CHAPTER 5

POLITICS OF “DISGUISED DISPOSSESSION”

5.1. Background and objective:

A major lacuna in the studies on dispossession in India is its apparent silence over the differences characterising the process of land dispossession in a scheduled area from that of a non-scheduled area. In context of West Singhbhum, a Schedule V area, this chapter aims at analysing dispossession due to projects which do not evoke displacement but have more subtle implications. The acquisition processes seldom alarm the people due to its lack of spectre and is carved very cautiously in accordance with the politico-legal discourse of the context. Capable of evading the official attention – or say, ignored – dispossession is not neutral and is usually tilted in the favour of industrial interests. To explore the situation as existing in West Singhbhum, we will adopt the grassroots approach and capture the role played by different stakeholders in the process of land acquisition. Moreover, the analysis of dispossession in this chapter borrows heavily from the Land Deal Politics Initiative (LDPI) which aims at theoretical-empirical engaged research on the global land grab phenomenon.

Land can be assumed to be a basic entity upon which the property rights are premised. Even though every society accepts the utility of land, their perception towards it may vary. While some people perceive it merely as ‘commodity’, for others land also has associated cultural and social value. Consequently, the difference in perception invites coining of different connotative terms. For example, when perceived exclusively as a commodity it is regarded as ‘land’ whereas ‘territory’ is used to imply the cultural value (Sauer, 2012). Since the advent of agricultural mode

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58 Scholars like Amita Baviskar (1995), Alf Gunvald Nilsen (2010) and several others are quite comprehensive in understanding the social, economic and political niceties in the areas witnessing dispossession. But what has evaded their attention is the specific nature of laws governing land regime in Scheduled areas. Up to certain extent these vexed issues were addressed by Nandini Sundar (2009) through her edited work on Jharkhand which explores the issue of legality of land dispossession. Specific studies capturing the nuances of land alienation in a scheduled area as compared to that in a non-scheduled area are still awaited. My forthcoming article ‘People’s response to Land Dispossession: Comparative analysis of Movements across India’ in Varsha Bhagat-Ganguly (ed.) Land Rights in India: Movements, Policies and Challenges is a humble attempt in filling this void.

59 LDPI is a loose network initiated by Ben White, Saturnino M. Borras Jr., Ruth Hall, Ian Scoones and Wendy Wolford to understand the ‘land grabbing’ across the world.
of production people have developed an affinity to their land as a source of not only their physical but also socio-cultural existence. But under the industrial mode of production land is increasingly perceived as a commodity. However, these perceptions may not be exclusive in nature and even the protests premised on cultural grounds can also have the integral tangible components, viz. livelihood, economic security etc.

Furthermore, land management by national governments is decided on the basis of ‘ontological views on land use’, of which two are identified by Philip McMichael (2014:33). One view is proposed by the World Bank for ‘responsible investments in “land acquisition” justified in terms of securing property rights for wealth generation’, whereas another view is that of United Nations Human Rights Rapporteur which considers the implications of land grab for global food security. Another major perspective supporting land acquisition builds upon the “crisis narrative” linked to growing scarcity and impending catastrophe based in uncertainty over fuel supply, food insecurity etc. (White et al. 2012:631). Thus, the concern over dispossession is at the heart of the Human Rights framework whereas another two schools of land use emphasise upon wealth generation and crisis situation. Among the three, only human rights perspective disregards the capitalist development and advocate, instead, an alternative strategy devoid of human cost.

In post-independent India, land governance intended to serve the twin purposes of ‘just and equitable’ distribution and industrial development. Industrialisation was adopted as a wholesome strategy whereas the unequal land ownership and prevailing food insecurity forced the government to implement land redistribution. The Zamindari Abolition Act of 1950 as well as the Land Acquisition

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60 This perception about land is arguably convincing and one of its earliest resonances was found in Karl Marx’s “commodity fetishism”. According to Marx (as quoted in Avineri, 1968:30), commodity fetishism represents a stage wherein a commodity acquires more importance than its creator. For example, in a capitalist society the property owned by an individual becomes his/her identity rather than their actual qualities as a human being.

61 NAPM for example has the notion that development has to be locally-approved as the people are sovereign over resources. Alf Gunvald Nilsen (2010) has stated that the Narmada Bachao Andolan and others who articulate their movement on the plank of human rights, have come up with an alternative strategy of development which is claimed to be more in line with the local requirements and has the potential to address the concern raised by other two schools of land use ontology.

62 Daniel Thorner (1958) writes that, after the first generation of land redistribution, concern was expressed by various sections over the efficiency of small farm holdings –a result of land reform –to ensure the food security. But as per the Agrarian relations and Land Reforms Committee Report (2009)
Act of 1894 acted as the legal tools to realise these goals and under the socialist framework both the policies purportedly worked in the same direction. In reality, however, land reforms achieved “very limited success” (GoI, 2009) while the developmental projects resulted into development-induced-displacement (Ray, 2000). The repercussions were considered inevitable and pacifying appeal was made by Nehru who said that, “If you are to suffer, you should suffer in the interest of the country” (Duflo & Pande, 2007).

Since the early 1980s, when the state gradually drifted towards liberalisation, land acquisition is being justified in the name of economic growth. This shift can be attributed to the changing attitude among the community of nations towards the market forces. Majority of the states in the contemporary world, whether they believe in it or not, are part of neoliberal regime with the embedded presumption that market forces will ensure better distribution of resources. But several scholars (Bagchi, 1982; Escobar, 1995; Harvey, 2003; Vanaik, 1990) find such ideas to be exhorted by the developed countries in favour of the metropolitan bourgeoisie and accepted by the developing countries in the interest of semi-peripheral bourgeoisie. Whereas the high growth rates of many developing countries is testimony to the potential of private capital, the growing inequality and deteriorating employment conditions raise question over the distributive aspects of neoliberal growth model. The neoliberals blame the lack of proper institutions in the developing countries as the reason behind the sub-optimal achievements of neo-liberal policies. Although poor delivery mechanism is surely a reason, studies on political economy of India identify the causes for poor redistribution in the nature of ruling coalition. The agrarian elites, industrial bourgeoisie and bureaucracy enjoyed a close nexus with the politicians in cornering vast resources in their own favour. Nevertheless, this relationship was not always collaborative and in a more nuanced analysis Terence Byres (1997) finds, also a competitive relationship between the agrarian and industrial elites. Even though the neoliberal policies are claimed to be based on the twin Smithian beliefs of ‘free market’ and ‘non-interventionist state’, the state intervenes actively to create “favourable” conditions for capital.

the policy-makers are largely in agreement now that, because of the intense cropping the small farms are better suited to ensure food security.
The logic of neoliberal growth model has attracted the attention of many regional States in India including Jharkhand. Despite having a long history of development-induced-displacement, the neoliberal policies were endorsed by the newly formed Jharkhand government under the leadership of Hindu-right wing party. For understanding land dispossessiton in West Singhbhum, we will analyse the five Sponge Iron Industries (SIIs) which are either operating or acquiring land for the project. In fact, it won’t be out of place to briefly state a few general facts about the Sponge Iron Industries (SIIs) in India. In the manufacturing of steel, sponge iron acts as an intermediate product and by the year 2011 India had an installed capacity of 36.7 million tonnes per annum (MTPA) of sponge iron (CSE, 2011:1). Due to uninterrupted domestic availability and relative stability in prices the steel manufacturers prefer sponge iron as the raw material. Between 2002-03 and 2008-09 the sector grew exponentially as the production jumped from 8.70 MTPA to 36.70 MTPA (CSE, 2011:5). The key reasons for the mushrooming of SIIs are low capital investment, high profit, subsidises and availability of raw materials (CSE, 2011: 7). Jharkhand had an installed capacity of 2.37 MTPA and out of the total 37 units 36 are either medium or small plants with an annual production capacity of up to 0.165 MT (see Table 5.1 below).

Table No. 5.1: District-wise distribution of sponge iron plants in Jharkhand

<table>
<thead>
<tr>
<th>S.No.</th>
<th>District</th>
<th>No. of Plants</th>
<th>Total</th>
<th>Installed capacity (in MTPA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Small</td>
<td>Medium</td>
<td>Large</td>
</tr>
<tr>
<td>1</td>
<td>Saraikela-Kharsawan</td>
<td>6</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Hazaribagh</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Giridih</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Koderma</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>East Singhbhum</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>West Singhbhum</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Dhanbad</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Ramgarh</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>13</td>
<td>23</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: CSE (2011:pp.60)

Implementation of these projects requires land and attempt at land acquisition provokes protest from the people. However, the modalities of dispossesssion and
people’s response to it shift according to their context. For example, displacement of the people becomes inevitable in the cases of mega projects whereas in small projects the dispossession is more subtle. The cases of industrialisation analysed in this chapter differ in scale of accumulation and dispossession as triggered by mega corporate projects. While using “small independent methods” (Marx as quoted in Levien, 2013) for some sort of ‘decentralised accumulation’ these projects raise questions, e.g. where does the industrialisation of this nature fit into the state’s aim of achieving high growth, increased output and employment generation?

