Several amendments to the 1894 Land Acquisition Act have broadened the purview of the 'public purpose' clause and have facilitated more state intervention in land acquisition on behalf of private capital. Rather than questioning the legitimacy of the prevailing practice of state intervention to resolve the glitches of access to land by private corporations, the New Act of 2013 has expanded the ambit of 'public purpose' to include public-private-partnership projects. This paper seeks to look into the political economy of why the neoliberal state must continue to acquire land on behalf of the capitalists in the liberalized economy. This paper also attempts to bring out the implications of divergent livelihood outcome under state acquisition and direct corporate land purchase for the land acquisition framework in India through the case study of Rajarhat New Town in West Bengal.

Keywords: Land acquisition, livelihoods, Rajarhat, rural transformation

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Introduction

Land resource is no longer simply a means of agricultural production as its speculative value produced through commodification has actively created new dimensions of the land market under globalization. Land, despite being immobile, is now an active agent for trans-national investments. The post 2007–08 volatility of food grain prices in the global market and the response of the import dependent countries led to widespread transnational investments in farmland (World Bank, 2011) whose typology is commonly enveloped by 'global land grabs' (Borras *et al.*, 2011). Empirical evidences indicate that large scale private sector investment in the agricultural sector for commercial farming has been dominated by mostly African followed by South East Asian countries and that there is a traditional North-South and a more recent South-South linkage emerging (Magdoff *et al.*, 2000; Borras *et al*, 2011). However, the more sustained global spurt in demand for land is focused on urbanization and industrialization where the post-colonial economies in general and Asia in particular have assumed significance. Asia is projected to be 64 per cent urban by 2050, accounting for 13 out of the 20 largest cities in the world. Specifically China and India are projected to account for more than one third of global increase in urban population (United Nations, 2014). While expansion of the pre-existing large cities is under way, China and India has sought to re-constitute the urban space primarily by developing New Towns.[1]In a land scarce economy like India dominated by marginal land holdings, managing the space requirements for urban expansion is extremely challenging, more so in the liberalized phase when private capital is centre-staged by the Governments for building cities and infrastructure. The recent World Bank Report by Ellis and Roberts (2016) confirms that urban growth presently is concentrated in the transitional spaces around the largest cities in India. With the present rate of urbanization and the agenda for new townships, smart cities and extensive infrastructure projects (where the private sector is assigned a central role)—the question of land is all the more relevant.

The land question in contemporary India is constituted by the nature of relationship that is being forged between the state and the capitalists over the issue of access to land. It centres on three major stumbling blocks: (i) firstly how the problematique of land allocation between industry and agriculture can be resolved, (ii) secondly, in what ways can the political sensitivity of the land acquisition process that is effectively reshuffling the property rights of land ownership away from the farmers to the capitalists be contained, and (iii) thirdly, how the nature of the post-colonial state has evolved from the Nehruvian developmental state—marking a shift away from the public sector oriented irrigation projects as 'temples of modern India' and steel townships to the contemporary form of state as a patron of public-private-partnerships. The state is empowered to acquire land on behalf of private companies following the amendments in 1962 and 1984 through Part VII of the Land Acquisition Act of 1894. The 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (henceforth the New Act of 2013), rather than questioning the legitimacy of the prevailing practice of state intervention in transferring private land to the capitalists, has expanded the ambit of 'public purpose' to include public-private-partnership projects. In many of the developed market economies this practice is prevalent primarily as a tool to safeguard ecosystems, manage environmental damage and to address problems of mis-pricing of infrastructure by the profit-driven private sector (Hoffman & Todd, 2000). The political economic rationale supporting land acquisition for the private sector in India however stems from the challenges that industrialists confront in gaining access to land from the multitude of small farmers. It is pertinent to ask why the state continues to operate actively in the land market while the other input markets are *lassies faire*. In what ways are global and local political economic contexts active in structuring land policy? Are the livelihood re-establishment issues of the land dispossessed people different if capitalists directly purchase land from the open market like any other input? Is there a class-orientation in the re-configuration of the livelihoods of the land dispossessed? What are its larger implications for the land acquisition framework?

This paper seeks to understand the livelihood implications of land acquisition through the two models, viz, Government acquisition and direct land purchase by capitalists in Rajarhat near Kolkata, and seeks to examine the legitimacy of the present amendments made to the New Act of 2013 that encourage active mediation of the state in making land available to the capitalists. The paper uses the asset-based livelihood framework (see Ellis, 2000) to investigate the status of both asset portfolio and livelihood outcomes after land dispossession of the two groups of farmers to look into the divergent trajectories of livelihood adaptations observed under the two modes of land dispossession. It seeks to evaluate the validity of the claims put forward in support of the continuance of state intervention in facilitating availability of land to the capitalists.

This paper is organized into four sections: following the introductory section, section 2 outlines the political and economic rationale behind the present land acquisition law (that insists patronage of the private sector) and reflects upon the nature of relationship between the state and the private company on the issue of access to land; section 3 presents the empirical evidence of how the livelihoods of the land dispossessed farmers are shaped under the two models of land acquisition; section 4 seeks to resolve the contentions in land law drawing from the case study.

Political economy of land acquisition in India: the state, the capitalist and the land law

A clear differentiation exists in the nature and processes of land acquisition for urbanization and industrialization between the post-colonial period and that in the post reform period. While the agenda arguably remains the same in both the regimes, that is, development, the divergence in the mechanism and the outcome of such process earmarks the categorical distinctiveness.

Land acquisition process in India, Pakistan and Bangladesh had been undertaken closely following the provisions laid down by the Land Acquisition Act of 1894, a legacy of British colonial powers that was crafted to seize private property. Post-independence, this Act continued to offer the framework to acquire land for the state instituted dams and iron steel industries under the Nehruvian regime. Prolific use of eminent domain legitimized over the question of larger social good inspired millions from the marginalized communities to sacrifice their land. Although there existed disproportionate sharing of sacrifices and benefits (Levien, 2015; Fernandes, 2008), most of the projects were un-opposed with substantial optimism for the irrigation and industrialization projects. State acquisition of land for the private industrialists was permissible under the amendments of 1962 and 1984 through Part VII of the old Act (1894). But land acquired for private entities by this provision was very insignificant in comparison to the public sector projects. In the centrally regulated economy, the omnipresence of the state in matters of land as in the other sectors seemed logical and quite unproblematic.

