

Theoretical Framework of Land Acquisition in West Bengal

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Abstract

This study centres on land acquisition in West Bengal, a process marked by particular sensitivity and structural uniqueness, shaped by the state's historically distinctive "no forced land acquisition" policy and the national Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013. Shifting away from the colonial-era practice of forced land acquisition, the state government now primarily uses a Direct Land Purchase Policy, securing land for public infrastructure through voluntary, mutually agreed-upon deals with landowners to sidestep lengthy legal battles. Over the past few years, sociologists and economists have carried out multiple studies on the issue of land acquisition. Mineral processing often uses chemicals such as cyanide and produces by-products that may harm the environment and pose additional risks, including geological hazards like pit wall collapse. Once more, it threatens the long-term viability of many individuals. These encompass landlessness, homelessness (due to forced relocation), loss of income (from customary sources), diminished access to communal resources essential for survival, cultural disruption, food insecurity, and declining health. The study aims to analyse changes in employment status among affected individuals before and after the acquisition, as well as to examine the kinds of compensation provided by the state government to landowners. Surveys for land acquisition, personal information, and socioeconomic data were carried out to gather information. For an empirical study, districts including Birbhum, Bankura, Asansol, Durgapur, Hooghly, and Howrah have been visited.

Keywords: Land Acquisition, Economy, Theory, Culture, Policy.

1. Introduction and Statement of the Problem

In India, the history of land ownership is both lengthy and intricate. Kautilya even mentions it in the Arthashastra. The Arthashastra claims that the land was the exclusive property of the ruler. In some accounts, the individual who tilled the land was considered its legitimate owner. The king has the power to raise or lower the land tax. Even with some modifications, the prior land taxation system persisted during Muslim rule. In the sixteenth century, Sher Shah Suri initiated land survey operations to assess and levy land taxes. In the 16th century, Sher Shah Suri launched land settlement initiatives to assess and levy land taxes (Goswami, 2019). During Akbar's reign, the system was enhanced in several ways. The Mughals created a well-organised land system that the British later adopted. To increase land tax revenue for the administration, the British government altered the existing property tenures. As a result of these processes, three distinct land ownership systems developed. One of the three land tenure systems created in the British Empire was the Zamindari system, introduced by the British in the 18th century. In 1793, Lord Cornwallis introduced this method to increase the profits of the East India Company. Under this arrangement, landlords were recognized as the sole owners of the land. In return for this acknowledgement, they were assigned the duty of collecting rent from the farmers. As a result, the Zamindars acted as intermediaries between the farmers and the government. In the end, these supporting roles developed into land ownership, creating a lasting stake in the property (Goswami, 2019). Zamindari villages were categorized as either temporary or permanent. Unfortunately, the Zamindari system hurt rural India, leading to problems including exploitation, absentee landlordism, obstacles to agricultural progress, and psychological

distress among rural communities. The Mahalwari system was the second land tenure system introduced by the British to govern property purchases in India. This type of tenancy first appeared in Agra and Oudh during colonial times, before spreading to Punjab. The Mahalwari system was significantly shaped by Muslim customs. Within this system, village communities jointly owned the land in their villages. The land revenue had to be paid by the people, both individually and collectively. These villages' residents either cultivated the land or rented it to other people. The timetable for resolving land revenue and other matters varied in each *Mahalwari* area. The headman of the village collected land revenue and deposited it into the treasury in exchange for a five per cent fee (Goswami, 2019).

Furthermore, there hasn't been any economic growth to keep up with West Bengal's enormous population growth. In many instances, local leaders became powerful by providing land to farmers who lacked it. However, because of the region's fragmented landholdings and dense population, yields are insufficient to sustain low-income people in West Bengal. There is an opportunity to earn more money by switching from agriculture to industrial work. One of the main justifications for policy and public opinion regarding the acquisition of land for the growth of existing enterprises and the establishment of new ones.