The chapter is divided into five sections including the introduction. The second section briefly deals with the theoretical framework adopted to analyse the processes and politics of dispossession in West Singhbhum. The third section sets the background of the inquiry by briefly stating the socio-economic profile of West Singhbhum as well as the legal provisions applicable for land governance. The fourth section analyses the empirical data collected from five sites of industrial investment and land acquisition. For analytical purposes, the five cases are clubbed into two groups. Consequently, the fourth section has two sub-sections dealing with the politics of dispossession and the construct of ‘disguised dispossession’. The chapter concludes by summarising the modalities of dispossession and their role in defining the nature of protest movements which is widely perceived as the natural heir to attempts of land dispossession.

5.2. Theorising ‘dispossession’

Global flow of capital through foreign direct investment (FDI) in addition to the domestically available capital has emerged as the major sources of dispossession in neo-liberal India. The former is looked upon as a strategy to sustain the dominance of the developed countries through promoting “new imperialism” (Harvey, 2003). Nevertheless, in a country like India the domestic capital is not in a nascent stage and shares the responsibility for dispossession with global capital. In his analysis of Special Economic Zones (SEZs) in India, Levien (2012) found that most of them attracted domestic investment. However, what surprises him is the obsession of the scholars to trace the origin of capital rather than its nature which singularly, irrespective of its origin, require forceful appropriation to sustain accumulation.
Analysis of such situation entails the use of either Marx’s “primitive accumulation” or an innovation upon this construct in order to find answer to more complex situation.

Advanced capital apart from being absorbed in knowledge-based industries like Information Technology (IT) and others can also be re-routed for investment in Resource Extraction Industries (REIs) in the developing countries. However, the major point of contention among the thinkers in accepting primitive accumulation for analysing present form of land dispossession relates to its adoption either as a continuous phenomenon or as an historical event (Angelis, 2001: 1). Lenin, in his *The development of capitalism in Russia* (1899), regarded primitive accumulation “as the historical premise to the capitalist mode of production” which matures gradually towards the emergence of bourgeoisie and proletariats (as quoted in Angelis, 2001: 2). Contrariwise, Rosa Luxemburg regarded primitive accumulation as continuous phenomena where the capital needs to contend with the factors from non-capitalist production for its reproduction (Angelis, 2001: 3). Supporting the continued relevance of primitive accumulation, Glassman (2006: 615) argues that, the basic ontology of Marx’s alienation “links primitive accumulation and expanded reproduction and provides a basis for understanding primitive accumulation as more than merely historical”.

Although accumulation has been attributed to other mode of production like agriculture what distinguishes capitalist accumulation is its unprecedented scale along with the dispossession which it entails. Marx’s analysis of ‘enclosures’ in Britain assumed that primitive accumulation was a pre-condition for establishing capitalism. But the presence of its central features in the contemporary instances of dispossession makes it a relevant concept for analysis. However, contemporary understanding of the phenomenon of land dispossession has compelled scholars to coin new ways of analysis which captures its variegated dimensions. Glassman, for example, notices the absence of female labour as a factor in social reproduction while analysing capitalism. Consideration of this factor compels him to use the phrase “accumulation by extra-

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63 Karl Marx (1976: 874-875) argues that “so-called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production.” The usage of “non-economic means” in this process is implicit in the word ‘robbed’ used by Marx.
economic means”. Likewise, recognising the salience of primitive accumulation in explaining the present forms of accumulation, Harvey (2003) reconstructs the theory to accommodate the growing strategies of dispossession and uses the term “accumulation by dispossession” (henceforth ABD).

Building upon Marx’s reticence to see primitive accumulation as a historical stage and his relegation of the accumulation based upon ‘predation, fraud, and violence’ to that stage, Harvey used the term ABD to emphasise the continuation of the process. Harvey asserts that, capitalism has made shrewd attempts to camouflage violence while its propensity to accumulate has increased manifold and the dispossession now not only confines to the physical assets of the people but also their hard-earned money through financial and credit institutions (Harvey, 2003). However, most of Harvey’s analysis refers to the expansion of imperialism through global capital flow in which he considers “overaccumulation” as the chief phenomena over Luxemburg’s “underconsumption”64. Furthermore, the ambiguities associated with ABD compels Levien (2012: 940) to criticise Harvey for considering it mainly as a phenomenon materialised through exercise of financial and credit system. However, Harvey made more attempt in understanding rather than defining ABD and accusation by Levien seems to ignore Harvey’s explicit assertion that, “the umbilical cord that ties together accumulation by dispossession and expanded reproduction is that given by finance capital and the institutions of credit, backed, as ever, by state powers” (Harvey, 2003:152). Though Harvey’s assertion makes clear the role of extra-economic forces in dispossession, it will be fruitful to pay attention at Levien’s bid to define ABD as,

The use of extra-economic coercion to expropriate means of production, subsistence or common social wealth for capital accumulation. It is not simply an economic

64 Luxemburg (as quoted in de Angelis, 2001) argues that the poor wage rates of the workers leave them with little surplus to purchase the commodities created by Capitalists. This creates a situation of “underconsumption” in the domestic market and forces the Capitalists to find solution in an external market which can sustain the reproduction of capital by acting as a viable market. For Luxemburg, this market was non-capitalist and its sustenance as such was required by the colonizing imperial power to ensure a safe market. Although Harvey accepts this argument he relies upon the “overaccumulation” theory to explain the present scenario. According to Harvey, after optimum exploitation of domestic resources and exhausting the chances for profitable reinvestment the capitalists looks for avenues abroad for investing the accumulated wealth. However, he accepts that Britain in context of India during the 19th century and earlier part of 20th century applied “underconsumption” method and it proved to be disastrous due to its reliance upon the ‘terrotorial logic’ instead of ‘capital logic’ which always asks for more accumulation.
process of over-accumulated capital seizing hold of under-commodified assets, but fundamentally a political process in which states – or other coercion wielding entities – use extra-economic force to help capitalists overcome barriers to accumulation. (Michael Levien, 2012:940)

Despite his criticism of Harvey, Levien regarded the theory of ABD as a definite advance upon Marx’s theory of primitive accumulation due to the former’s assertion that, contemporary dispossession emanates from rather than create the pre-conditions for advanced capitalism. He is also appreciative of ABD’s ability to capture diverse contemporary dispossessions (Levien, 2012: 939). But extracting from Harvey’s construct of ABD Levien (2012) uses this in analysing Special Economic Zones (SEZs) in India. While dispossession has two sides: one belonging to the dispossessed and the other to the accumulator, Levien (2012) uses ABD to study the accumulation by the capitalists through calculating “rate of accumulation by dispossession”\(^{65}\). Although an ingenious way of analysing the processes of ABD, this approach tends to ignore the fact that, anti-dispossession movements rarely base themselves upon a prospective estimation of accumulation by the capitalists. Such movements are rather grounded in the sense of latent and manifest loss of resources upon which the people either enjoy legal or customary rights. Levien’s approach, therefore, is useful to analyse a post-dispossession scenario for a rather objective assessment of loss-benefit incurred and generated by different social classes. However, the ongoing cases of dispossession solicit approaches which not only study the situation from the perspective of “accumulator” but also the “dispossessed”. One important contribution in this regard made by Levien is his “means-specific understanding” of dispossession. He offers the argument that, expanding capitalism makes the requirement of dispossession inevitable but the reasons of appropriation through extra-economic means rather than real estate markets has to be found in the balance of class forces (2012: 940). This aspect of capital wherein it is viewed in terms of “class relation” rather than being referred to as “stock”, as done by Adam Smith in his *The Wealth of Nations* (Angelis, 2001), approves the use of primitive accumulation or ABD to analyse dispossession.

\[^{65}\text{Rate of accumulation by dispossession is calculated by subtracting the compensation given to the original owners of the land from the money which the capitalist receives after making the intended change in land use. Levien (2012) states that the rate is quite high and is highest when developed for real estate purposes.}\]
Making another bid in search of a theoretical construct to identify the ongoing land dispossession in India, Levien (2015) comes up with his “regimes of dispossession”. He argues that,

A regime of dispossession is an institutionalized way of expropriating land from their current owners or users. It has two essential components: a state willing to dispossess for a particular set of economic purposes that are tied to particular class interests; and a way of generating compliance to this dispossession. These two aspects are intrinsically linked. (Michael Levien, 2015:149-150).