The watershed in the Indian economy outlined by the economic reforms officially launched in 1991 unleashed the pro-capitalist pro-privatization stance of the state. By this, the private players have emerged decisive in shaping the economy. This, however, is not out of context and is an outcome of the post-world war post Keynesian global policy regime. Like most of the post-colonial economies, India ran into the great balance of payment crisis in the late 1980s when United States backed World Bank and IMF loan was sought (see Ahmed, 2014 for a detailed analysis). It came with the conditionality of liberalizing the hitherto closed and regulated post-independence Indian economy necessitating structural adjustment and adoption of the neoliberal policies. As conceived, it would be largely in the form of finance capitalism originating from developed countries which would affect the stock exchanges and inflate the monetary basis of the economy (Harvey, 2005; Peet, 2011). Most importantly, it implied that while economic growth would kick start in the slow growing, crisis stricken economy through privatization, it would also escalate the vulnerabilities of the poor furthering their marginalization in both the rural and urban spaces[2] (Ahmed *et al.*, 2011).Yet, India could adopt this primarily because there was substantial class and caste based support from those who were the potential beneficiaries of the ensuing skewed income distribution emerging from the neoliberal agenda. Ideologically, it transferred the onus of industrialization, infrastructure development as well as bulk of service provisioning in the hands of the private players. So, user charges and hence exclusionary nature of service provisioning is supported by the state. Also, public-private partnership has come to dominate the management of a large number of infrastructure projects, industries and also the resource extraction sectors. The solitary implication of this relates to increased demand for land (Ghatak & Ghosh, 2011). Scarcity of land both within city spaces as well as elsewhere is a fundamental bottleneck to the proliferation of private capital in India. As land is a state (provincial) subject, it is evident that whichever state is able to allocate freer land access to the private capitalists, there is greater possibility of receiving private investment. So, favourable land policy of any province ensures higher level of industrialization. The shifting out of the Tata Motors from Singur in West Bengal to Gujarat is exemplary in this regard.

With the heightened sweep of globalization, there was considerable consensus over the enfeeblement of the nation state (Evans, 1997 cited in Barrow, 2005). However, as Harvey (2003) and many others have argued, nation states have assumed centre stage in the liberalized post-colonial economies as they are the principal agents in creating and maintaining conducive political, economic and social conditions so that global capitalism can organize nationally. It is a question of how the state deregulates and realigns its power structure through subordination of the indigenous linkages at the cost of strengthening the conduits that legitimize private capitalist accumulation, both global and domestic. The present emphasis on industrialization and urbanization through the active agency of private corporations entails that the state must create a favourable policy environment so that capitalist accumulation is facilitated. The recent years in India has seen, in consonance with the philosophy of the neoliberal state, withdrawal of the welfarist state. It is marked by the cut back in welfare expenditures and withdrawal of agricultural supports on one hand and a proliferation of policy changes such as raising the cap in foreign direct investments in several sectors including retail, real estate and privatization of resource extraction[3] on the other hand. Land, a prime ingredient to all enterprise, however, continues to remain a state subject and its acquisition a prerogative of the government. Then, to conform to the neoliberal regime, it is necessary that access to land for the private sector be made cheap, easy and quick through policy regime transformation by the state. Thus, the liberalized policy regime has effectively encouraged considerable competition among the different state governments to offer land to the industrialists at artificially cheapened rates to attract investments and in the course, the active agency of the state has been reduced to 'broker to the capitalist'.[4] So, it is evident that in the liberalized economy, it is counter-factual that state has to roll back. Rather it is a re-entrenchment of the state in all the sectors. It is, however, in a different form where the state operates as a facilitator to private capital. How the land law in India aligns with these currents must be looked into.

The 1894 land law was severely debated from 2007 primarily on grounds that it is inadequate to contain the vulnerabilities of the land dispossessed till it was replaced by the 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (henceforth the RFCTLARR Act, 2013 or New Act of 2013) in January 2014. Subsequently, there were several attempts to modify the New Act through Ordinance intending urgent roll-back of some of the provisions to make the land law 'an enabler rather than a stifler' (*The Hindu*, 2014). Owing to the mounting pressure from the industrialists who perceived the New Act as 'anti-industry and anti-development' (*The Hindu Business Line,* 2014)[5] the New Act was amended through an Ordinance in May 2015. Among the several provisions of the land law, this paper would briefly focus on two aspects: firstly the issue of land acquisition by the state for the private industrialists, and secondly, how the amended land law conforms to the contemporary political economic context in India.

