

Land Acquisition Ordinance: Government - Corporate nexus against People & Democracy

-Prem Singh

This article was written in January 2015 and published in Mainstream Weekly. The article is released again in the view of the ongoing farmers movement, and the frequent land acquisitions taking place all over the country in the name of express ways, smart cities, education cities, national-international airports etc.

The Land Acquisition, Rehabilitation and Resettlement Act 2013 (LARR Act 2013) was enacted in the parliament after incorporating suggestions from the BJP and with its due support. Sumitra Mahajan, presently the speaker of the Lok Sabha, then had headed the Parliamentary Committee, which okayed the law. The LARR Act 2013 which came into effect from January 2014 empowers land-owners, for the first time, with the right to fair compensation for acquired land along with consent right. As per the Act the provisions to pay fair compensation to the farmers and seek their prior consent were to be implemented over and above the existing 13 laws in the matter within a year's time. The LARR Act 2013 was meant to replace the Land Acquisition Act of colonial times enacted in 1894. The staggering destitution of peasants and tribals, social unrest and environmental devastation resulting from the post 1991 new economic policies had forced the UPA government to enact this law. This law mandates prior permissions of 70 percent land-owners in cases where land is acquired by the government, and prior permission of 80 percent land-owners, in cases of acquisitions by private companies. Along with this, Social Impact Assessment (SIA) has also been made mandatory.

The ordinance promulgated by the present government on the last day of December 2015 adds Section 10 A to the Act which undoes the rights which the land-owners got in LARR Act 2013. As per this Section, five areas – national security, defence and defence production projects; industrial corridors projects; rural infrastructure projects; infrastructure/social infrastructure projects, mostly fall under the public private partnership (PPP); and housing projects for the poor – will not require either prior consent or Social Impact Assessment. It is a matter of speculation if any areas are left out of these five! For these five areas, even fertile multi-crop cultivable land can be acquired straightaway. The government decided to bring in this amendment to the LARR Act 2013 after the winter session was over. When the president inquired into the reasons as to the hurry regarding the matter, three ministers on the part of the government clarified their reasons and the president's permission was promptly obtained. Thus, whatever role the peasants and tribals had come to have in the process of the acquisition of their lands as per this law was snatched by this amendment and placed back instead into the hands of bureaucracy and corporate houses. Whatever justifications the BJP leaders are giving for this amendment, ought to have been given at the time of its enactment. Explicitly, the government has arranged for the support of the corporate houses in the Lok Sabha elections by bringing the amendment in such hasty manner.

It seems as if the corporate houses have placed their bet on Narendra Modi instead of Manmohan Singh and Sonia Gandhi because they were aggravated by MNREGA, Land Acquisition Act, Food Security Act and the like. Manmohan Singh was an economist prime minister who followed the classicist approach towards neo-liberal reforms whereas Narendra Modi is taking blind leaps. BJP's propaganda against Manmohan Singh as a weak prime minister is misleading; nonetheless, it proved to be an effective winning campaign in the recently held general election. As the progenitor and facilitator of neo-liberalism in India, Manmohan Singh will be remembered as the strongest prime ministers ever. He removed India's economic policy and its goal from the axis of the Constitution and installed it instead on the axis of various power stations of neo-liberalism like World Bank, IMF, WTO, World Economic Forum, various multi-national companies and so on. He believed in all wisdom that the capitalist way to growth is the only right way. From the Harshad Mehta scandal to the numerous scandals in his tenure nothing ever even brought the slightest shadow on his brow. This is because he honestly believed that the path of capitalist development has to traverse through corruption. Narendra Modi is an extension of Manmohan Singh because the same policies and practices are being carried forward by his government too.