But scholars like Bedi and Tillin (2015:195) have contested the claim of unbridled association of the state with certain class and highlights the State-wise variation on the issue of land acquisition. Yet another notion related to land dispossession forwarded by Levien (2015: 150) is that “dispossession cannot be mystified” and is pursued through three basic means, i.e. coercion, material compensation, and normative persuasion. While agreeing with the means highlighted, it will be a mistake to assume that dispossession cannot be mystified. Through the empirical analysis of the cases selected for this study we will explain how “disguised dispossession” is used to explain the nature of mystified dispossession. It is this nature of dispossession which will be analysed in the subsequent sections through empirical evidences.

5.3. Socio-legal discourse governing land in West Singhbhum

West Singhbhum is one of the poorest districts in Jharkhand where overall literacy is merely 59.54 per cent (tribal literacy is less than 40 per cent) (Bhandari & Kale, 2007). Despite being rich in mineral resources distress migration, both seasonal and permanent, has remained a major problem in this area. Agriculture is the mainstay of the economy with only a cement factory at Jhinkpani operating till 2006. However, since 2006 two more industrial units have come up at Noangaon and Barajamda. Around 86 per cent of the population still lives in rural areas (ibid.) and Infant Mortality Rate (IMR) at 55 deaths per thousand children born is one of the highest in the State (GoI, 2011). The surveyed villages of West Singhbhum are rain-fed monocrop areas where the primary crop cultivated is paddy. Practicing agriculture alone does not ensure sustenance and the villagers lack the minimum livelihood support at times. However, in their sustenance the villagers are aided by the government.
schemes as well as the monetary income possible due to seasonal employment in the industries. Some of the benefits received by the villagers are cheap rice at Rs.1/Kg for BPL card holders, electricity under Rajiv Gandhi Rural Electrification Programme at Rs. 28/month, Indira Awas Yojana and so on.

Migration and locally available jobs in crusher plants and illegal mining sites ensure the villagers with enough money to lead an austere life. Certainly, this situation does not corroborate with that of ‘idyllic blissfulness’ as conceived by Rousseau. A sense of alienation from the present means of production rather than being satisfied with their earnings reflects the popular mood. Studies have suggested the employment preference among the tribals in congruence with their world-view. This narrative has more relevance for a tribal society which is yet to experience the penetration of capitalism and its competitive norms. But, as evident from the previous chapter, tribal society in West Singhbhum is marked by divisive politics and aspirations for power and wealth as much as any other society. Nevertheless, the ‘coping mechanism’ explained above is an attempt by the people to sustain under the unrewarding agriculture by complementing the household income with the regular benefits provided by the state.

Lack of governance can be widely witnessed in the studied areas due to the absence of irrigation facilities, poor implementation of rural employment programme-MGNREGS, lack of proper health facilities, education and so on. Although this act of non-governance cannot be called as deliberate due to the same situation prevailing in other parts of Jharkhand still it plays substantial role in reducing the bargaining power of the people vis-à-vis the companies. The people already living under precarious conditions but with aspirations to improve their life-style find themselves to be very frail to ignore even inappropriate compensation by the companies. The way consistent demand for irrigation facilities has been ignored by the bureaucratic as well as the political class of the state perpetuated the vulnerability of the people.

66 Jean-Jacques Rousseau in his Social Contract (1971) discussed about this while elaborating upon the idea of man in ‘state of nature’. For him, the early social life was that of tranquility and harmony with the first disturbance coming from the case of enclosing a piece of land and subsequent claims of property.

67 Dayal (2012: 160) argues that tribal migration to tea plantations of Assam rather than getting absorbed in mining units of the neighbouring areas is due to their specific nature of employment. Jobs in tea plantations were preferred as they ensure regular money supply with sufficient leisure time for the workers. However, the employment in mining units would have provided a monthly salary less appreciated by the tribals.
Better agricultural facilities would have otherwise attached the people more to their land thus making it difficult for them to part with it. However, idealising agriculture as the most appropriate vocation will be a sham because Dipankar Gupta’s ‘rurban’\textsuperscript{68} thesis finds a reverberation also in West Singhbhum. Nevertheless, the emergence of this kind of labour regime is not inevitable but a product of politics\textsuperscript{69} (Bernstein, 2010). In West Singhbhum, like many other places, the state plays an indirect role in land alienation by nurturing empathy among the owners for their land holdings. Even if we happen to differ from the opinion that this aspect of governance has anything to do with the greater design of capital, it will be very hard for us to deny that by internalising corruption, governance has played a covert role for the benefit of capitalism. For understanding the process of dispossession, this socio-economic profile of West Singhbhum should be supplemented with the legal provisions governing land and applicable to this scheduled district.

Land being a crucial component of any development project, the neoliberal Indian state has actively engaged in the process of reframing the land acquisition regime. Recently, over a century old colonial LAA of 1894 was replaced with the \textit{Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act} (RTFCTLARR) of 2013. But an attempt of hasty revision of the nascent law by the BJP-led NDA government will retrench the acquisition process to its previous nature and, hence, has invited criticism as well as applauds from different sections. Nevertheless, the cases of land dispossession considered here are dealt under the provisions of LAA, 1894 and has to be analysed within its legal framework. The reason why these cases are considered under LAA is due to the fact that, the acquisition started since 2004 and Section 24 sub-section (1) of the new law states that,

\begin{quote}
…if an award has not been made under section 11 of the LAA for land acquired earlier, then all provisions of this Act relating to the determination of compensation shall apply.
\end{quote}

But if an award has been made under the said section, proceedings on such acquisition

\textsuperscript{68} According to Dipankar Gupta (2008) it is a misconceived notion that most of the people in rural areas are associated with agricultural works. He rather argues that a substantial workforce, maybe even majority, in rural areas are engaged in non-agricultural activities and this characteristic of rural areas is termed as ‘rurban’.

\textsuperscript{69} Amita Baviskar (2005a:5106) argues that “deprivation is not a natural state for adivasis; it is produced and reproduced by the policies and practices that characterise India’s post-colonial development.”
will take place under the LAA’. However, sub-section (2) mentions that, if the physical possession has not been taken for land acquired five years before the commencement of this Act then the proceedings will be conducted, if the appropriate government so desire, according to the present Act. (GoI, 2013:15)

Furthermore, ‘jury politics’ has emerged as the main strategy to protest land acquisition in West Singhbhum and, hence, it is proper to discuss briefly the laws whose violation leads to dispossession and consequently the organizing of anti-dispossession movements. For our purpose, we will briefly analyse certain provisions of Chotanagpur Tenancy Act (CNTA) 1908; Panchayat (Extension to Scheduled Areas) Act (PESA), 1996 and Scheduled Tribes and other Traditional Forest Dwellers Act, 2006; popularly known as Forest Rights Act (henceforth FRA).

5.3.1. **Chotanagpur Tenancy Act, 1908: Law to protect land or culture?**

Historiography of West Singhbhum as a geographical entity hardly ventures into a century or two preceding the colonial triumph of 1837 over the Kolhan. Several land settlement records, village papers and historical accounts provided by the British military officers has become the basis of Ho social history in the modern times. Apart from the prominent rebellions of 1821 and 1832, the Kols managed to make their presence felt only under circumstances which were result of certain activities with epicenter elsewhere. For example, their activities during the revolt of 1857 or Birsa Munda revolt of 1895-1900s is mainly considered to be at the instigation of the others rather than being propelled by some inner socio-political dynamic. However, it was largely due to the Birsa revolt that the colonial authorities were forced to bring the protective legislation of Chotanagpur Tenancy Act (henceforth CNTA) restricting the sale or transfer of tribal or non-tribal land to outsiders. While the colonial administrators never compromised on the revenue to be generated, they rather took steps in 1908 to deter the alienation of land. Question can be asked, however, that whether the CNTA was supposed to protect the material basis of life for the adivasis or curb the cultural challenge due to influx of outsiders in their habitat?