The government acquiring land for the industrialist is an outcome of the broad definition of 'public purpose' where employment generation and economic growth through the agency of the budding capitalist are considered as public purpose.[6] The exponents of government acquisition for private enterprise consider the dominance of small and marginal land holdings in South Asia (which implies negotiating with a large number of land owners in case land is to be acquired) and legal complexities flowing from poorly maintained land records as negative catalysts to industrialization (Morris & Pandey, 2007; *Anandabazar Patrika*, 2012). Further, it is argued that direct purchase by capitalists would encourage the emergence of land mafias and land sharks[7] that would eventually deprive the original land owners from reaping the benefits of the high land prices paid by the corporate in absence of state intervention. Land mafias also come to usurp benefits as they generally purchase land at nominal rate from the farmers during initial phase of setting up of industry and make it available to industrialists at a price much higher than that paid to the land owner. In effect, the land owners would get much lower land prices if the state withdraws from the land acquisition for industrialists (*Anandabazar Patrika*, 2012). Additionally, problems of 'hold-outs'[8] by farmers are conceived as deterrent to projects entailing large scale land acquisition and hence it is preferred by the capitalists that the state intervene through the instrument of 'eminent domain' to resolve the glitches of land access offered by a poorly capitalized land market. The outcome of the debate on who should acquire land, after much arm twisting (see Mallik & Sen, 2017; Sathe, 2015), is embodied in the land policy which proclaims the state as the primary agent that supports private companies by removing barriers to land access. Commonly, the state governments acquire land for urbanization and industrialization through para-statal agencies like WBHIDCO (West Bengal Housing Infrastructure Development Corporation) and RIICO (Rajasthan state Industrial Development and Investment Corporation). While it makes land access simpler, it also insulates the private companies from the anti-dispossession struggles that target the parastatals. So, farmers of Rajarhat would attack the WBHIDCO personnel rather than any of the realtors or IT firms for whom the land is being acquired. The way the land law is currently framed therefore offers a win-win situation for the capitalists putting the state governments in the most critical arena. In the context of urban management, a similar scenario is evident. To make cities investment friendly, the state has supported the restructuring of administrative and legislative framework that eases the involvement of the donor agencies as well as the capitalists. The repeal of the Urban Land Ceiling Act and liberalization of the real estate sector are proactive measures to upscale the land and housing market, land use and urban forms (Bannejee-Guha, 2010; 2011; Kundu, 2011). The urban form is rapidly impacted as these measures also allow greater access to in-city land by way of slum evictions, hawker clearances and reclamation of unused/under-utilized urban and peri-urban land. Under neoliberalism, the Indian state chooses to withdraw social and welfare provisions for the poor on one hand (viz, withdrawal of subsidies, cut-back in fund allocation towards employment generation government projects and weakening of social securities to mention a few), and on the other hand strengthens its active intervention at the behest of capital, especially in matters of access to land and consequent accumulation. The state has evolved as a safeguard to the capitalist class interest at the cost of not only the poor but by especially undermining the agriculturalists. It may be noted that there exists ample evidence of elite capture of state power to mould the state machinery to safeguard any particular class interest. This was observed in the Panchayati Raj Institution (Johnson, 2003) and the Land Reforms in India earlier where the lobbying strength of the landed aristocracy won over much of the intended institutional change (Das, 2007). The present form is that of a 'capitalist state' (Das, 2007: 356) that operates to facilitate capitalist accumulation and largely overlooks the depeasantization issues as well as the livelihood retrenchment aspects.

A brief overview of the ordinances passed by the present government within one year of the New Act and the subsequent Amendment in 2015 is also enlightening.

It highlights how the neoliberal state is determined to support private capital in matters of access to land. As the RFCTLARR Act, 2013 was perceived as a deterrent to both land acquisition and speedy implementation of projects (*The Economic Times*, 2014b), most of the states pressed for amending it. The Bharatiya Janata Party (BJP) led Central Government and the Rural Development Ministry insisted for a number of amendments to the New Act that would dilute some of the crucial provisions and thereby imply a 'huge step backwards' (*EPW Editorial*, 2014).

Table 1 summarizes the major provisions of the RFCTLARR Act, 2013 that have been amended and its implications. Firstly, there is the waiver of the consent clause and mandatory social impact assessment (SIA) for projects in five key areas[9] i.e. national security and defence, rural infrastructure, housing for the low and middle income groups, industrial corridor and finally for public-private-partnership (PPP) projects. Additionally, in regions of proposed industrial corridors, land acquisition within one kilometre stretch on both the sides of the highway and acquisition for development of smart cities would be covered by this clause to make the process hassle-free and simple. The waiver of the SIA along with the consent clause specifically devalorizes the significance of the social sanction of the affected people and legitimizes the forceful imposition of the autocratic state. With this move, land would be made available very quickly by the government to the corporate sector and also reduce the cost of any project. Secondly, the 'retrospective clause' that was meant to put a check on the timeliness of project implementation and arrest land speculation is extended from five years to ten years. Thirdly, the restriction for acquisition of multi-cropped land over questions of food security is exempted in case of the above mentioned five types of acquisitions. The present loosening of this clause clearly signals the preferences of the present Government to emasculate peasantry and further aligns with the present regressive agricultural policies and withdrawal of agricultural support by the state. Fourthly, by waiving off the need for SIA in some of the commonest forms of acquisitions, the ordinance has also relinquished the progressive mandate for the identification of and therefore the need to compensate and rehabilitate those dependents on land other than the land owners. That the definition of 'affected families' was widened in the New Act to include the agricultural labourers was unanimously applauded. But the present amendment in this ordinance has enabled a virtual roll-back of the New Act to the previous colonial Act of 1894. Fifthly, the 'urgency clause' which stringently defined two specific cases for quick and hassle free land acquisition, viz, war/national security and natural calamity, is being expanded to include 'any other emergency'. This amendment intends to impart interpretive liberty to the 'urgency clause' and, like the ambiguous definition of 'public purpose', would instill ambivalence to it thereby empowering the agents to define what comprises 'any other emergency'. The 'emergency clause' was dropped from the Amendment later.

The Amendment 2015 confirms the determination of the government to 'amend the tough land acquisition law…as it looks to restore confidence in the economy...'(*The Economic Times*, 2014a) thereby endorsing market forces and private capital. It suggests a waiver of even the marginal transparency and inclusivity that was imbibed by the New Act and assures support to only the social elites and big business houses withdrawing whatever little protection was promised to the marginal population. The fact that the glaring needs of the 'political society' (see Chatterjee, 2008) is being overlooked is momentous given how the thirty four years of Left dominance in West Bengal yielded to the mass rampage at Singur and Nandigram—marking the political changeover. The present political scenario in India is indeed very nebulous and ridden with conflict between the central government and the oppositions.

Table 1. Analysis of proposed changes in the 2013 Act and the Ordinance passed in December 2014.

2013 Act	1894 Act	Implication of the provision	Recent proposed modification	Outcome of Ordinance
Consent clause (Section 2 (2)): a. 80%: in case of private companies b. 70%: acquisition for public-private partnership projects (PPP)	Absent	Ensures social legitimacy of the proposed project making the acquisition process peaceful	To be removed in case of PPP projects as ownership of land vests with the Government In other cases to be brought down to at least 40%–50%	Waived-off in five key areas: national security and defence, rural infrastructure, housing for the low and middle income groups, industrial corridor and finally for (PPP) projects
Social Impact Assessment/ SIA (Chapter II): a. Deemed mandatory and to be undertaken in consultation with the stakeholders b. Panchayat/Municipal Corporation to be necessarily provided with the report (in local language)	Absent	To evaluate the social costs and potential benefits in a participatory mode ensuring social sanction for the proposed acquisition. Emphasis of dissemination of vital information to the people potentially to be affected to ensure awareness and understanding of the cost-benefit aspect	SIA to be confined to only large (??) or PPP projects	
Multicrop irrigated land can be 'minimally' acquired (Section 10)—never more than 5% of the state's cultivable land	Absent	To ensure food security	A roll back requested especially in case of Delhi, Goa and Himachal Pradesh	
Lapse of land acquisition and 'retrospective clause' (Section 24 & 25)	Absent	To prevent unethical deprivation of the affected household owing to bureaucratic/other delays in	A roll back requested to safeguard against 'increased burden of the state	Changed from 5 years to 10 years