While the unplanned displacement resulting from natural disasters usually lasts less time, the unplanned displacement resulting from war, political upheaval, and social unrest may last slightly longer and, in some cases, may even be permanent if the issues that caused it are not sufficiently addressed. On the other hand, evictions from development projects are never permanent. This is because contemporary development is associated with large-scale projects like dams, airports, mining operations, industrial facilities, housing, social services, etc., that need enormous amounts of land. Those affected by development projects are shifted to other places because the people who live there face the burden of the acquisition, since huge swaths of undeveloped land at a particular location are only found in rural areas, even though they are already primarily utilised effectively. Land acquisition is done in a certain way because of a law that allows the state to do so, even if the affected parties do not agree, because it is in the public interest. However, they are given a limited chance to protest, and the acquisition authority must compensate the land losers. The inevitable next step for government participation in agriculture is atomic industrialisation, which builds on the advantages of land reforms. From this angle, land acquisition may be seen as an expansion of the state's previous land policy rather than as a significant shift in direction.

However, peasants and agricultural labourers whose livelihoods are in jeopardy due to the conversion of agricultural land for infrastructure, industry, or real estate have often fiercely opposed these state-sponsored purchases. Thanks to amazing public and media interest, names like *Nandigram*, *Singur*, and *Kalinganagar* are now familiar to everyone.

The difficulties of acquiring land for new industrial facilities, mining-induced displacement, and resettlement that occur in different areas of India are among the project's results, which cover a wide range of national socioeconomic issues. Human rights advocates are very concerned about it, and it also causes issues for public law and humanitarian relief groups. This research will primarily focus on the many facets of bulk land acquisition cases in Southern Bengal and the problems associated with them. Additionally, it will make an effort to examine in detail the state government's town planning, post and telegraph, energy, property acquisition, and roadways.

One important item of legislation being considered by the Indian Parliament is the Land Acquisition Bill. This editorial contends that the Bill's proposed landowner compensation mechanism is inappropriate and could have a negative impact on India's future growth speed and nature. It offers a practical strategy for figuring out fair pay for land purchase by taking lessons from economic theory and the unsuccessful land acquisition attempt in Singur.

A Land Acquisition, Rehabilitation and Resettlement Bill (LARR Bill) is presently being considered by the Indian Parliament and many state legislatures. These are probably going to have a big impact on India's future growth rate and nature. Land acquisition from rural areas will unavoidably be necessary for the formation of new industries, service facilities, and real estate developments. Therefore, laws and government regulations about the procedure for acquiring land and compensating existing owners would be crucial. In addition to influencing the results of the 2011 West Bengal state elections, the dramatic events in Singur and Nandigram a few years ago garnered global attention and framed the debate around the Land Acquisition Bills that are currently being prepared.

Naturally, the West Bengal scandal has led to demands for sufficient compensation for the displaced. Accounts of how different tribal tribes were uprooted to make space for private mining concessions in other parts of India have reinforced

this. The Eminent Domain Law of 1894, which has historically permitted the government to take land from private owners in exchange for market-rate compensation, is to be modified by the new bills. Three main changes have been made. First, depending on the land's location and characteristics, as well as the particular Bill in question, compensation will be established at two to four times the market rate. Second, the government will only apply eminent domain clauses when the public sector purchases land, not when the private sector purchases land. Third, specific measures are required for tribal communities' rehabilitation and resettlement.

Sociological theories of land acquisition place greater emphasis on the social, power-based, cultural, and relational effects on the people and communities involved than on purely legal or economic explanations such as "eminent domain". Land is seen as a source of identity, livelihood, and community structure in addition to being a commodity with a market value.

1. 1. Objectives of the study

I. To examine how the land acquisition affects the socio-economic conditions of rural communities. To this end, we include individuals whose main occupation is either in agriculture or non-agricultural sectors, so as to assess the impact of the acquisition on these groups as well.

II. To assess how the employment status of the affected individuals changed before and after the acquisition.

III. To examine the various forms of compensation provided by the state government to landowners.

1.2. Methodology of the study:

The study primarily relies on direct, intensive observation and interviews with individuals impacted by land acquisition. Demographic and economic surveys are carried out across all households using both structured and open-ended questionnaires. Qualitative data on the feelings and attitudes of affected individuals is gathered through ongoing, repeated conversations with them over an extended period. Individual family members address the stories of hardship and economic crisis using the case study method.