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70 The present day West Singhbhum comprises of both the Kolhan and Porahat regions. Whereas Kolhan was the Government Estate directly under the Britishers, Porahat was ruled by hereditary chiefs subject to colonial supremacy.
The CNTA is a protective legislation applicable in the northern and southern part of Chotanagpur plateau and the protective provisions exists in Section 46. Clause (1) Proviso (a) of this section makes it mandatory for the adivasi raiyat\textsuperscript{71} to receive the prior sanction of the Deputy Commissioner for the transfer or lease or sale of adivasi land (Jerai, 2012: 30). Even then, the land cannot be transferred to an adivasi who does not reside within the jurisdiction of the same police station to which the seller belongs. Against the much held belief that the CNTA protects only adivasi land, Proviso (b) of the same section makes it mandatory for the Scheduled caste or Backward caste raiyats to receive prior sanction of the Deputy Commissioner in case they want to sell, transfer or lease their land. In their case, however, the buyer needs to be a person of the same caste group to which the seller belongs and reside within the same district (ibid.:32-35).

However, the CNTA could not be extended to Singhbhum before 1916 due to protest from the Hos. The CNTA recognised individual rights in land whereas the Hos believed in community ownership (DasGupta, 2011). Kolhan was recognised as a British Government Estate and the land revenue was nominal (in the initial years of incorporation into colonial empire). But due to prospect of mining the area was opened to the outsiders and the Hos realised the need to implement CNTA in Singhbhum also. In general context of Jharkhand, and particularly of West Singhbhum, the concept of eminent domain comes in conflict with the provisions of CNTA which provides for the protection of tribal land from being sold to non-tribals. But section 49 of the CNTA was amended in 1995 expanding the domain of ‘public purpose’ by allowing land acquisition for industrial purposes. This amendment in CNTA runs against the twin purposes which it was supposed to fulfill, i.e. it has failed not only in protecting the material basis of life but also the culture and identity of the adivasis. There has been continuous land acquisition by the state for developmental projects since independence under the logic of ‘eminent domain’ and they were challenged on several occasions before the judiciary. Even though the judiciary has remained inconsistent in dealing with cases of land acquisition, the Samatha judgment of 1997 provided sufficient ground for legal contestation. Besides the CNTA, claim of

\textsuperscript{71} A raiyat is a tenant who owns a right to land because he himself, through family members or with help of labourers cultivates a land.
the inhabitants of scheduled area has been substantiated also under the PESA, 1996 and FRA, 2006.

5.3.2. *Panchayat (Extension to Scheduled areas) Act, 1996 and FRA, 2006*

Regarding the decisions on developmental projects, sub-clause (i) of clause 4 of PESA says that,

> The Gram Sabha or the Panchayats at the appropriate level shall be *consulted* before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level. (MoTA, 1996; author’s emphasis)

We can see that, the PESA merely gives consultation rights to the gram sabhas as far as cases of land acquisition are concerned. In context of Jharkhand it was argued by Nandini Sundar (2005) that, in order to circumvent even this minimal provision on land acquisition the government has neglected the Panchayat elections and according legal status to gram sabhas under PESA. In yet another account Sharan (2009) provides the details about how land alienation of tribals has continued unabated in Jharkhand despite the Special Area Regulation (SAR) courts taking up the issue of legality of land dispossession. Hence, while PESA fails to protect the interest of adivasis due to several bottlenecks, the last rescue by the community was sought under FRA.

Primarily dealing with the traditional rights of the tribals and other forest dwellers upon the forest resources, the FRA also aims at protecting their culture and habitat from being disturbed by “destructive practices”. Sub-clause (8) of clause 4 and sub-clause (c) of clause 5 deals with the power of the gram sabha to take decisions on land and destructive practices which can affect the culture and natural heritage of the people (FRA, 2006). In fact, it was under these provisions of FRA that the Supreme Court pronounced its verdict in the Niyamgiri case of 2012. Interpreting the sub-clause (c) of clause 5 which says that, ‘the habitat of forest dwelling scheduled tribe and other traditional forest dwellers is preserved from any form of destructive practices affecting their culture and natural habitat’ the apex Court has achieved for the adivasis what was done in a truncated way under PESA. On 18 April, 2012 the Supreme Court instructed the Odisha government to seek consent of the villagers on
the legal ground under the FRA (OMC vs MoEF 2012). The Supreme Court specifically mentioned that,

The villagers would decide whether the proposed mining would cause harm to their religious rights of worshipping Niyam Raja at Hundaljali hilltop, about 10 km from the identified mining site. FRA has been enacted conferring powers on the gram sabha constituted under the Act to protect community resources, individual rights, cultural and religious rights. (Manipadma Jena: 2013)

Whereas these things are happening in the legal domain of land acquisition, more crude examples of dispossession can be observed in society. In the particular cases of Jharkhand where the onus for acquiring land has been shifted on the respective companies the already vulnerable people are directly exposed to the manoeuvring by the companies. In the succeeding sections, we will elaborate upon the politics of dispossession by citing examples wherein the companies do not simply apply arm-twisting and coercive measures like intimidating the people with the help of police and private goons but also use persuasive measures like luring the people into the land deal with active help of the middle-men.

5.4. Politics of Dispossession

Even if the tribals arenot very dissimilar to the non-tribals as far as their economic and political behaviour is concerned, they do expect the state to protect their cultural and social norms. This feeling gets stronger in a situation where resources crucial for their existential needs are under threat. In order to address such concerns the state also has brought several laws, as mentioned in preceding section, protecting them. Such protective measures are taken by the tribals at their face-value. Hence, land alienation in scheduled areas is perceived as illegal by the tribals, thus, provoking litigation. The situation has worsened with the growing realisation among the tribals that ongoing dispossession is in favour of private accumulation. However, several judicial pronouncements have added to the confusion regarding the legality of land acquisition. Set against the particular backdrop of West Singhbhum we will attempt to capture the intricacies of land dispossession as operating within the interstices of society, law, politics and the class forces (both local and alien). Dispossession is, thus, analysed not only as a consequence but also as a strategically crafted process violating the normative and legal entitlements of individual and communities.
Levien’s\textsuperscript{72} analysis of Mahindra’s SEZ acts as the vantage point in defining our own position as well as framing the problem for this thesis. His “rate of accumulation by dispossession” though crucial in understanding the post-dispossession scenario falls short of narrating the same phenomenon from the perspective of the dispossessed. The succeeding account on processes of dispossession in West Singhbhum attempts to fill this void by adopting a grassroots approach of interrogating the neoliberal land acquisition regime. The significance of this method of enquiry is that it enriches the narratives of local resistance and helps confront the otherwise mischievous elements. Nevertheless, the limitations of this approach are also serious. For instance, it hinders the proliferation of ideas which would have apparently coalesced into identifying the common characteristics of grassroots anti-dispossession movements.

Popular cases of land dispossession like those in Nandigram, Singur, Niyamgiri and several such places successfully grabbed the attention of a wider public. Nevertheless, there are also cases of land dispossession which fall short of entering the public imagination and barely finds place in the lexicon on movements. The consequence for this are two-fold: firstly, the experiences garnered from grass-root movements are not synthesised to create a repertoire out of their diverse characteristics, and, secondly, also consequently, in the absence of any consolidated wisdom the grassroots movements suffer the hazard of dying under their own weight. The present cases of land dispossession in West Singhbhum fall under the latter category. Though the resistance movements and their modalities are a matter of inquiry in the next chapter, in the succeeding sub-sections we will analyse the five cases of industrial investment. Based on their stages of implementation they are clubbed into two groups, i.e. projects with on-going land acquisition and projects in operation.

\textsuperscript{72} Michael Levien (2013) makes a bid to disengage the ABD from the analysis of global capital over-accumulation and its absorption. He brings the state in the analysis of dispossession and comes theoretically closer to Marx’s ‘primitive accumulation’. But his analysis is illustrative of more advanced nature of capitalism wherein ‘dispossession emanates from rather than create the ground for capitalism’.
5.4.1. Circumventing legality: Case study of Kotgarh, Petteta-Bahada and Dimbuli

Politics of dispossession acquires a different form when the governed, who also happen to be the dispossessed, are not simply a part of “political society” but also electorally significant citizens. Given the political clout of tribals in Jharkhand, the government hesitates from coming out openly in favour of the corporate forces; at least in direct confrontation with the adivasis. Even though land acquisition is pretty infamous for its use of ‘eminent domain’ and state repression in other parts of India, the State government in Jharkhand keeps its hands off acquisition and the industries are required to acquire land through negotiations with individual *raiyats* (Chakravorti, 2010). Consequence of limited scope for the state to use repressive tactics is reflected in the process of dispossession which is stealthy, intricate and persuasive in nature. Usually, in cases of land acquisition a general picture is drawn which approves the use of force as “extra economic means”. However, land acquisition in the present cases of West Singhbhum is different where persuasion assisted with mild coercion, i.e. arm-twisting technique is exercised.

