



Ongoing implementation and policy challenges of land acquisition in west bengal: A sociological study

Tania Ghosh¹, Dr. Lava Kush²

¹ Research Scholar, Department of Sociology, Glocal University, Uttar Pradesh, India

² Associate Professor, Department of Sociology, Glocal University, Uttar Pradesh, India

Abstract

The present research focuses on Land acquisition in West Bengal, which is a highly sensitive and structurally distinct process, anchored by the state's historically unique "no forced land acquisition" policy and the federal Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013. Moving away from colonial-era compulsory taking, the state government predominantly relies on a Direct Land Purchase Policy, acquiring parcels for public infrastructure through voluntary, mutual-consent agreements with landowners to avoid protracted legal disputes. In recent years, several studies have been conducted by sociologists and economists on the problem of land acquisition. Mineral processing activities involve the use of substances like cyanide and generate by-products which can be harmful to the environment and create other risks; for instance, geological uncertainty such as the collapse of the pit wall. Again, it poses risks to the sustainability of many people. These include landlessness, homelessness (forced relocation), loss of income (from traditional sources), loss of access to communal resources vital for survival, cultural destabilisation, food insecurity and health degradation. The study is conducted to examine the changes in employment status of the affected people in the pre- and post-acquisition scenario, and to focus on the types of compensation offered by the state government to the owners of land. Land acquisition survey, personal survey and socioeconomic survey were conducted for data collection. Districts like Birbhum, Bankura, Asansol, Durgapur, Hooghly and Howrah have been visited for an empirical study.

Keywords: Land acquisition, rehabilitation, policy, displacement, coalmine

Introduction

Land acquisition in West Bengal is a highly sensitive and structurally distinct process, anchored by the state's historically unique "no forced land acquisition" policy and the federal Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013. Moving away from colonial-era compulsory taking, the state government predominantly relies on a Direct Land Purchase Policy, acquiring parcels for public infrastructure through voluntary, mutual-consent agreements with landowners to avoid protracted legal disputes. The British authorities took over a well-structured land system established by the Mughals. The British government altered the existing land tenures to ensure the highest revenue from land tax for the administration. These modifications led to the emergence of three forms of land ownership systems. In the 18th century, the British introduced the Zamindari system, one of the three land tenure systems established in the British Empire. This system was implemented by Lord Cornwallis in 1793 with the aim of enhancing the revenue for the East India Company. As part of this system, landlords were acknowledged as the full owners of the land. In exchange for this recognition, they were assigned the responsibility of collecting rent from the farmers. Consequently, the Zamindars acted as intermediaries between the cultivators and the government. Over time, however, these intermediary roles evolved into actual ownership of the land, thereby entrenching a permanent interest in it. The Zamindari settlements were classified into two categories: permanent and temporary. Unfortunately, the Zamindari system proved to be detrimental to rural India, leading to numerous issues such as hindrances to agricultural development, the problem of absentee

landlordism, exploitation, and a sense of psychological insecurity among the rural populace.

The Mahalwari system was the second tenure system introduced by the British to manage land acquisition in India. This form of tenancy emerged during colonial rule, initially implemented in Agra and Oudh, and later expanded to Punjab. The establishment of the Mahalwari system was significantly influenced by Muslim traditions. Under this system, village lands were collectively owned by the village communities. The residents were collectively and individually accountable for paying the land revenue. The lands owned by these communities were either farmed by their members or rented out to others. The period for settling land revenue and other related issues varied across different Mahalwari regions. The local village headman was tasked with the collection of land revenue, which he subsequently deposited into the treasury, earning a 5 per cent commission for his efforts. A significant drawback of the Mahalwari system was that it created opportunities for absentee landlords due to the involvement of certain intermediaries. Alternatively, the East India Company member Sir Thomas Munro introduced the Ryotwari system in 1792. Under this scheme, the individual ryot was solely responsible for paying land revenue directly to the government, eliminating any intermediary between the farmer and the state. As long as the ryot fulfilled his obligation to pay land revenue, he retained full rights regarding the sale, transfer, sub-letting, or leasing of the land. The British tenure system had numerous consequences. A significant change was the transformation of land into private property. Previously, private ownership of land was nonexistent; however, the introduction of these three systems established individual

ownership. Before this shift, land was collectively owned by the village community, but these systems created a separation into landlords, tenants, and labourers, each either controlling land or working on someone else's property. Under pre-colonial rule, land was not considered the personal property of kings whether Hindu, Muslim, or Buddhist but British governance fundamentally altered perceptions of land ownership, leading to profound social, economic, political, cultural, and psychological changes in India (Downing, 2002) ^[30].