(Continues)

Table 1. Continued

2013 Act	1894 Act	Implication of the provision	Recent proposed modification	Outcome of Ordinance
		making awards and initiating intended project	exchequer' and to minimize litigations	
Elaborate definition of 'affected family' for compensation (Section 3(c)): includes land owners, registered tenants and agricultural labourers, ie, dependents on the land to be acquired	Includes only land owners and registered tenants	Legal entitlements for R&R for landowners and landless labourers, artisans, fisherfolk, tribal and traditional forest dwellers, ie, all the livelihood losers	Proposed to re-examine the definition of 'affected family', a roll back suggested	Proposal ratified
Urgency clause (Section 40): land may be acquired through this provision ***only*** in case of war and any natural disaster	Clause is obscure and ambivalent about inclusions	To protect against indiscriminate acquisition through misuse of this clause	Suggested to impart power to state government to determine 'any other emergency'.	
13 Central Acts added to Section 105 of present Act (eg. acquisition for national highways, metro rail, electricity-related projects etc)	These acts were exclusive to the 1894 Act	-	-	Included to extend higher compensation and coverage under R & R

Source: Prepared by the author.

The contemporary political-economic scenario in West Bengal is a legacy of the way the ideological underpinnings of the Communist Party rule evolved in consonance with the national level circumstances and how the present Trinamool Congress Government ascended to power. The Left Front, after coming into power in 1977, essentialized its policies around pro-poor redistributive land reforms and the consequent thrust upon agricultural development (Nielsen, 2010). However, the agricultural growth story was soon dampened as agriculture stagnated owing to technological bottlenecks on one hand and aspiration of the farmers to dwell upon non-agricultural income sources (Planning Commission, 2010). So, during the Left front regime itself, there was the need to mainstream industrialization along with agriculture. This turned out to be very critical post 1991 as they had risen to power with the promise that their long run goal would be 'lessening the stranglehold of monopoly houses and multinational firms on the economy of the state', 'gradual expansion of the public sector' and empowering of the working classes (Government of West Bengal, 1978: 103). Following the 1994 Industrial Policy in the state, there arose the need to align with the national level neo-liberal policies and hence to liberalize the state economy. It was under Budhadeb Bhattacharya, the last of the Left Front Chief Ministers, that the industrial policy tilted towards involving the private players. It culminated in forceful land acquisition for the car factory of the Tatas at Singur. The self-contradiction within the Marxist inspired ideology of the 'Brand Budha'[10] Government reflected in the upholding of the capitalists and undermining of the farmers unshackled by the strongholds of the Communist government. Eventually the demise of the Left Front Government in 2011 unleashed the new era of the 'Ma-Mati-Manush' government led by Mamata Bannerjee. The present Government has professed its determination to strike a balance between agriculture and its private sector led industrialization. The West Bengal State Marketing Board (WBSMB) is striving to improve marketability of agricultural produce and agribusiness. There is also an Industrial & Investment Policy of West Bengal, 2013 (Government of West Bengal, 2013) in place that charts out how the present government is proactive in involving the private sector and donor agencies in developing a north-south economic corridor (with Asian Development Bank support), extension and widening of existing highways and working of the newly formed West Bengal Highway Development Corporation Ltd. There is also a policy outline for the public-private partnerships. However, the most seminal bottleneck to West Bengal's industrialization comes from severe land scarcity and the stance of the state against forcible land acquisition (*Business Standard*, 2013). The state government has an alternative land policy that advocates direct land purchase. State intervention would be in the form of making land available from its land bank (*The Hindu Business Line*, 2015). In fact, in the Singur case, the state government has already returned land that was acquired for the small car factory to the unwilling farmers (*Livemint*, 2016). Continuance with the Urban Land Ceiling Act is also not favouring the real estate sector in the state (*Business Standard*, 2013). It is to be seen how the present land policy of the West Bengal State Government may succeed in achieving substantial private capital in the neoliberal scenario where the other state governments are operating as active facilitators of private capital.

Implications of land dispossession in Rajarhat New Town

Background of the case study

Rajarhat New Town is located along the eastern margins of Kolkata where acquisition of 3075 hectares of agricultural land took place 2003 onwards. The Government of

West Bengal created a special purpose vehicle in 1999 called the West Bengal Housing Infrastructure Development Corporation (WBHIDCO) (Additional General Manager, Administration, pers. comm, WBHIDCO, 25 January 2012) to acquire land to construct the New Town through public-private partnership along the eastern fringe of Kolkata. WBHIDCO acquired the land, developed the basic infrastructure and sold the developed land parcels as free holdings to the realtors for building the city and to the common people (the high income, middle income and low income housings) (Additional General Manager, Administration, pers. comm, WBHIDCO, 25 January 2012). Informal discussions with the local leaders revealed that direct land purchase by the private realtors has been under way since 2008–9 in the area.

According to the 1981 and 1991 census, the New Town project area of 3075 hectares had been completely rural[11] (Ghosh, Bose & Associates Pvt Ltd, 2000). More than two-thirds of the area acquired for the project was under agriculture according to the 1991 Census (cited in Ghosh, Bose & Associates Pvt Ltd, 2000). Majority of the land under agriculture was double cropped with paddy (ibid). The pattern of land-ownership indicated that small and marginal land ownership dominated the project area in consonance with the state level pattern. Barely 1 per cent of the total land-owners had exhibited more than 3 acres of land ownership (ibid). The pattern of land ownership at once implied that any land acquisition exercise would entail the affectation of a large number of households. The principal occupation of the residents was agriculture before land dispossession although some non-agricultural work was reported.