It is important to understand here that the section 49 of the CNTA was amended in 1995 allowing land acquisition for industrial purposes. Despite this, different judicial verdicts in cases like *Samatha* (1997), and more recently *Niyamgiri* (2012), has emboldened the protesting organisations to legally contest land acquisition. As far as scheduled areas are concerned this happens to be a common scenario across the country as one or other protective legislations are applicable there. Because of the apprehensions of getting embroiled in legal disputes and delay which can make the project untenable the companies take due care to avoid this situation. One such strategy adopted by the industrial firms in West Singhbhum is to acquire the non-tribal land.

Almost all the villages in West Singhbhum district comprises of both tribal and non-tribal people. The non-tribals largely comprises of the *Gopes, Tantis, Nayaks* and others who were allowed to settle down in the tribal villages to fulfill the symbiotic requirements of the tribals. The different settlement reports traces the increasing

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73 Partha Chatterjee (2005) uses this term to imply the people who even though citizens are not legally entitled to state benefits because of their illegal inhabitation. To ensure state benefits as well as their existence the inhabitants of political society have to negotiate frequently with the political representatives resulting into a vote-benefit trade-off.
number of the non-tribals in the villages, e.g. the settlement report of 1965 by Chandra Bhushan Prasad\textsuperscript{74} states that the non-tribal population grew from around 1 percent in 1867 to 23 percent in 1897. Although the process of land acquisition started almost during the same year (in 2004-05) in all the five cases (see Table 5.2 below) of industrial investment considered for this study, only two succeeded in starting operations. The reason which could be established \textit{primafacie} is that wherever the companies have started operating, the entire land for the project was acquired from the non-tribals. As a part of their strategy to circumvent legality, the companies are mainly targeting villages which have substantial non-tribal land supplemented by ‘\textit{gair mazarua}’\textsuperscript{75} (GM) land. Only after considering factors like land ownership pattern and village demography the companies approach the government to notify sites for industrial development under section 49 of CNTA. Even though section 46 clause 2 (b) of the CNTA also restricts the sale of non-tribal land to another non-tribal if both the seller and the buyer do not belong to the same district it is easier for the companies to circumvent this provision. To override the legal hurdle, the companies establish their offices in the name of some non-tribal residents from the district.

\textsuperscript{74} Final Report on Survey and Settlement Operations in the District of Singhbhum (1958-1965) prepared by Chandra Bhushan Prasad, the Settlement Officer and published from the Secretariat Press, Patna (Bihar)

\textsuperscript{75} GM land is the common village land and is legally owned by the government. However, the inhabitants/occupants enjoy usufructuary rights which are temporary but customary in nature.
Table 5.2: List of companies, their current stages of operation and the land acquired by them

<table>
<thead>
<tr>
<th>S. No</th>
<th>Name of Company</th>
<th>Date of MoU</th>
<th>Block</th>
<th>Village/s</th>
<th>Area acquired (in acres)</th>
<th>Protesting Organisation/s</th>
<th>Present Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Balaji Industrial Products Ltd.</td>
<td>1-6-2004</td>
<td>Noamundi</td>
<td>Badajamda</td>
<td>45</td>
<td>None</td>
<td>Operating since 2008</td>
</tr>
<tr>
<td>2</td>
<td>V S Dempo</td>
<td>6-10-2005</td>
<td>Manoharpur</td>
<td>Dimbuli</td>
<td>110</td>
<td>Gram Ganhrajya Parishad</td>
<td>Still acquiring land</td>
</tr>
<tr>
<td>3</td>
<td>Sri Sai Shraddha Metallic Pvt. Ltd.</td>
<td>Non-MoU</td>
<td>Noamundi</td>
<td>Kotgarh</td>
<td>50</td>
<td>Jameen Bachao Samanway Samiti, Oomona Mahila Sangathan</td>
<td>Under judicial consideration after case is filed by protesting organisation</td>
</tr>
<tr>
<td>4</td>
<td>Sai Sponge Iron Ltd.</td>
<td>Non-MoU</td>
<td>Jhinkpani</td>
<td>Noangaon</td>
<td>20</td>
<td>None</td>
<td>Operating since 2006</td>
</tr>
<tr>
<td>5</td>
<td>Horizon Loha Udyog Ltd.</td>
<td>26-3-2004</td>
<td>Noamundi</td>
<td>Petteta and Bahada</td>
<td>113</td>
<td>None</td>
<td>Still Acquiring land</td>
</tr>
</tbody>
</table>

Source: Government of Jharkhand, Department of Industry  
http://jharkhandindustry.gov.in/ accessed on 27th May 2013

Besides this, the non-tribals also seems to be averse to the social domination of the tribals and one of the participants hesitatingly mentioned that,

A lot of our land was sold by our father and uncle to the adivasis which resulted into further misery and only ensured the domination of these politicking adivasis. After selling land to the company we have been able to receive some compensation and secure a job as well which ensures regular supply of money. It is good when compared to the non-profit and risky agriculture and has improved our condition. But the company has gone back on many of its promises and they require fulfilling them also. (Field Notes, January 2013)

The above narrative speaks a lot about the attitude of the non-tribals towards their land as well as the fellow tribal villagers. Typically, the non-tribals who have very small landholding size stand little chance of sustaining through agriculture and

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76 Bhuju Nayak (name changed) of Noangaon expressed satisfaction with the kind of employment which he got in lieu of selling land to the company. But he wants the company to arrange for things like village road, drinking water, electricity, etc. which was promised as per the sale deed.
this serves as the reason behind their readiness to sell the land. Besides this, the hope of ready cash as compensation and some job ensuring regular monetary supply serves as the other reason. Some of them who sold their land are employed in the company and receive remuneration, which although low is very crucial for their livelihood (wages and nature of employment are discussed in the next section). Thus, the non-tribal land is found be much easier to be accessed by the companies in comparison to that of the tribal land.

As far as the tribal response to the issue of land acquisition is concerned there was no homogeneity visible among them. This can be said as the tribes like their non-tribal counterparts had sold their land in several places like Bahada, Petteta, Dimbuli and Kotgarh. It has already been stated, that the tribal land of the area is better protected by the CNTA and companies gives priority to non-tribal land to avoid getting entangled into legal complexities. Nevertheless, in the case of Kotgarh as well as Bahada and Petteta where the companies had to acquire tribal land also they are facing litigation challenging legality of land acquisition. However, in their selective approach the protestors cannot be assumed to be driven entirely by their concern over exploitation of tribals. Their approach can be better explained in the light of characterisation of the socio-political context as done in the preceding chapter. For example, even though acquisition was taking place in Petteta and Bahada at very low rates of compensation (see Table 5.3 below) no protest was registered as late as the year 2013. However, despite a high compensation (by local standards) in Kotgarh protest was registered and the acquisition was legally challenged.

**Table No. 5.3: Compensation paid by different companies in the surveyed areas of West Singhbhum**

<table>
<thead>
<tr>
<th>Village(s) of acquisition</th>
<th>Company</th>
<th>Market Price (in Rs.)</th>
<th>Compensation paid (in Rs.)</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barajamda</td>
<td>Balaji Industrial Products Ltd.</td>
<td>1 lakh</td>
<td>1 lakh</td>
<td>2006</td>
</tr>
<tr>
<td>Dimbuli</td>
<td>V S Dempo</td>
<td>1 lakh</td>
<td>1.2 lakh</td>
<td>2008</td>
</tr>
<tr>
<td>Kotgarh</td>
<td>Sri Sai Shraddha Metallic Pvt. Ltd.</td>
<td>1.2 lakh</td>
<td>5 lakh</td>
<td>2010</td>
</tr>
<tr>
<td>Noangaon</td>
<td>Sai Sponge Iron Ltd</td>
<td>70,000</td>
<td>70,000</td>
<td>2006</td>
</tr>
<tr>
<td>Petteta and Bahada</td>
<td>Horizon Loha Udyog Ltd.</td>
<td>55,000</td>
<td>55,000</td>
<td>2004</td>
</tr>
</tbody>
</table>

*Source: Primary Survey (2012-13)*
In the Non-Governmental Organisations (NGOs) as well as mainstream politics there is a tribal dominance and their activism acts as a hindrance for the companies to start operations. While these organisations have dragged the companies to contest the legality of their actions, they have hardly succeeded in halting the land acquisition. The protesting organisations are making hue and cry visible to the outside world but they have not been able to address the daily concerns of the people by targeting bureaucratic as well as political corruption. Several instances can establish the issue of corruption within the ranks of the leaders, e.g. Antu Hembro – President of the Manki-munda Sangh – was suspected of assisting the companies in acquiring land around Chaibasa and was publicly humiliated by the protestors. This form of resistance though acting as a symbolic threat against the collaborators of companies offers little to counter the more nuanced and structured forces of dispossession. Moreover, the role played by middle-men and the local power structure along with balance of forces enables the company to acquire land despite protests.