Review of literature

In very recent years are good number of research studies have been conducted on the problem of land acquisition by different sociologists and economists. Mineral processing activities involve the use of substances like cyanide and generate by-products which can be harmful to the environment and create other risks; for instance, geological uncertainty such as the collapse of the pit wall. Again, it poses risks to the sustainability of many people. These include landlessness, homelessness (forced location), loss of income (from traditional sources), loss of access to communal resources vital for survival, cultural destabilisation, food insecurity and health degradation.

Lahiri - Dutt (2006) contests that some theories concerning natural resources security, source conflicts, resource wars and resource cures have entered the popular domain in discussions on resources. To her, their simplistic and generalizing appeal instigates widespread and uncritical acceptance. And the import of these theories threatens to undermine possible alternative explanations of minerals used by the community in the third world.

See concludes by indicating that 2 minerals occur as natural phenomena, it must be remembered that they are also constructed by the political economic discourse that describes them. Therefore, the blessing or curses of a depends on the governance (Lahiri - Dutt, 2006) ^[4]. This is also echoed by Stevens 2003 who observed that clearly, the whole issue of what causes a curse rather than a blessing and how to enjoy the latter and avoid the former is an extremely complex issue. He, however, hinted that the distressingly high indices of poverty in their source community should be blamed on several factors ranging from poor Government and corruption to volatility of the mineral market and failure of the host Nations to retain a fair share of profit from mineral extraction.

Objectives of the study

1. To study the socio-economic impact of the land acquisition on rural people. For this purpose, we include those whose primary occupation is in agriculture and non-agricultural work in order to gauge the effect of the acquisition on these groups as well.
2. To examine the changes in employment status of the affected people in the pre- and post-acquisition scenario.
3. To focus on the types of compensation offered by the state government to the owners of land.
4. To assess the impact of displacement on the living standards of the people involved.
5. To see how the compensation is being used (where it has already been used).

Methodology of the study

The study mainly depends on direct intensive observation and interviews with individuals affected by land acquisition. The demographic and economic surveys are conducted among all the households with the help of structured and open-ended questionnaires. The qualitative information regarding the feelings and attitudes of the affected persons is collected through repeated conversations with those persons over a long period of time. The stories of hardship and economic crisis are addressed by individual family members through the case study method.

Quantitative methods

1. Land acquisition survey (persons with titles, those without titles and others, including tenants, share croppers, should all be counted.)
2. Personal survey.
3. Socioeconomic survey (this should involve only a percentage of the total population selected on a random basis)
4. Other administrative records (such as NSS)

Qualitative methods

1. Key in-format interviews.
2. Focus group discussions (FGD)

Results and Discussions

According to the International Association for Impact Assessment (IAIA), "Social Impact Assessment" is a process that combines the analysis, monitoring, and management of planned interventions (policies, programs, plans, projects), intended and unintended social consequences, both positive and negative, as well as any social change processes those interventions may have triggered. Its key area is to create a more egalitarian and sustainable biophysical and human environment. Therefore, SIA is a comprehensive framework that encompasses the valuation of all human influences and the ways individuals and groups engage with their sociocultural, economic, and biophysical environments. Thus, SIA has close ties to a wide range of specialised sub-fields that are involved in the assessment of areas like: psychological effects; resource issues (access and ownership of resources); demographic effects; development impacts, economic and fiscal impacts; impacts on indigenous rights; infrastructure impacts, institutional impacts; political impacts (human rights, governance, democratisation, etc.); poverty; psychological effects; impacts on social and human capital; and other impacts on societies. As a result, a thorough SIA typically calls for a team effort rather than a single individual (Grimm, 1998) ^[33].