2. Important social viewpoints on land acquisition consist of:

2.1. The Rights-Based Perspective and Social Function

2.2 Individual Rights vs. Societal Purpose: According to this view, property should be understood in terms of societal purposes rather than only individual rights. According to this perspective, land must be used for the "maximum interest" of society.

2.3. The "Social" in Citizenship: When land purchase disregards the multiple values of land—ecological, cultural, and communal, in addition to financial—it is considered a breach of social citizenship (Bhushan, 2008).

2.4. Rights-Based Approach (LARR Act 2013): This is reflected in the 2013 Indian Act (LARR), which moves away from a one-sided, top-down approach and toward a more human-centred development model by requiring social impact assessments (SIA), community consent, and comprehensive rehabilitation.

3. Power dynamics and conflict

3.1. State as Expropriator: Sociological theory emphasises the struggle between vulnerable groups (farmers, indigenous, and tribal societies) and the state (working in the interest of development and capital).

3.2. Dispossession and Inequality: The acquisition of land frequently results in a "spiral of impoverishment" for the impoverished, who are deprived of their sole source of income—land—to enrich a "well-connected few".

3.3. Resistance and Agency: To oppose land grabs, the impacted individuals take part in social and political activities.

4. Historical and Functional Views

4.1. Historical Evolution: According to the historical theory of property, the idea of private property developed from earlier collective or community-owned property.

4.2. Development-Induced relocation: The swift, state-led acquisition of land for infrastructure, dams, and industrial projects (SEZs) results in the destruction of traditional livelihoods, frequently without sufficient compensation, which causes a great deal of social dissatisfaction and relocation (Bala, 2006).

4.3. Colonial Legacy: A colonial "eminent domain" framework that ignored indigenous rights in favour of state-defined "public purposes" was the foundation of several land acquisition legislations, including the 1894 Act in India.

5. Property as Possession Recognised by Society

5.1. Sociological Definition of Property: Property is a socially accepted possession as well as a legal right.

5.2. Incomplete Recognition: Property recognition may be inadequate in situations of swift social change (e.g., acknowledged by the community but not recognised by the state), resulting in disputes.

5.3. Social Contracts: Social contracts, or unofficial agreements within a society, are essential for defining and preserving property rights in situations when laws are lax.

Sociological theories of inequality examine the unequal distribution of resources, status, and power in society. Critical viewpoints include interactionism (inequality is created via everyday interactions), conflict theory (inequality results from elite dominance), and functionalism (inequality guarantees critical positions are filled) (Cernea, 1991).

Important Sociological Views of Inequality

Talcott Parsons and Émile Durkheim's structural functionalism makes the case that social disparity is both advantageous and necessary for society to function. It serves as a motivator, guaranteeing that the most competent individuals occupy the most significant and challenging roles.

According to Karl Marx's conflict theory, inequality results from competition for scarce resources. The bourgeoisie, or owners, and the proletariat, or workers, make up society. The ruling class takes advantage of the working class in order to hold onto its riches and power. Max Weber's Weberian Theory builds on Marx's ideas by contending that social prestige, power, and economic class are all factors that contribute to stratification. According to Patricia Hill Collins and Kimberlé Crenshaw, intersectionality is the study of how different social categories—like race, class, gender, and sexual orientation—intersect to produce distinctive combinations of privilege and oppression. Symbolic interactionism is concerned with how people utilise symbols, everyday interactions, and the social construction of reality to both experience and produce inequality. According to Lenski's Theory of Stratification, conflict theory explains inequality in complex societies, whereas functionalism explains it in simpler ones. When societies acquire more technology and produce excess, individuals in positions of authority distribute it unfairly to further their own agendas. Sociological theories of inequality summarise how resources, power, and status are distributed and why these disparities persist. These perspectives range from seeing inequality as a functional necessity to viewing it as a product of exploitation or daily interactions. Functionalism, also known as structural functionalism, is a macro-level perspective in sociology that views society as a complex system of interdependent parts that cooperate to maintain stability, solidarity, and "dynamic equilibrium." It frequently uses an organic analogy, likening social institutions (such as family, education, and religion) to bodily parts necessary for society's "organism" to thrive. According to sociological conflict theories, society is an environment of inequality that leads to conflict and social transformation. Conflict theories highlight how power dynamics and competition for scarce resources shape human interaction and institutional structures, in contrast to functionalism, which emphasises societal stability. As a macro-level sociological framework, conflict theory sees society as a system marked by power struggles and inequality. Conflict theory contends that the ruling class creates institutions (such as laws, religion, and education) to uphold their control and stifle the interests of subordinate groups, in contrast to structural functionalism, which sees social institutions as instruments for stability. Early theories concerning societal fights for resources and power, which were largely influenced by Karl Marx in the 19th century, gave rise to conflict theory.