This paper is based on a field survey of 50 farming households who have sold land directly to the corporation and 67 farmers whose land was acquired by the state in the Rajarhat New Town area near Kolkata, selected through quota sampling and stratified random sampling respectively. The state acquisition occurred in phases since the early 2000s while the direct land transactions commenced only in 2008.[12] The field survey conducted during 2010–11 therefore sought to use a meaningful benchmark of 'before and after land was lost' to examine the change in assets and livelihoods of the land dispossessed farmers.

From Figure 1 it is evident that direct corporate land purchases were taking place in the villages surrounding those villages where Government acquisition had already taken place. All these plots that were either acquired or purchased were under plough and qualitatively of negligible difference. Government investment in roads/transport was undoubtedly an inducement for capitalists like Shapoorji-Palonji, Simplex Infrastructure and DLF to enter into the region and directly purchase land from the farmers to set up their enterprises. But, the central problem was orchestrated by the widely varying land value under the two frameworks of land transfer away from the farmers.

Table 2 reveals that the recent corporate land rate per cuttah,[13] specifically during the years 2008–09, is between 50 000 to 300 000 rupees[14] whilst the rate has dwindled to between 8000 to 13 650 rupees per cuttah in the case of the Government acquisition within the region. In the three adjacent mouja of Chhapna, Baligori and Kulberia, agriculture was the mainstay and cropping patterns were similar. The large divergence in the rate of land per cuttah obtained simultaneously (2008–09) from these adjacent/same mouja, despite such stark similarities, triggered mass discontent. In fact in Baligori, there are households whose land was simultaneously sold partially to corporations at the peak land rates and to the government at abysmally low rates. That phenomenon further fuelled the existing problems of dissatisfaction with the government rate per cuttah. In the following sections, this paper attempts to look into how land dispossession under the two institutional frameworks gets implicated in the mechanism of

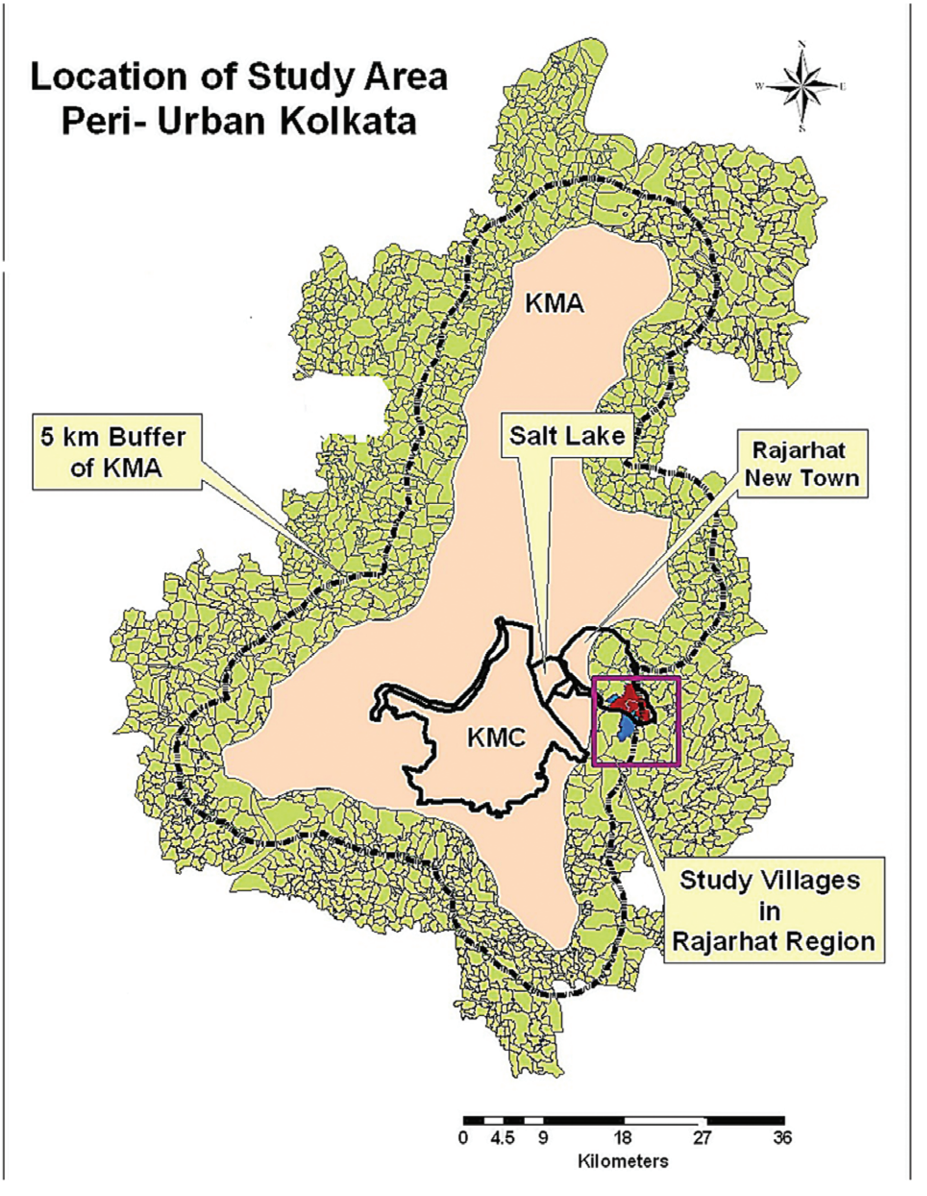

Figure 1. *Study area.*
Source: **Prepared by author.**

transformation of the asset portfolio of the households which, in turn, impacts how the livelihoods would adapt to the changed economic context.

Change in pattern of access to assets in relation to land dispossession

While it is obvious that average size of land holding would decline as land is being acquired/sold, the magnitude of land loss is higher in case of state acquisition (3.6 bigha per household) compared to direct land transaction (0.6 bigha per household) and the rate of compensation is at least ten to fifteen times higher in case of direct land

Table 2. Per cuttah rate of land under government and corporate transactions during 2008–09.