Popularly regarded as brokers, agents and many more synonyms the middle-men have emerged as an inevitable agency when it comes to land acquisition. In the present cases, the middle-men are either tribal or non-tribal and engage with the company right since the acquisition of land and remain associated even after the companies start operating. Whereas in the case of Petteta, Bahada and Kotgarh they belonged to the non-tribal groups in case of Dimbuli and Barajamda they were tribals. Despite their group affiliation certain similarities may be noticed in the life-style of the middle-men. They act as the agent of the companies and are more capable of negotiating with the villagers due to familiarity with the local conditions. The significance of a middle-men’s role could be discerned from the fact that a Delhi-based company has acquired substantial amount of land at merely Rs.55,000 per acre. Surprisingly, the protesting organisations pitted against the Kotgarh plant claimed that they had no clue about this abysmally low compensation even though it was happening under their nose.

\[77\] In Petetta and Bahada villages of Noamundi Block Horizon Loha Udyog, Global Primate Ltd, Prakash Industries, etc. have acquired both tribal and non-tribal raiyati land at a very low compensation.
In addition to assisting the companies, which act as a great source of income for them, these people also engage with one occupation or the other. The middle-man in Petteta is a rural medical practitioner and one from Kotgarh is a ward member, while the one in Barajamda now acts as a contractor for the company and supply labourers. However, it was striking to observe the amount of wealth they have garnered by helping the company. The middle-men are quite influential and the villagers rarely garner the courage to decline their offers made on behalf of the companies. In many cases, the land was found to be mortgaged to the middle-men in lieu of some money borrowed by the land owners. However, the inability to repay leaves limited options for the owners than agreeing to the offer made by the agents. It was surprising to notice that the middle-men in Petteta had also sold some part of his land to the company. On being asked about the compensation, he said that compensation received by him was similar to what the others had got, though this can hardly be believed.

Besides this, application of arm-twisting measure can be observed in instances where despite their unwillingness to sell land many people did so because of the apprehension that once the company starts operation on their neighbouring plot their land will become infertile and useless. Such cases are also not rare where people who had left their villages and are presently residing in the towns also sold their land. Moreover, the munda of these villages (Petteta and Bahada) seems to be favouring the company and influenced the villagers by recounting the virtues of job opportunities and prosperity. Given the close nexus between the munda and the middle-man it is beyond doubt that munda’s attitude is a result of some money changing hands. However, there is also another group of village elites who feel ridiculed for being kept or left out of this nexus between the company, middle-men and the munda. For such people, protest acts as the means to assert themselves socially and politically. Now the question arises that, are the protest movements exclusively based in the aspiration of the excluded group of elites to assert themselves? Or, are they registered out of the concern over exploitation of people?

An attempt was made to find an answer to this question by analysing certain facts in their local context. Aspirations of the excluded leader were found to be a major reason behind the protests. In the preceding chapter, we observed that the
munda’s authority being the customary head of a Ho village has been contested by other village elites previously also. But the panchayat elections of 2010 brought these frictions out in the open. Surendra Tubid (name changed), one of the protest leaders against Kotgarh plant, in order to assert his social and political status participated in the panchayat elections of 2010. In addition, he enjoys close relationship with the ex-MLA of Jagannathpur, Mr. Mangal Singh Bobonga, also pitted against the land acquisition. Nevertheless, the forces for land acquisition are also ‘powerful but disguised’\textsuperscript{78}. There also exists a probable link between the ruling MLA, the middle-men and the companies acquiring land in Bahada, Petteta and Kotgarh. This brings to the fore a situation where one group of village elite in nexus with the companies are poised against another band of village elite. Thus, the companies play upon the social cleavages to procure land and owing to their poor economic conditions the land owners find it hard to ignore even the poor compensation.

At the proposed site in Bahada-Petteta, the Horizon Loha Udyog Ltd. has acquired 113 acres of land to establish a 30 Megawatt Power plant and 1.5 lakh tonnes Sponge Iron plant. Acquisition of 20 acres for constructing residence for the employees is still pending. However, the protesting organisation (Jameen Bachao Samanway Samiti – JBSS) submitted a petition to the Governor citing the illegality of land acquisition by the company. Mr. Pramod Kumar, the General Manager of Horizon Loha Udyog Ltd., observes the protest as detrimental to the local development as it will hamper the job opportunities for around 1500 people. Given the large number of cases of migration of youth in search of employment, the opening of factory sounds to be a convincing idea. Even the ruling MLA from Manoharpur, Mr. Gurucharan Nayak considers industrialisation to be a panacea for increasing migration (Field Interview, 14\textsuperscript{th} April 2013). However, he expressed his ignorance when asked about the situation created in Noangaon and Barajamda due to the operating sponge iron plants.

\textsuperscript{78} A committee was appointed in 2012 to look into the irregularities in land allocation to the Associated Cement Co. (ACC) at Jhinkpani under the Chairmanship of Chaibasa MLA, Dipak Birua. Other members of the committee were MLAs Lakshman Gilua, Geeta Koda, Secretary of Jharkhand Assembly and Additional Labour Commissioner. The villagers claimed illegal occupation of their land by the ACC and, hence, filed a case in the District court at Chaibasa. In spite of a ruling in the favour of villagers, the company has been forcibly renewing lease of land for mining purposes. The ruling MLA of Jagannathpur, Gita Koda, favoured the proposal for land lease renewal.
In yet another case of land acquisition, the Tatas have acquired 93 acres of raiyati land in Kutingta village for building an aerodrome. But the protestors under the banner of JBSS have accused the company management of betraying the affected people on jobs and compensation. The JBSS also demand the fixing of responsibility for overall development of the area on the company. While the companies have cited the inconvenience caused due to the protests and the unstable political situation prevailing in the State, it is interesting to note that not every attempt at industrialisation and mining draws protest. Misri Lal Jain and Sons, one of the oldest mining companies in the district, got a smooth approval to expand its mining lease area during one of the public hearings. It is believed that this was possible only because the company has delivered honestly on its social responsibilities.

After much deliberation the new law on land acquisition, which came into force in 2014, fixed the rate of compensation in rural and urban areas at four times and twice the market rate, respectively. This can definitely fetch some decent amount in areas not governed by protective legislations. Nevertheless, land market in Jharkhand is restricted due to CNTA and Santhal Paragana Tenancy Act (SPTA) 1949. Restriction on the sale or purchase of adivasi and backward caste land in the open market limit the scope for land being evaluated on the basis of competitive pricing mechanism (Saxena, 2012: 37) and acquire even an optimum price. Moreover, most of the land acquisition in present cases took place outside the ambit of the present law and under the LAA the companies acquired land by paying anything above or equal to the market rate. This opportunity was misused en masse by the companies in the studied cases with the exception of Kotgarh.

Compensation paid in the different cases varies between fifty five thousand and Rs. 5 lakh per acre (see Table 5.3 above). However, with the exception of one company, the compensation paid was not more than Rs. 1.2 lakhs per acre. The reason for high compensation in Kotgarh is due to the threat of litigation and the active involvement of the local elites as well as the protestors. Incidentally, Kotgarh happens to be the only case where legal contestation has been systematically going on despite high compensation. Does this indicate that even when the companies want to avoid the risk of litigation through paying high compensation, they stand little chance against the protesting local elites? Another question is that, despite abysmally low
compensation in case of Petteta, Bahada and Dimbuli why didn’t the protestors took it up as forcefully as in Kotgarh? The areas where low compensation was paid also happen to be the areas where a complex power relation exists between the forces of acquisition and protest. Another reason for the absence of any powerful protest rests in the attitude of the villagers and will be elaborated in the next section. Moreover, an important issue related to that of compensation is over-reporting of the price of acquired land by the companies.

In Dimbuli village where V S Dempo, a Goa-based company, is acquiring land anomaly was noticed in the price paid by the company and the one it quoted. Whereas the compensation paid was quoted as Rs.4 lakhs per acre and the seller was asked to verify the same amount before the registrar in land revenue department, the company actually paid merely Rs.1.2 lakhs per acre. Although more than the market rate of Rs. 1 lakh, this anomaly in rate indicate towards the malign intention of the company, keeping in mind protests in the area. For example, what if the company offers to resale the acquired land for being unable to start operation? At what rate are the land-owners or the government going to procure back the land? In addition to the above account on politics of dispossession we have two cases which help to analyse the pros and cons of industrialisation in a rural area.
Figure No. 5.1a: Illustration of the interaction between different stakeholders in land transaction in West Singhbhum

Deputy collector issues notification to individual raiyats under section 49 of CNTA for land acquisition citing industrial purposes.