1. Demographic Details

153 families who suffered because of the program made up the study's sample. The sample was distributed according to several criteria to ascertain its makeup, and the outcomes were displayed (Table 15). Regarding religion, 99.3% of the sample identified as Hindu, whereas only one participant was Muslim. It is impossible to refute caste's importance as a feature in Indian studies, given how pervasive casteism is in Indian society, particularly in rural areas. SC, OBC, and General families accounted for 13.7%, 30.1%, and 12.4% of the data, respectively, while Scheduled Tribe households accounted for 43.8%. Five-six per cent of the severely

affected population comprises the Scheduled Tribes and the Scheduled Castes, the most socially disadvantaged groups. Another crucial and instructive element is education. Data show that 11.8 per cent of individuals are illiterate, whereas just 9.8% of people are literate. In particular, 24.2 per cent, 33.3 per cent, 13.1 per cent, and 3.9 percent have reached elementary, middle, matriculate, and intermediate education levels, respectively.

2. Land and Politics of Compensation

Land serves as the foundation for commercial operations, livelihoods, and productive systems. Land expropriation seriously interferes with all of these operations. Due to the loss of both natural and artificial capital, this is the primary way that displaced people become impoverished and recapitalised. The peculiarities of landholding in terms of caste and economic class, both before and after displacement, have been examined using exclusively legal landholding. With over 40% of the population being ST, the ECL, Raniganj sample population has a diversified social makeup. Table 4 makes clear that 20.9% of all households had no land prior to their relocation. Out of the thirty-two landless households, only one was classified as General; the other nineteen were ST, seven were SC, and five were OBC. These folks don't own any land, and they don't offer their labour for a living. A total of 12.4% of the households examined were major farmers (5 ST, 5 OBC, and 5 OBC).

In order to actively participate in the production process, large farmers usually employ both temporary and permanent staff to cultivate their land. They do not act as though they have a contract in place by selling their labour to other peasants. Before being displaced, most ST and SC households—aside from five large farms—were landless and marginal farmers; however, OBC households had better economic prosperity than their predecessors. Consequently, the economic positions of the OBC and the other two categories (SC and ST) differed (Bhattacharjee, 2014)^[11].

3. Compensation and Pattern of Utilisation

The ECL gave the affected individuals an arbitrary sum of Rs 2,30,000 to help people build homes both in the self-resettlement and rehabilitation communities. This sum was given as additional land acquisition compensation. Some folks perished from alcohol addiction since they didn't know how to invest their money. Ninety-six per cent of them denied that any financial planning workshop had been held to teach them how to invest their money in a profitable manner, despite our study's attempt to find out. Others, however, were tricked by banks that promised them high interest rates on their deposits, and they eventually fled with all the money, leaving the people in poverty. They are now subsisting on their daily earnings as a result. Their sudden exposure to a monetary environment where money was the only medium of exchange led to their anguish. Furthermore, their lack of familiarity with financial matters was a contributing cause to their collapse.

4. Resettlement Issues in West Bardhaman District

In accordance with the policy, each affected household member received 0.10 acres of homestead land in the corresponding rehabilitation colony so they could construct their own dwellings. Some folks, though, didn't find this enjoyable. Self-resettlement was their choice. The Jainagar self-resettlement colony is part of the ECL study village in

Raniganj. After the inhabitants of the colony spoke with the Gountia, the town's landowner, he agreed to give it to them. However, they were only able to buy an average of 7.6 cents worth of land in the hamlet due to a shortage of funds. To stay together and maintain the cultural ethos, they had to use their limited resources to buy small parcels of land (Bhushan, 1991).