	Rs per Cuttah[4]	Relevant Mouja	Remarks
Corporate Rate in 2008–09	50000 to 300000	Kulberia, Baligori	The chief discontent among the farmers arose from such divergence in rate of similar land obtained simultaneously from adjacent/same mouja whereby land quality was not very different.
Government Rate in 2008–09	8000 to 13500	Chhapna, Baligori	

Source: Prepared by author based on field work conducted in 2010–11.; *In West Bengal 1Bigha = 20 cuttah = 0.3306 acre

transaction (Table 3). Interviews (dated 7.2.2011 at Baligori) confirmed that larger land owners were extremely willing to sell-off their land, primarily because they are the typical non-cultivating households who leased out their lands and whose tenants evaded rents regularly. So, if land were to be sold, it was a welcomed opportunity for them to invest the cash elsewhere. In fact, the study also reveals that there is a larger shift towards 'non-cultivating land owning households' in Direct Corporate Purchase groups, suggesting the emergence of rentier types of income (linked with the higher compensation receipt) that replaced farming (Table 3). The common investment space of these households have been the syndicates[15] that emerged in Rajarhat. As the land price is many times higher compared to the government rates, the former group of farmers are better able to invest in these business syndicates. So, land purchases by the corporation that offers higher land prices also offers better prospect of alternative livelihood provisioning.

Although a land size class disaggregated analysis has not been possible owing to the limited sample size, interviews have been insightful. The narratives recorded between October 2010 and April 2011 pointed out several aspects of the asset transformation pattern of the land dispossessed households. Firstly, the compensation/land price received was liberally spent to improve housing assets which however, rarely yielded rental income. As the amount of compensation was low among the government acquisition category of farmers, very little investable capital was left after meeting increased consumption needs. Contrarily, the other group of farmers undertook some productive investments. This productive investment by the recipients of higher land price was reflected in the purchasing of trucks and cars that were rented out and/or the setting up of business enterprises—none of which were visible in the government acquisition spaces.

Secondly, the land dispossessed households were forced to sell their agriculture capital i.e. drought animals, ploughs, threshers and pumpsets etc. While in the case of the government acquisition farmers, only consumer durables replaced agricultural capital goods, the other group of farmers invested in cars and trucks that were subsequently hired out to yield income. In that sense, the physical goods basket also transformed in distinctly different ways.

Thirdly, one of the strengths of South Asian villages, being strong social bondages that provide great security, also transformed in more than one way. The land dispossessed farmers sought political party affiliation rapidly, especially those hailing from the government acquisition category—which the interview (Pritam Mondol (name changed), librarian of Patharghata Panchayat in Rajarhat, pers. comm., 30 November 2010) confirms as purposive development of social bonds to make good the loss of mutual trust and bonds of cooperation that previously contained adversities within the community. The reasons for loss of social capital spanned from (i) the tussle among siblings

Table 3. Change in the nature of access to land before and after land acquisition.

Study Population			Owner cultivator	Mixed cultivator	Own land but do not cultivate	No access to land	Total	Average land acquired per holding (in Bigha)	Average share of operational holding acquired	Compensation rate
Government Acquisition	Before LA	N	33	34	0	0	67	3.62	69.4%	5000–13650 per cuttah
		%	*49.3*	*50.7*	*0*	*0*	*100*			
	After LA	N	13	2	10	42	67			
		%	*19.4*	*3*	*14.9*	*62.7*	*100*			
Direct Corporate Purchase	Before LA	N	23	27	0	0	50	0.6	15.3%	50000–300000 per cuttah
		%	*46*	*54*	*0*	*0*	*100*			
	After LA	N	12	13	15	9	50			
		%	*24.0*	*26.0*	*30.0*	*18.0*	*100*			

Source: Prepared by author based on field work conducted in 2010–11.

over sharing of scant compensation money to (ii) the sudden flash flow of cash into the insufficiently monetized economy to (iii) an emergence of brokers from among friends and neighbours who operated based on self-interest, often capitalizing upon the disadvantages of the others—all of which commonly brewed mistrust and disharmony within the community. Moreover, the high handedness of the state in managing the farmers' protests resisting land acquisition generated mass discontent. The ruthless rampages of party goons further aggravated the cleavages among the farmers losing land to government acquisition, as many local youths, enticed by power and money, joined the assailants and operated counter to community interests. However, it is reported that membership in political parties/groups have not ensured any livelihood security substantively. The linking ties are largely non-responsive and continue to be biased in favour of the landed aristocracy by forging pre-existing patron-client relations. Hence in aggregate terms, there is a grave loss of social capital in the villages under state land acquisition. Contrarily, social environments of the villages where capitalists directly purchased land from the farmers are reported (Astopodo Mondol of Natunpukur mouza in Rajarhat, pers. comm., 22 December 2010) to be peaceful and relatively unaltered following land loss. The reasons emerging from the interviews (Random villagers/respondents in Natunpukur, Baligori and Kulberia in Rajarhat, pers. comm., 20 December 2010 to 19 February 2011) are as follows: (i) Firstly, the land prices received were extremely satisfactory (50 000 to 300 000 per cuttah) when compared to the government rates and were determined through mutual negotiations. Even after the local brokers had claimed their share in the land deal, the land owner was left with a handsome amount. The discontent over sharing of compensation money among the siblings was negligible. (ii) Secondly, as the land price received was substantial, there was surplus over the immediate spike in consumption expenditure. Hence some productive investments were undertaken even after the immediate spending spree. (iii) Thirdly, in the absence of the interference of state machinery and their repressive forces (police and goons), land transfer process was peaceful as the land deals took place through consent of the farmers and negotiations between the two parties. On the whole, social capital remained largely unaltered in the villages where land was purchased by corporations directly.