**Non-tribal raiyats: Reasons for land transfer**
- Small and marginal land holdings provide unsustainable livelihood options
- Expectation of regular monetary supply
- To contest the social dominance of the tribals

**Tribal raiyats: Reasons for land transfer**
- Agriculture as an non-profitable livelihood option
- Forced to sell land due to apprehension of loosing productivity
- Arm-twisted to part with mortgaged land

**Role of Middle-men:**
- Persuasion and arm-twisting of land owners
- Provide contractual workers to industries and engages with other ancilliary works

**The companies** approach the individual raiyats either directly or through the middle-men to acquire land.
5.4.2. ‘Disguised dispossession’: Case study of Noangaon and Barajamda

Though there is a realisation in the official domain that there are losses to environment and people due to mining and industrial activity rarely any study on dispossession has assessed the losses incurred by the people due to operating of “dirty industries”. Consequences of pollution are not strictly confined to the loss of commons but also spill over to the individual property. Hence, adherence to the old school thinking of loss of commons is like adopting a reductionist approach because individual property rights are also violated. In his study on Mahindra’s SEZ in Rajasthan, Levien (2013:373) calculated the ‘rate of ABD’ as the ratio between the cost of government-acquired land and its ultimate appreciation in the hands of the capitalist. This assessment can be ascribed to any capitalist investment irrespective of its nature on the count of being polluting or non-polluting. However, in cases of polluting units the capitalists also gain due to ‘disguised’ dispossession and can be added to this ‘rate of ABD’ in calculating profit. In this section, we will attempt to explain this camouflaged nature of dispossession through the example of the two cases in Noangaon and Barajamda of West Singhbhum where industrial units have already started operating.

In the above mentioned cases of industrialisation, the companies went for compensatory acquisition of minimum amount of land sufficient for establishing the plant. However, after the commencement of production the resulting pollution has spilled over to the adjacent un-acquired land thus causing gradual decline in productivity. In this context, it will be worthwhile to discuss in some details a few of the field observations capturing people’s perception on land dispossession. However, for providing more objectivity to the narratives of the dispossessed we will juxtapose the villagers’ experiences with the findings of Centre for Science and Environment79 (CSE).

Based on their assessment of the SIIs, the CSE report recommends the closure of small and medium units as they are considered economically unfeasible to adopt

79 The Centre for Science and Environment (CSE) conducted a study on Sponge Iron Industries in 2011. The report titled ‘Sponge Iron Industry: The Regulatory Challenge’ consists of the case studies on Odisha, Jharkhand, West Bengal and Chhattisgarh. It explores the violation of environmental norms and the dispossession caused due to such projects.
cleaner technologies. If we apply this criterion to the plants in Noangaon (0.06MTPA) and Barajamda (0.12 MTPA) – both of them are medium SII’s – then both the plants should be shut down. Moreover, both these plants also violate the Corporate Responsibility for Environmental Protection (CREP) norms as they are located within a radius of 1 km of habitation (CSE, 2011:15). Apart from these technical issues, our concern here is to cover the instances of dispossession as perceived or experienced by the villagers. While doing so we will also understand the impunity with which the companies are violating not only the environmental norms but also the property rights of the individual land owners.

Despite being low water intensive industry, the SII’s in Jharkhand have high impact on ground water as around 75 per cent of the operating units depend upon bore wells (CSE, 2011: 10). The villagers also seems to have a realisation of the reduction in ground water level as during one of the focus groups discussions in Noangaon they claimed that,

"Earlier we used to get water for well irrigation only if we dug at the depth of 15-20 feet. But after the company has started operating the water availability cannot be ensured even at a depth of 35-40 feet. (Field Interview conducted on 3rd March 2013)."

This appears to be an ingenious way of realising dispossession. Nevertheless, the salience of such realisation rests on the public consciousness which it provokes. According to the CSE report, the average water consumption in a sponge iron plant is 1.28 m\(^3\) per tonne of sponge iron produced. The quantity of water withdrawn for the sponge iron plants has resulted in changes in the ground water scenario and has caused scarcity of water for the people residing in the surrounding areas (CSE, 2011: 60). In addition to this form of dispossession, the operating units also indulge into the dumping of solid wastes (char, dust from the settling chamber, kiln accretion, etc.) either in the factory premises or the adjacent un-acquired land thus causing gradual decline in productivity. It has been noted that around 60 percent of SII’s in Jharkhand have indulged into dumping of solid wastes (CSE, 2011: 11). The plants at Noangaon and Barajamda are no exception to this as they have been found to be dumping their solid wastes in neighbouring arable land, forests and the nearby Ilī River. According to the village munda of Noangaon, Mr. Moran Tamsoy,
Fed up with the pollution caused due to the industry, we organized a protest in the year 2006. We wanted to talk to the factory administration regarding this (pollution) issue because we suffered loss in productivity as well as health problems. Previously, the factory administration had also overlooked a show cause notice from the State Pollution Control Board and was running with impunity. But our demand fell on deaf ears. As a result, the protest turned violent which led to the damage in factory premises and the company administration registered a case against us implicating eight people. Now we are dragged in litigation even though the State government has failed to put a brake on the operations of the company. (Field interview conducted on 3rd October, 2012)

The above narrative reflects not only the sense of dispossession which has acquired the villagers but also their alienation from the state. However, the operating of the project in violation of the statutory norms puts at stake the livelihood options for around 600 families which reside within a radius of 1 km from the project site. The worst-hit will be the tribal community as a major part of the landholding belongs to them. The mono-crop agriculture which is only sustaining in nature is susceptible to collapse under the present situation forcing large-scale migration and uncertainties associated with it. Thus, the industrialisation in Noangaon and Barajamda inflict more losses that benefits on the people while it accrues high benefit to the industrialists. Even though the situation requires urgent state intervention, the ease with which the SIIs are being granted the environmental clearance raises concern of mass dispossession.

This dispossession is unique for it continues during the entire life-span of the industry, i.e. right since the time of acquisition to the post-acquisition phase ultimately making the land barren. This phenomenon can be very well regarded as “disguised dispossession” which is directly proportional to the losses incurred by the people in terms of loss of produce due to failing productivity as well as degradation of natural resources crucial for livelihood. However, the most inhumane side of “disguised dispossession” is the cost incurred by the owners of land adjacent to polluting industries because the official discourse on compensation, rehabilitation and resettlement remains entirely silent on this aspect of dispossession. In the Act of 2013, Section 3 clause (c) defines “affected family” as one whose immovable property has been acquired; people who are not owners but depended upon the
acquired land for livelihood; Scheduled Tribes and other forest dwellers who are at loss due to acquisition of land; and victims whose livelihood depended on water and forest resources three years prior to the land acquisition (GoI, 2013). In this definition, the victims of ‘disguised dispossession’ whose land adjacent to the polluting industries get affected are not covered. Such form of dispossession, though hard to be calculated objectively occasionally manifests itself in phenomenon like distress migration as well as shifting attitude of the land owners towards land.

‘Land’ is one of the three fictitious commodities identified by Polanyi – labour and money being the other two – whose commodification under market will lead to mobilisation of classes (Polanyi, 1944 as quoted in Burawoy, 2003). While Polanyi, in his scheme of “active society”, finds that the farmers or agrarian classes introduce environmental laws and tariffs to protect their interests, the farmers of Noangaon and Barajamda surrendered their vocation to the industries in hope of realising their aspirations of a ‘better’ life. Thus, apart from being disguised the process of dispossession is also hegemonic in nature as it is based upon the consent of the disposessed. However, this mode of hegemony is not simply based on ‘false consciousness of well-being’ but in abhorrence to earlier means of production. Thus, the disguised nature of dispossession victimises the people without provoking any open confrontation. Although this kind of dispossession may generally go unnoticed, it was quite unimaginable that it had evaded the attention of even the protesting organisations. In the quest to find an explanation for the absence of protests in these areas, I queried Mr. Ramesh Jerai, a human rights activist associated with a non-government organisation (NGO) called JOHAR. On the missing role of JOHAR for organising movement against low compensation and disguised dispossession, Mr. Jerai stated that,

Although we went to look into the matter the villagers sounded convinced in the opening of the factory. In fact, they mockingly told us that, ‘tum log humko kya chaar-chakka dikha rahe ho; ek baar factory chalu ho jaane do to hum-log bhi gaadi me ghunenge’. (Field notes: 2012)

80 Jharkhandi Organisation for Human Rights (JOHAR) is located in Chaibasa, the district head-quarter of West Singhbhum, and primarily deals with the issues of Human rights violation in Jharkhand. It also enjoys a close relationship with the organizations protesting against land acquisition in West Singhbhum.
(English translation: You show us your four-wheelers! Let the factory open once and we will also roam around in vehicles.)