5. Impact Assessment of Inequality among the Displaced People

Table 17 shows an obvious disparity between the displaced individuals based on their yearly income. Before displacement, there was a noticeable distinction between the inhabitants based on their land ownership (because they belonged to separate land strata). There were a great deal of similarities within the same strata. However, after being displaced, 94 households worked in the mines, which significantly increased the income of those involved. In addition, he was qualified to use the ECL's medical services, as were his parents, kids, and spouse. This distinction put the other members of the family at greater risk. These people are rapidly losing their social position within the family as a result of their financial instability, and the focus is now solely on the earner, leading to a hegemonic shift even inside the family. Before relocation, each member of a household has an equal entitlement to the joint property that their ancestors had left them. The study tested the income variability of several groups of people using the statistical tool, the coefficient of variation (Cernea, 1991)^[14].

One of the most crucial factors for Indian policymakers is the advancement of defence interests. It is also claimed that the policy-making process heavily relies on land acquisition. The primary agency for purchasing land for services and other defence organisations, like the armed forces, is the Defence Estates Department (Goswami, 2019)^[34]. The Ministry of Defence follows a well-coordinated internal procedure before starting any land acquisition process. In order to comply with the Act's procedural requirements for publishing notifications and other documents, the whole proposal is then submitted to the relevant authorities. The next issue that needs to be discussed is how feasible it is to acquire land for defence. To put it another way, it is suggested that limitations be placed on the acquisition of resources for defence-related purposes, which might be categorised as a public purpose under the national security heading (Brahma, 1992)^[10].

6. The Public Purpose of National Security

The land rights movements have taken a thorough and very logical stance that there shouldn't be a right to eminent domain in cases where private corporations acquire land, given the judiciary's inconsistent approach to creating a concrete law on "public purpose" and the right to eminent domain. The issue at hand is the extent to which acquiring land for "vital to national security" objectives will benefit the average citizen (Akabzaa, 2001)^[2]. Reconciling national security and public purpose is the goal of the paragraphs that follow. Achieving a balance between the interests of the state and individual rights is crucial for the two aspects to be reconciled (Bharali, 2004)^[8]. Ignoring this aspect will inevitably result in eviction, human rights abuses, widespread disempowerment, and poverty for a substantial portion of the population. A fair process requires that the strategic aspects of national security be clearly defined and

made logically understandable to the local population and the competent authority, whose consent is required for the acquisition of land for private companies of any kind. This is true even though the acquired land does not have to be accessible to the general public in order to pass the public purpose test. Information asymmetry would be exploitative and a violation of their rights. Additionally, it has been decided that merely speculating is insufficient and that a public aim must be established. Thus, symmetric information is required. While there isn't much case law on this particular facet of land acquisition, it is crucial to address it, given the growth in army land acquisitions in the country's north and northeast. It has serious consequences for environmental degradation in addition to dispossession difficulties (Goswami, 2019) ^[34]. The long-term effects on the safety of the local population and the surrounding environment are frequently overlooked. There have been instances of munitions remnants exploding in different locations, raising concerns about public safety that clearly serve no public purpose (Burdge, 2012) ^[12].

Therefore, it can be inferred from the aforementioned analysis that an act for national security must have a clear and compelling goal in order to be classified as a public purpose. Before proceeding with the acquisition process, consideration should be given to the environmental consequences, the short- and long-term effects of the land acquisition, and the possible alternatives (Goswami, 2019) ^[34].

Concluding Remarks

Land acquisition and settlement have a social influence that is further complicated by gender factors. Women are particularly vulnerable during migration because they frequently make substantial contributions to agricultural labour and communal cohesion.

Women are often left out of compensation talks and may lose access to land-based resources that are vital to their social and economic well-being because of the wildly disparate land rights systems in many areas. Their support systems are upended, household responsibilities are increased, and they are more vulnerable to social exclusion and economic instability as a result of resettlement. Therefore, in order to completely comprehend the distinct effects of land acquisition, every study of social implications must take gender views into account (Areparampil, 1991).

Programs for rehabilitation and resettlement seek to address these issues, although their efficacy has been called into question. Research indicates that R&R programs frequently neglect long-term livelihood restoration, community reconstruction, and sociocultural adaptation in favour of concentrating just on physical relocation. A reduction in quality of life and social well-being can result from poorly planned resettlement sites' lack of proper infrastructure, service accessibility, and chances for constructive engagement. Social resilience is further undermined by the disintegration of community networks in resettlement sites, which leads to social isolation and a deterioration of conventional support networks. These difficulties underscore the necessity of resettlement models that incorporate the psychological, social, cultural, and economic aspects of relocation.