It is inherent in the spirit of the Constitution as well as reiterated by the Supreme Court in 1987 that amendments ought to be brought only during an emergency or an extraordinary situation. It will be well to remember that the sequence of ordinances had begun in Manmohan Singh's tenure as finance minister. The Vajpayee government swiftly carried it forward. The UPA 2 government too was a government of ordinances promulgating at least 5 ordinances in a year. But the current government in its seven-month tenure by bringing nine ordinances during and after the parliament session has delivered the severest blow to the parliamentary democracy till date. To say that amendments harm parliamentary democracy is – as some other critics have observed – merely a technical objection. The pertinent question is why did the previous ones or the present government resort to it. The only possible answer is that governments do so in the interest of the global bodies of corporate capitalism, multi-national companies and corporate houses in the country. Thus, it is a one-sided power play that ruins the already marginalized farmers and forest-dwellers.

In the neo-liberal times, elections have become extremely expensive. According to news reports, in the last parliamentary elections, the BJP spent twenty to twenty-five thousand crores and the Congress spent about ten to fifteen thousand crores. This money comes from corporate houses. Prime ministerial candidates openly participate in the conclaves and conferences of capitalists and solicit their support saying 'make us win and we will do your bidding'. Indian democracy has, thus, been hijacked by corporate houses. The BJP government under the prime ministership of Narendra Modi, just after its formation, had made it clear that it intended to amend the 4 months old LARR Act 2013. It considers the thirty percent mandate to be a gift of corporate houses, not of the voters. In such a scenario, the interests of big business houses become that of utmost importance to the government. The point is, if the money of corporate houses is not kept out of elections, it will not be possible to keep out the ordinances promulgated in their interest.

With this ordinance the already complicated issue of water, forest and land (Jal, Jungle, Jameen) will become even more confounded. Expensive compensations against acquired lands do not ensure salvation for farmers and tribals. Most farmers have small land holdings and that is their private property. With land acquisition, they belong neither here nor there. The compensation is usually blown up in frivolous expenditures and addictions. Very few people are able to invest the compensation money judiciously for the future. Non-land-owners like dalits and craftsmen castes who depend on farming land for their livelihood did not receive any compensation amount, residential plots or jobs right from the times of the Land Acquisition Act of 1894. In such a situation, land acquisition without prior consent or any social impact assessment will invariably lead to social discontent, and might even increase naxalite violence.

The important lesson in the Land Acquisition Ordinance is that the supposedly apolitical efforts of a few good people (who wish to bring respite to farmers-tribals-labourers by working within the fold of neo-liberalism as advisors to the governments) cannot be a permanent solution. They will have to understand that the awareness and participation of the people that they talk about in their NGO endeavour means nothing without active political participation.

Most parties, including the Congress, have opposed this ordinance. Many peoples' organizations, farmers' unions and important citizens have also opposed it. Justice Rajindar Sachar has expressed harsh criticism in his statements as well as columns. He is equally opposed to the Insurance and Coal Mines ordinances. The farmer cell of the BJP too has opposed the ordinance as its affiliate trade union Bharatiya Mazdoor Sangh (BMS) participated in the token strike of the Coal Mines Workers Union along with other trade unions against promulgation of the Coal Ordinance. This protest is meaningful only if all these parties and organizations identify, recognize and oppose the root cause. That is, the neo-liberal economic policies and the capitalist model of development.

Along with opposition to the ordinance, some important measures must also be taken. Political parties must fight for the strengthening of the LARR Act 2013, and they must also insist on the formation of a Land Use Commission, as has been demanded by the Socialist Party (India). This commission must have comprehensive representation of farmers, tribals and non-land-owners of villages. The farmers have played an important role in the freedom movement. It has had several important leaders and thinkers including Gandhi himself. In the post-independence era, from Chaudhary Charan Singh to Mahantha Devaru Nanjundaswamy, Kishan Patnaik and Sachidanand Sinha, there have been people who have deeply deliberated upon the nature and problems of agriculture and agriculturists vis-a-vis industrialization in previously colonized countries including India. This unique legacy must become a part of the present discourse of development/progress. There are peasant movements and leader's world over, even in the Europe, who oppose the conditions imposed by the WTO in the interest of certain multi-national companies operating in agriculture sector. Lessons can be learnt from these movements.

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