This narrative reminds of “passive revolution” or “revolution without a revolution” (Chatterjee, 1986) of the bourgeois which had succeeded in evoking the imagination of the dispossessed for a better future. Nevertheless, our construct of “disguised dispossession” also needs to be justified by the account on modalities and scale of dispossession taking evidences from the two cases of Noangaon and Barajamda where the production is underway. In this endeavour, we will next analyse the nature of employment as this propelled the emancipative imagination of the dispossessed.

The companies have employed the majority of the people who surrendered their land (see Table 5.4 below). But owing to their poor educational status most of them are employed as un-skilled labourers while some are also employed as drivers and wielders. Though they do not pursue agriculture as before, they still manage to earn Rs.150-200 per day and this ready cash seems to provide a sense of satisfaction to the people. It provides them the opportunity to purchase commodities like transistors, bicycles, etc. and also aspire for things like motorcycle, television and so on. However, the terms of employment are severe and they do not get any wages for absence from work even due to illness. Thus, it can be said that while the company has ensured a perennial source of income to the people the latter are dispossessed of the permanent source of livelihood. They have been transformed from agriculturists to wage labourers and terms of employment are entirely dictated by the company; at times turning exploitative.

In such areas where the companies are still to start operation they provide employment to the people by hiring them on a monthly payment of Rs.2500 per person\(^81\). There were several individual cases where the raiyats who had sold their land started working on theka\(^82\). However, respondent’s perception on life-style as existing before and after the selling of land varied according to their previous material

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\(^81\) In Petetta and Bahada, the company has constructed a boundary wall around the acquired land and due to imminent danger of encroachment it has already hired the people who sold their lands as caretakers and temporary labourers.

\(^82\) Theka is a practice where the landless or marginal farmers cultivate other’s field on the basis of rent or share of produce.
status. Whereas those who had small land-holding seemed to be satisfied with their monthly income, those who had more land regretted their decision to sell the land.\(^{83}\) The studied cases are also not shielded from other drawbacks of neo-liberal capitalism as hiring of contractual labourers can also be noticed (see Table 3 below). It can be observed that the companies in Barajamda and Noangaon employs fewer people than that of its regular requirement and hires contract labourer to meet the seasonal demand depending on variation in production. Inevitably, contract labourers are often susceptible to seasonal unemployment and get lower wages than their permanent counterparts in the company. These contract labourers are provided by some middle-men.\(^{84}\)

### Table 5.4: Number of people employed in plants of Noangaon and Barajamda

<table>
<thead>
<tr>
<th>Name of plant</th>
<th>Permanent workers</th>
<th>Contractual workers</th>
<th>Total no. of employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balaji industries Ltd.</td>
<td>800</td>
<td>200-250</td>
<td>700</td>
</tr>
<tr>
<td>Sri Sai Shraddha Sponge Iron Ltd.</td>
<td>350</td>
<td>80-100</td>
<td>400</td>
</tr>
</tbody>
</table>

*Source: Field Interviews with Middle-men (2012-13)*

Illegal mining is yet another important issue which is a common practice by the companies. Although this practice creates some work opportunities for the local people, it has also resulted into loss of crops due to the resulting pollution. In 2012, a government order was passed on the instruction of the Jharkhand High Court which saw the closure of illegal mining sites as well as crusher plants affecting around 4000 workers. Illegal mining is a way of life in many resource-rich districts including West Singhbhum of Jharkhand (Akhtar, 2014) and the ban evoked mixed response from the villagers. Those who are landless or marginal farmers and depend on illegal crusher plants for their livelihood support complain against the government order whereas the villagers who have bigger landholding and can sustain through agriculture appreciated it. This dual reaction indicates the importance of illegal mining in the local livelihood.

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83 A raiyat named Selai Buri-wali who purchased 7.61 acres of land at his son-in-law’s village and used to live there after retirement from SAIL also sold his land. He got 3.5 lakh rupees as compensation and used it for marrying his remaining two daughters and spent for house-hold expenses. He has no land left and now has to work on theka. Selai Buri-wali’s holding was surrounded by other’s land which was already sold and he sold his land due to the apprehension that once the plant starts his land won’t be of any use.

84 The middle-man in Barajamda is engaged in providing contract labourer to the company.
However, amidst all these the companies emerged as big beneficiaries as they succeeded in evading the tax which the government would have otherwise received as revenue by legally allotting mines. Thus, the village economy overlooks the illegality of such acts even though the practice is not an ‘organic’ way of securing livelihood. Nevertheless, illegal mining as well as legal production process of companies cause much loss to agriculture and forest resources.

Similar issues of impending dispossession has been noticed by Malik (2011) in his study of a contract between the government of Pakistan and foreign investors wherein the latter has been allocated large tract of ‘barren-land’ to be used for agricultural production in future. He argues, that even though access to water is not a part of this deal, once agricultural production starts on the given land, large amount of water will be extracted affecting the neighbouring users and will have long-term consequences for the wider ecosystem and people’s livelihoods. Malik further notes that the reason why such modules of dispossession need to be addressed beforehand is due to the claim which the investors may make later on the basis of terms of contract.

Likewise, in West Singhbhum the areas where factories have started operations experience fall in ground water level as bulk of water is being used by the factories. In both Noangaon and Barajamda, the factories get water through bore well which is hidden from the public eye and, hence, seldom provokes protest. For example, in an incident when the Horizon Loha Udyog officials went to Petteta with some water supply officials to do feasibility test on Tadaya River they were chased by the villagers with bows and arrows. In this particular case, the villagers could identify the onslaught on their traditional source of water due to the visiting officials. But in Noangaon and Barajamda people became aware of their dispossession only after realising the falling ground water level and reduced productivity of land. Thus, if ‘everyday form of resistance’ (Scott, 1985) is a credible – even though partially effective – weapons of the weak against the exploiters who are more powerful and explicit in their ways, ‘everyday form of dispossession’ appears to be a more cogent weapon in the hands of the dispospossor as against the symbolically assertive dispossessed.
5.5. Summary

The present chapter aimed at analysing the local mechanism which informs the processes and politics of land acquisition. Accordingly, in the preceding sections, an analysis of the politics of dispossession shows how the companies apply different tactics to circumvent the legal provisions applicable in the scheduled area of West Singhbhum. In addition to this, they also play upon the social, political and economic cleavages in the social domain to access the land through persuasive measures. This persuasion, however, is not entirely based upon the legitimate portrayal of industrialisation as an alternative to agriculture. In fact, the persuasion is arm-twisting in nature as the owners are coerced (without violence) to sell their land not only by capitalist maneuverings but also due to non-governance of the state.

Apart from analysing the pros and cons of industrialisation in a rural area the present chapter attempts to build upon Harvey’s ABD in order to examine the specific nature of dispossession regarded here as “disguised dispossession”. It is, therefore, the approximate losses incurred by the dispossessed whenever capitalist projects have both overt and covert dimensions of dispossession. These projects apart from depeasantising the people at an abysmally low compensation also indulge in ‘everyday form of dispossession’ capable of evading public attention due to its disguised nature. Even though it is difficult to claim that the resulting dispossession converts into equal quantum of accumulation for the capitalist, it definitely saves the latter a lot of capital that would have been required to acquire extra land. From the dispossessed’s point of view, the modalities of ‘disguised dispossession’ is necessary to be understood because the official stand on compensation, rehabilitation and resettlement do not recognise this aspect of dispossession. Nevertheless, this form of dispossession has not been able to evade resistance and the latter do not merely evolve and operate exclusively in context of the nature of dispossession but are also indicative of the socio-political realities of the area. In fact, the resistance movements are framed and exist in a dialectical relationship with its social milieu.

Looking at the present attempt by the BJP-led NDA government to dilute even the existing law on land acquisition, it becomes necessary to identify the different aspects of “land grabbing” to frame a relevant position amidst the class contest. It is in this context that the social response to the issues of dispossession in the form of anti-
dispossession movements needs to be analysed. Some of the significant questions regarding the anti-dispossession resistance movements are already raised in this chapter, e.g. Why do the protesting organisations respond differently to different cases of dispossession? Why do protests occur, primarily, in areas where adivasi land is acquired? It is this aspect of the present study and some more questions on resistance movements that we will analyse in the next chapter.