Additionally, the executive's control over the Social Impact Assessment Study's finality limits the possibility of a just

and democratic land purchase procedure where the affected families' consent and concerns are given proper weight. Additionally, executive and administrative urgency in rehabilitating the afflicted families should always be prioritised, and the exemption from such studies in emergency cases needs to be handled cautiously (Goswami, 2019) ^[34].

Only a few essential facilities, including water supply, power, and drainage, have been supplied by the ECL in other colonies. Regrettably, certain essential basic facilities, such as primary health centres and schools, were unavailable. Those who were hired by ECL moved their parents into ECL housing and rented out their homes for a respectable monthly income. Land procurement is the sole reason for the upsurge in local underemployment in this region. In the past, agriculture and related pursuits, including goat rearing, horticulture, and dairying, were the families' main sources of income. The drainage system, water supply, and electricity are in poor shape because of poor maintenance and oversight. However, the youth are compelled to engage in antisocial actions like coal and fuel theft due to a lack of economic opportunities. Since there are numerous benefits accessible to the person directly involved with the ECL on behalf of the entire family, the current economic position creates a sense of inequality. This makes everyone in the family reliant on the working member. It should be noted that all associated activities have completely stopped in the new environment (Knetsch, 1979) ^[32].

References

1. Asian Centre for Human Rights. India's Failed National Rehabilitation and Resettlement Policy, 2007. Asian Centre for Human Rights, 2007. Available on: <http://www.achrweb.org/Review/2007/198-07/html>.
2. Akabzaa T, Darimani A. Impact of Mining Sector Investment in Ghana. A Study of the Tarkwa Mining Region. A Draft Report Prepared for SAPRI, 2001.
3. Areparampil M. Displacement Due to Mining in Jharkhand. *Economic and Political Weekly*, 1996;31(24):1524-1528.
4. Bala M. Forced Migration and Coal Mining. In: Shobhita J, Bala M, eds. *The Economics and Politics Of Resettlement In India*. Pearson Education, New Delhi, 2006, 115-134.
5. Bhengara R. Coal Mining Displacement. *Economic and Political Weekly*, 1996;31(11):647-649.
6. Bhushan C, Hazra MZ. Mining in the States: Jharkhand and West Bengal. In: Rich Lands, Poor People: Is 'Sustainable' Mining Possible? *State of India's Environment: Sixth Citizens' Report*. Centre for Science and Environment, New Delhi, 2008.
7. Barooah J. Property and Women's Inheritance Rights in the Tribal Areas of the Northeast. In: Fernandes W, Barbor S, eds. *Changing Women's Status in India: Focus on the Northeast*. North Eastern Social Research Centre, Guwahati, 2002, 99-113.
8. Bharali G. Dams Threat to Livelihood. *The Telegraph: North East*, 2004, November 29.
9. Bhaumick S. Blueprint for Ethnic Reconciliation in Tripura: Decommission the Gumti Hydel Project for a Start. *Borderlines*, 2006;1(4):58-66.