From Figure 2 it is evident that the asset pentagon of the farmers selling land to private company is larger compared to that under government acquisition. Two aspects are instrumental in diverging consequences: (i) Firstly, land requirement and consequently quantum of land being obtained is much lower when private capitalists directly purchase land to minimise transaction costs. The land requirement is strictly rationalized and hence farmers are subjected to much lower land loss. On the other hand when the government is the land acquiring agency, 'eminent domain' negates both transaction costs and the need to stringently outline the quantum land to be acquired.[16] Therefore, the natural capital component of the farmers is more directly affected when the government acquires land. In developing rural economies in general and in the South Asian context in particular, it is well known that knowing how to access land is decisive in assuring livelihood sustainability. (Mearns, 1999). Hence, land acquisition by the government seems to create greater vulnerability among the land dispossessed farmers. This is especially very critical in the case of small and marginal farmers whose inherent asset poverty is compounded by newly created landlessness through government acquisition that also poses seminal challenges to sustenance. (ii) Secondly, the huge difference in the land price/compensation has a rippling effect. Higher price dispensed by the private company is reflected in the

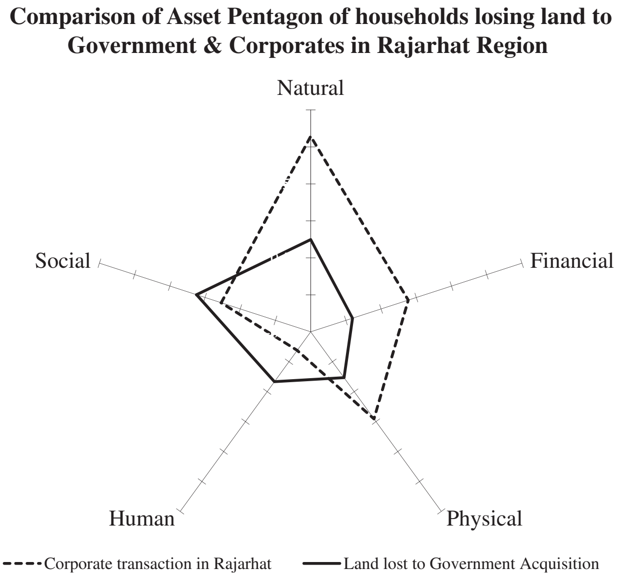

Figure 2. *Asset pentagon of land dispossessed farmers in Rajarhat.*
Source: **Prepared by author based on field work conducted in 2010–11.**

physical as well as financial asset portfolio of the farmers under corporate purchase category while in case of government acquisition, the involutionary spiral is very prominent among the concerned farmers. At this point, it is important to acknowledge that the land that is obtained by the capitalist is generally endowed with some basic infrastructure, or at least enjoys proximity to already developed land, and hence land prices are supposed to be reasonably high compared to the green field sites that are acquired by the government.[17] But what is apparent from the above discussion is that land dispossession by the 'capitalist state' undermines the ability of households to cope with crisis by weakening the asset base of the land dispossessed farmers. This paper therefore further looks into how the livelihood scenarios have transformed post land dispossession.

Change in employment

The post land dispossession employment scenario shows greater magnitude of shift from farming occupations towards non-workers and tertiary sector in case of the Direct Corporate Purchase category that also corresponds with larger land ownership classes (Table 4). It suggests two things: (i) Firstly, the non-worker status is not due to non-availability of work and therefore is not indicative of impoverishment, if not in the long term, at least in the short run. The land dispossessed medium/semi-large farmers now depend more on rentier income and hence report themselves as non-workers. (ii) Secondly, the correspondence of the tertiary sector with the larger land owning categories suggests that the emerging sector of work belongs to the relatively remunerative segment of the sector. The tertiarization and short term prosperity induced withdrawal from work is a prominent feature of the private land transaction category and is sparingly observable among the farmers losing land to government acquisition. A third trend observed specifically within the government acquisition category is a shift towards the secondary sector. The secondary sector in the region

Table 4. Current principal occupation of those who were primary sector workers in principal status before LA.

Land ownership classes		Government Acquisition					Private land Transaction				
		Non worker	Primary sector	Secondary sector	Tertiary sector	Total	Non worker	Primary sector	Secondary sector	Tertiary sector	Total
Small	N	5	11	21	12	49	7	12	4	9	32
	%	*10.2*	*22.4*	*42.9*	*24.5*	*100*	*21.9*	*37.5*	*12.5*	*28.1*	*100*
Medium	N	11	17	19	19	66	4	4	4	12	24
	%	*16.7*	*25.8*	*28.8*	*28.8*	*100*	*16.7*	*16.7*	*16.7*	*50.0*	*100*
Semi-	N	5	7	3	11	26	3	2	1	5	11
Large	%	*19.2*	*26.9*	*11.5*	*42.3*	*100*	*27.3*	*18.2*	*9.1*	*45.5*	*100*
Total	N	28	56	64	65	213	14	18	9	26	67
	%	*13.1*	*26.3*	*30.0*	*30.5*	*100*	*20.9*	*26.9*	*13.4*	*38.8*	*100*

Source: Prepared by author based on field work conducted in 2010–11.

consists of manual laboring types of occupations and construction work that are mostly of casual nature. This sector emerged as a category capable of absorbing all those impoverished farmers who were no longer left with means to invest and start new enterprises. The farmers under state acquisition clearly have experienced such distress and have emerged more vulnerable compared to the other group of farmers in Rajarhat.

Further, the analysis of the nature of occupational mobility[18]offers two observations (Table 5): (i) Firstly, the share of upward mobile persons is lower in the government acquisition category (13.95 per cent) compared to the private land transaction category (28.1 per cent); and (ii) Secondly, there is a positive correspondence between upward occupational mobility and higher compensation receipts. The upward mobile farmers are the ones who have shifted in favour of big business, salaried jobs, land brokerage and labour contracting. Evidently these are the types of work that require initial considerable investments and therefore correspond with those who have received larger amounts of money.

The nature of transformation of the employment scenario suggests that there are at least two factors that have determined how the livelihoods would reconfigure post-land dispossession: (i) Firstly, the pre-existing rural class structure has deep imprints in determining the trajectory of livelihood adjustment; and (ii) Secondly, recipients of larger amounts of compensation, evidently those selling land to corporations directly, have come out with better livelihood outcomes.

Table 5. Correlates of occupational mobility.

	Correlates	No change		Downward mobility		Upward mobility		Total	
		N	%	N	%	N	%	N	%
Type of acquisition*	Government Acquisition	115	*55*	65	*31.1*	29	*13.9*	209	*100*
	Private Land transaction	31	*48.4*	15	*23.4*	18	*28.1*	64	*100*
Compensation money receipt (at 2005 prices)**	High	8	*30.8*	6	*23.1*	12	*46.2*	26	*100*
	Medium	26	*48.1*	14	*25.9*	14	*25.9*	54	*100*
	Low	51	*56*	28	*30.8*	12	*13.2*	91	*100*
	No compensation	61	*59.8*	32	*31.4*	9	*8.8*	102	*100*

Source: Prepared by author based on field work conducted in 2010–11;
**Chi square significant at 1%; *Chi square significant at 5%.