Marx concentrated on the struggle between capitalists and the working class, contending that social tension and change are fuelled by disparities in wealth and control over production. Marxist conflict theory, which emphasises social class differences, was based on this economic battle. Later, scholars like Max Weber developed this theory, demonstrating that power and social standing are just as important to conflict as class or wealth. George Simmel also contributed by researching how conflict develops when individuals or groups have conflicting objectives or show animosity toward one another. These underlying socioeconomic tensions were represented in major confrontations throughout history, such as world wars, civil rights movements, and battles against colonialism.

According to modernisation theory, "traditional" societies change into "modern" ones by imitating Western countries. Development is seen as a sequential, phased process. It highlights internal shifts in social institutions, technology, and values. Dependency Theory: Opposes modernisation by claiming that "periphery" (poor) countries are exploited by "core" (rich) countries, maintaining global inequity. It implies that rather than a lack of advancement, underdevelopment is the consequence of uneven international power dynamics. Immanuel Wallerstein created the globe-Systems Theory, which divides the globe into core, semi-peripheral, and peripheral zones. It focuses on how each state's growth path is determined by the global capitalist economy.

The Western-centric "development" model is completely rejected by the post-development perspective, which sees it as a kind of cultural imperialism. It promotes indigenous forms of progress and local autonomy. According to a sociological viewpoint, development is a multifaceted process of structural evolution and social change that goes beyond straightforward economic growth to encompass social justice, equality, and human well-being. It looks at how cultural norms and social institutions (such as class and power) affect the development of a society (Deininger, 2011).

Instead of focusing only on economic growth, the sociological approach to development sees it as a comprehensive, multifaceted process that alters institutions, social structures, and cultural attitudes. It places a strong emphasis on human empowerment, sustainability, equality, and a better quality of life. Modernisation, which emphasises cultural shifts, dependence theory, which emphasises global inequity, and sustainable development are important strategies. The sociological approach to development looks at development as a complex process of structural evolution, social change, and transformation within a society. Sociology examines how social, cultural, and political elements either promote or impede progress, focusing on the freedom and well-being of the populace, in contrast to traditional economic perspectives that only consider GDP (Areeparampil, 1991).

6. The need for stronger compensation policies.

When eminent domain clauses are used, there are valid grounds to insist on paying displaced landowners above-market rates, according to economic theory. This is even if the law is created only with economic efficiency in mind, ignoring arguments for distributive justice or political viability. The strongest arguments stem from economic fundamentals: people who decide not to sell their land at the going rate will, by definition, value their asset higher than the going rate and will be upset if they are paid the going rate.

Additionally, the current price of land is unlikely to reflect the future price of land before an industrial project is set up if land markets are "thin," meaning they have a low volume of transactions, and financial markets are generally not functioning well. This gives owners even more reason to object to being paid at the current market price. In one of our recent works, we developed more nuanced reasoning (Fernandes, 2004).

There are two important ways that compensation policy impacts economic efficiency and growth. First, changing the acquisition costs influences state governments' motivations to purchase land under eminent domain terms. By increasing the cost of acquiring land, a more stringent compensation requirement will impede the rate of industrialisation. For political and economic reasons, such as government revenue, job creation, and possibly the promise of illegal payments from giving out industrial contracts and concessions, state governments are typically eager to accelerate industrial growth rates. The costs imposed by such industrialisation on farmers who risk losing their livelihoods are often overlooked. By requiring remuneration at least at market rates, state governments are guaranteed to sufficiently absorb these expenses (Corbridge, 2004).