10. Brahma K. A Study of Socio-Religious Beliefs, Practices and Ceremonies. Punthi Pustak, Calcutta, 1992.
11. Bhattacharjee S, Sinha R, Dutta K. Fair Pricing of Land and its Compensation in an Emerging Economy: Case for India. Thought Arbitrage Research Institute, New Delhi, 2014.
12. Burdge RJ. Benefiting from the Practice of Social Impact Assessment. *Impact Assessment and Project Appraisal*, 2012;21(3):225-229.
13. Cheshire P, Vermeulen W. Land Markets and Their Regulation: The Welfare Economics of Planning. London School of Economics, 2014.
14. Cernea MM. Putting People First: Sociological Variables in Rural Development. World Bank & Oxford University Press, Oxford-Washington, 1991.
15. Cernea MM. Involuntary Resettlement in Development Projects: Policy Guidelines in World Bank-Financed Projects. World Bank Publications, Washington D.C., 1988.
16. Contesting Women's Rights within the Political Economy of Mining in India. Dhaatri Resource Centre for Women and Children, Secunderabad, Andhra Pradesh, India, 2010.
17. Choudhary T. Use of Eminent Domain: Process and Its Critique. In: India Infrastructure Report 2009: Land - A Critical Resource for Infrastructure. 3iNetwork, OUP, 2009, 75-76. Available on: http://www.iitk.ac.in/3inetwork/html/reports/IIR2009/II_R_2009_Final_July%202009.pdf.
18. Corbridge S. Competing Inequalities: The Scheduled Tribes and the Reservation System in India's Jharkhand. In: Corbridge S, Jewitt S, Kumar S, eds. Jharkhand: Environment, Development and Ethnicity. Oxford University Press, New Delhi, 2004, 175-202. Originally published in *Journal of Asian Studies*, 59(1).
19. De Wet CJ, ed. Development-Induced Displacement. Problems, Policies and People. Berghahn Books, London, 2006.
20. Dirty Metals: Mining, Communities and the Environment. A Report by Earthworks and Oxfam America. Oxfam America, 2004.
21. Downing TE. Avoiding New Poverty: Mining-Induced Displacement and Resettlement. IIED and WBCSD, London, Research Paper No. 58, 2002.
22. Deininger K, Byerlee D, Lindsay J, Norton A, Selod H, Stickler M. Rising Global Interests in Farmland: Can It Yield Sustainable and Equitable Benefits. World Bank, Washington DC, 2011.
23. Dhagamwar V. Rehabilitation: Policy and Institutional Change Required. In: Fernandes W, Ganguly Thukral E, eds. Development, Displacement and Rehabilitation: Issues for a National Debate. Indian Social Institute, New Delhi, 1989, 171-184.
24. Fernandes W. Rehabilitation Policy for the Displaced. *Economic and Political Weekly*, 2004;39(12):1191-1193.
25. Fernandes W, Asif M. Development-Induced Displacement in Orissa 1951 to 1995: A Database on Its Extent and Nature. Indian Social Institute, New Delhi, 1997.
26. Fernandes W, Thukral EG, eds. Development, Displacement and Rehabilitation. Indian Social Institute, New Delhi, 1989.
27. Fernandes W, Raj SA. Development, Displacement, and Rehabilitation in the Tribal Areas of Orissa. Indian Social Institute, New Delhi, 1992.
28. Hanstad T, Brown J, Prosterman R. Larger Homestead Plots as Land Reform? International Experience and Analysis from Karnataka. *Economic and Political Weekly*, 2002.
29. Hemadri R, Bisalpur Samiti, Mander H, Nagaraj V. Dams, Displacement, Policy and Law in India. Paper prepared for World Commission on Dams, 1999.
30. Hussain M. State Development and Population Displacement in North East India. In: Thomas CJ, ed. Dimensions of Displaced People in North East India. Regency Publications, New Delhi, 2002, 282-298.
31. Khemro BHS, Payne G. Improving Tenure Security for the Urban Poor in Phnom Penh, Cambodia: An Analytical Case Study. Kingdom of Cambodia, Council for Social Development, 2004. National Poverty Reduction Strategy 2003-2005, 2005.
32. Knetsch JL, Borchering TE. Expropriation of Private Property and the Basis for Compensation. *University of Toronto Law Journal*, 1979;29:237.
33. Grimm C. Rural Land Law in Germany. Unpublished manuscript on file with RDI, May, 1998.
34. Goswami S. Land Rights as Social Rights: A Micro-Level Study. *European Researcher*, 2019;10(1):38-49. DOI: 10.13187/er.2019.1.38.
35. Goswami S. Land acquisition in India: Problems and prospects. *International Journal of Pedagogy Innovation and New Technologies*, 2018;5(2):57-67. Warsaw. DOI: 10.5604/01.3001.0012.9676. GICID: 01.3001.0012.9676.