Discussion and conclusion

The case study empirically highlights the following: (i) Firstly, the land prices/compensation *received* by the farmers under direct corporate purchase group is many times higher compared to the government rates in spite of the active intervention of land brokers. In fact, the respondents reported about the how the mediation of the local land broker impregnates credibility to the transaction as opposed to the deprivation questions raised by Chakravorty and Gupta in *Anandabazar Patrika* (2012). The key to the level of satisfaction achieved by the farmers belies the high land price they receive even after the broker has claimed his share from the transaction and the liberty to negotiate prices unlike in the case of state acquisition. (ii) Secondly, the case study illustrates how among the two groups of farmers, the category selling land directly to corporations achieved relatively better livelihood outcomes in terms of both asset portfolio transformation and occupational change as compared to the state acquisition group. (iii) Thirdly, in the absence of state interference and its repressive organs, the land transfers were peaceful as there was no coercion in the process. The entire transaction occurred through the consent of the stakeholders and hence the social environment continued to remain congenial. From the empirical study it is apparent that land transaction by the private players directly from the farmers is a better framework for land acquisition if livelihood re-establishment of the land dispossessed is of chief consideration. However, the complexities arising out of poorly capitalized land market, disorganized state of land records and land mafia aspects are apparent and may emerge as a seminal problem. It is therefore extremely critical to argue in favour of liberating the land market and a complete withdrawal of the state machinery. Further, it also needs to be recalled that the 'eminent domain' of the state is sufficiently strong to thwart any plea of the stakeholders to oppose land acquisition. The findings of this case study clearly highlight two major realities: (i) firstly that state acquisition is detrimental to the wellbeing of the farming community both socially as well as economically and (ii) secondly, that it is beneficial for stakeholders if corporations purchase land directly from farmers without the mediation of the state.

Thus, the riddle is perplexing and difficult to resolve.

This is perhaps the experience of most of the post-colonial economies where land access for capital is actively being mediated by the neoliberal state. It spans from corporate agriculture in South East Asia to the dilution of land policies in China and Africa for urban-industrial enclaves. Globalization, neoliberal state machinery and private capital constitute the deadly trio which has institutionalized the discordance between social good and capitalistic accumulation agenda. Once the economy opens to liberalized regime, it becomes inevitable that the state would realign its policy framework. Theoretically, one may argue in favour of withdrawal of the state from land acquisition drawing from experiences of peasant impoverishment due to the misplaced role of the state-as-agent of corporations. But, the politics of post-colonial liberalized economies and the brewing nexus between state machineries and capitalists adequately disillusion such optimism.

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Endnotes

1 Chen *et al.* (2009) points out how new towns and special economic zones in India and China comprise a distinct strategy for urban restructuring under globalization.

2 This issue is debated adequately in the academic forums. See Ahmed *et al.* (2011); Bannerjee-Guha (2010); Harvey (2005).

3 However, Chandra (2015) observes that in spite of market deregulation, the state continues to enjoy monopoly in the supply of vital inputs to industry—namely coal, water, electricity, equipment, infrastructure and credit through a patronage based system where the terms of interaction with the concerned government official becomes vital.

4 Trying to understand the dynamics of accumulation by dispossession in India Levien (2011, 2012) explains how the neoliberal policies have increased the demand for land, how the states, through parastatal agencies acquire land from farmers to cope with the increasing inter-state competition for investment and emerge as 'land broker state' (Levien, 2011: 463).

5 See Mallik and Sen (2017), Mallik (2015) and Sathe (2015) for discussion on the land debate and a critical view of the Ordinance that sought to modify the New Act 2013. Finally, the New Act got amended through an Ordinance on May 2015.

6 See Mallik and Sen (2017) for a more detailed discussion on the land law and definition of public purpose.

7 Land mafias and land sharks are property dealers involved in illegal means of land transaction. They operate in places where common men refuse to accept the land deal at the price offered. These agents have close nexus with the political parties, corrupt government officials and also criminals and accept the responsibility of 'handling' the unwilling parties to make land available to the real estate company for an agreed share.

8 It has been argued with adequate evidence that the 'regulatory hold-up' is a larger impediment to voluntary land transactions (Singh, 2012).

9 Initially there was demand for the Social Impact Assessment (SIA) to be restricted to only 'large' projects ('large' not being defined!). In the ordinance, it was more specific in defining the key areas.

10 The industrialization drive in West Bengal under the leadership of Budhadeb Bhattacharya, the last chief minister of the Left Front Government is referred to as 'Brand Budha'. This is so because it marked a departure from his predecessors by a clear thrust in wooing both national and multinational corporate houses to invest in the state (*The Telegraph*, 2003).

11 It is extremely surprising that an assessment of land use for this vital project had been undertaken with the aid of land-use statistics provided by the Census District Census Handbook. It has been well accepted among the researchers that land-use statistics cannot be dependable unless it is taken as an average for 3–5 years, more so when agricultural land use is being studied. Also, the census village level data, especially the land-use data has been acclaimed as 'not so accurate'.

12 Hence to make the compensation/land price values comparable, all monetary transactions are expressed 2004–05 prices.

13 In West Bengal, 1Bigha = 20 cuttah = 0.3306 acre.

14 In 2008, 1 USD = 49 INR apprx.

15 In the study region, a large number of Syndicates have emerged that supply construction material to the project site. Some of the local people have been actively associated with these business activities while a large section of the population have simply invested some money and enjoyed a proportionate share of profits earned by the concerned syndicate.

16 In fact, to address this issue of acquisition of land excess of the exact amount of land to be acquired, the New Act 2013 has introduced the provision of compulsive Social Impact Assessment. See Mallik and Sen (2017).

17 Although the debate on what should be the right price of land is persistent (Ghatak & Ghosh, 2011; Chakravorty, 2013), it is beyond the scope of this paper to discuss that issue.

18 Occupational mobility is determined by organizing the occupations following the schema of the National Classification of Occupations that uses skill requirements of each occupation. The detailed methodology of analysing occupational mobility is elaborated in Mallik (2014).

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