

Case Study: Singur

Land Acquisitions and Tenancy Rights in West Bengal

On October 6th, I, along with Aashik Jain of Mathematics (H), visited Singur, the epicenter of the anti-land acquisition protests 38km from Kolkata.

The sense of destitution was heavy in the air. ‘Don’t go that side, or the villagers will take everything you have’ warned us a rickshaw puller at the Singur station. ‘Everybody wants the Tata Nano plant back’ said the auto driver as he took us to the plant along NH-2. The guard at the abandoned plant, who was unwilling to either let us in or talk to us, finally said ‘there’s nobody here. Everybody - the farmers and the workers - have left. Only the management comes once in a while’. As we left the place after talking to a couple of people, it was clear that Singur had been let down. It was literally a depressed village.

From the paradigm of tenancy reforms in West Bengal facilitated by Operation Barga, land acquisitions raises some valid questions. Under the Land Acquisitions Act (1984), which the state Government invoked to acquire land in Singur, no mention is made of tenancy.

However, under Operation Barga and the West Bengal Land Reforms (Amendment) Act 1977, tenancy in Bengal was made inheritable, and hence even the tenants deserve compensation for acquired land. While the Land Acquisition (Amendment) Act 2007 seeks to include tenants as a part of the ‘person interested’, it does not lay down guidelines regarding the ‘correct compensation’ due to them, and hence leaves open this loophole.

Issues plaguing compensation for tenancy are as follows:

- (1) In most Indian states, tenants have not been registered with the Government, making identification of tenancy difficult
- (2) The issue of what is the ‘correct compensation’ for the tenant vis-a-vis the landowner

In the case of West Bengal, Operation Barga ensured that problem (1) is not an issue. The answer to question (2) also lies in the Land Reforms (Amendment) Act of 1977. As per that, the tenants’ share of the produce was fixed at 75% (50% if all inputs were supplied by the landowner). Hence, when we speak of compensation, we should look at a number close to that figure. This is because even in the case when the land is not acquired, the landowner gets 25% of the future income from the land, and hence must be compensated for only 25% of the land’s value. The rest 75% should go to the tenant. This, of course, is the case for West Bengal and will differ from state to state.

Another aspect of the proposed amendment, though not relevant to the debate on tenancy, is that it forbids the



Government from getting involved in the acquisition unless 70% of the land has been acquired by the private player, hence removing potential for a situation like in Singur. The proposed amendment has run into rough weather with Mamata Bannerjee. This is hoping she hears what the ghost of Singur is saying.

Land Acquisition (Amendment) Act Introduced in the Lok Sabha in 2007

Some Highlights of the Act

The primary issues this proposed amendment deals with:

- (1) *The right compensation for land acquisition*
 - (2) *Settlement of disputes regarding acquisitions*
 - (3) *Protecting the rights of tribals, tenants and Sts*
- (1) Throughout the Land Acquisitions Act (1894), the words ‘and for companies’ are to be omitted
 - (2) The provisions of the Resettlement and Rehabilitation Act (2007) shall apply in respect of land acquisitions by the appropriate Government
 - (3) The expression ‘person interested’ in the Land Acquisition Act (1894) is to include:
 - (a) tribals and other traditional forest dwellers
 - (b) persons having tenancy rights
 - (4) The expression ‘public purpose’ is to include:
 - (a) strategic purposes (eg. Military)
 - (b) infrastructure projects for the general public
 - (c) when 70% of land has already been acquired
 - (5) A ‘social impact assessment’ study is to be carried out when displacement of 400 or more families (200 or more in tribal, hilly and desert regions) is needed