7. The challenge of determining the value of land

The aforementioned arguments raise the question of how much above market rates compensation should be set, even while the case for setting them at least at market rates is evident due to both efficient and inclusive growth. There are solid grounds for thinking that a large number of landowners place a far higher value on their properties than the going rates. This is due to a variety of factors. Many people consider land income to be a beneficial kind of protection against the risks of economic recession or rising inflation. For this reason, a significant portion of the urban population moved back to the countryside during the severe economic crises in Russia and Indonesia in the 1990s. Additionally, it offers its owners some insurance value, old age support, and a safe way to hold cash. In their native environment, farmers and tribal communities have acquired unique talents in farming, raising livestock, fishing, and hunting that are useless in other professions. The worth of land to its owner may well surpass the market value for all of these reasons, as well as others about the function of property as a source of social status, prestige, or hereditary identity. In fact, this is the exact reason why a lot of landowners have kept their property rather than putting it up for sale.

A new survey of households whose lands were purchased in Singur demonstrates the heterogeneity of land valuations to owners and the significant influence it played in opposition to the land acquisition. The compensation offered by the West Bengal government was roughly comparable to the market values claimed by the owners. However, one-third of these owners rejected the compensation and protested the land seizure. This is explained in part by the difficulty of compensation offers to convey market-relevant information about individual plots, such as irrigation or multi-cropped status, or closeness to public transportation amenities (Burdge, 2012).

8. A probable solution may be an auction-based approach

Is it possible to get out of this predicament? Auctions are the economists' favoured method of acquiring private asset values. This approach has been suggested lately by Maitreesh Ghatak and Parikshit Ghosh. The Singur example also highlights some practical problems with applying a market-value assessment to determine employee compensation. Several variables, such as soil type, elevation, irrigation, and location, affect a piece of land's true market value and are challenging to account for in official land records. India's last cadastral land surveys were carried out before the country gained its independence. The last cadastral land surveys in India were conducted before independence. The significant costs imposed on landowners for registering their plots and updating plot features imply that official land bank records are hopelessly out of date. The above-mentioned survey of acquired households in Singur discovered that this is a key cause of under compensation for owners of multi-cropped Sona lands in relation to market value. These issues could be completely avoided if pay were based on bids submitted by owners during auctions.

The auction-based method can be taken in a variety of directions. The location of a factory can also be determined by extending the auction to many stages. In the first stage, the industry in issue or the government could establish a reserve price and the minimum amount of land required. Then, local communities can be asked to bid on the factory's location in their own regions. These bids are equivalent to the minimum price at which they may obtain the required amount of land from landowners in their areas (as determined by a local market auction).

9. Determining compensation policy: other considerations

Two other aspects of compensation policy demand consideration. Households in the mentioned Singur poll expressed a strong preference for alternate forms of compensation that take into account their financial security concerns, time preferences, and skill patterns. These concerns varied significantly, as did desires for various forms of non-cash compensation. To accommodate this variability, a menu of alternative pay packages should be made available. Developing a more informed and flexible approach to compensating displaced landowners can help ensure rapid industrial growth and equal distribution of its advantages.

Finally, the process is important. Singur's purchase process was fairly top-down, in line with the legal structure retained from colonial days. Locals in the region expressed their indignation at this on multiple occasions. When deciding where to locate the Tata factory, the state government failed to communicate with the local people. Only after the protests had escalated did it propose to negotiate the compensation offered. The compensation process soon became politicized. Clearly, there is a need for a more inclusive process in which local populations are consulted and involved in the selection

of acquisition areas, as well as the design and implementation of compensation. Putting in place a quasi-judicial regulatory process to oversee the process would also help to reduce its politicization.

10. Conclusion:

India must make sure that no development project causes its population to become refugees within their own country if it is to truly advance. The only viable way ahead is to create a transparent, equitable, and participatory system where landowners are partners in development rather than its victims. While delicate, striking a balance between "growth" and "justice" is crucial. Fair recompense is a fundamental entitlement that preserves the spirit of democracy and the rule of law; it is not a surrender. The landowner and any other person impacted by such acquisitions must get fair compensation, regardless of whether the State or the Central Government purchases the land. Before the 2013 revision, the legislation did not permit the latter to be compensated. Additionally, the government will oversee the rehabilitation and relocation of the affected people.

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