

Is the Verdict of Supreme Court on Singur Land Acquisition a Real victory to Farmers?

In 2006, the CPI (M) led government had acquired around 1,000 acres of fertile land, from around 13,000 farmers of Singur in West Bengal in Hooghly district, in the name of industrial development and generating jobs. This land was leased to Tata Motors Ltd to set up its Nano cars project.

But the affected farmers resisted this land acquisition and fought bitterly to retain their own lands in their possession. On the other hand the CPI (M) led government had forcibly acquired the said land, duly using all its coercive power. Even the armed activists of CPI(M) have acted ruthlessly against the agitating farmers fighting for the retention of their lands.

The resistance of the Singur farmers has turned in to a political tussle between CPI(M) and Trinamool Congress playing a key role for the electoral success of Mamata Benarjee. On one hand while the Singur farmers' agitation become a symbol of resistance against land acquisition, on the other hand it became handy to Ms Mamata Benarjee to project herself as the 'champion' of the cause of farmers besides being instrumental in fetching governmental power to her. This Singur agitation of farmers' has completely made the CPI(M) party unpopular and routed its roots of parliamentary harvesting without any future hopes of return to governmental power.

But the question behind the Singur farmers' resistance remained unaltered and unanswered. Whether the lands of farmers, the livelihood of farmers in our agrarian based country can be encroached upon by the state, in the name of 'public interest' or 'public purpose', that too in a system where private property of an individual is treated as sacred and supposed to be protected by the constitution and law is the question that remained to be unanswered.

Such questions of fundamental nature and policy are not being answered by our higher courts (High courts and Supreme Court), when and where such litigations arose and they are resolving the disputes according to the legal 'merits' of the case based on the prevalent law and its precedents. The division bench of High Court of Calcutta upheld the Singur land acquisition, agreeing that the land was acquired "for public purpose of employment-generation and socio-economic development of the region and not in the interests of conferring benefits on any private company".

Though the Tata Company made certain constructions in the acquired land, due to the fierce protests against land acquisition, it shifted the nano project out to Sanand, Gujarat, where it was able to gain more benefits from the state government of Gujarat.

The case of Singur farmers went to Supreme Court on appeal and after 8 years, and through its verdict of August 31 (2016), it ordered that the land acquired in Singur be returned to the farmers within 12 weeks. The two justices who constituted the Supreme Court bench, though differed on certain points of the case and gave separate judgments, have both of them agreed that there were procedural lapses in land acquisition, and they declared the entire acquisition process was illegal.

This Supreme Court decision was a cause of celebration to the Singur farmers and particularly to Ms Mamata Benarjee who is supposed to be the 'champion' of the cause of farmers.

As usual the 'experts' and 'intellectuals' that abide by the present unequal and exploitative system started harping on that this is a victory to farmers, and that the verdict will have far-reaching consequences for future land acquisition by the state governments.

The CPI (M) has left to defend itself with volte face that with an intention to develop industry and thereby create jobs in the state that it acquired the Singur lands under the then available land acquisition Act 1894, but this has proved to be the party's political mistake.

In fact the 1894 land acquisition act has been amended subsequently to suit the neo-liberal capitalist policies that demand land on easy terms to the industrial and business sector. Central and various state governments have amended the land acquisition act to suit their needs. Even made separate laws like land pooling act in AP.

Even after the rise of farmers' resistance in Singur, the lands of farmers have been acquired forcibly, by use of coercion by the various governments. There have been continuous agitations of farmers protesting against acquisition of their lands forcibly, through farcical and police terrorised 'public hearings' etc.

Particularly in Andhra Pradesh thousands of acres of land is forcibly acquired by the state in the name of construction of state capital and industrial development. The farmers who refuse to give up their lands are being threatened by the police, government and activists of the ruling political party in power and thousands of agricultural landless workers are systematically being deprived of their means of livelihood without any sustenance and compensation and those who point out these injustices are being branded and projected as anti-state and anti-development forces and are being victimised.

According to very recent governmental survey, it is pointed out that the agitators of the farmers throughout our country have increased by 300% in one year (2015) from the previous year, which indicates the acute condition of helpless farmers being crushed under the wheels of neo-liberal capitalist economic policies of 'industrial development' and land acquisition.

But none of the courts of justice have come to the rescue of farmers being destroyed in the name of 'industrial development and employment generation'. On the contrary, raising the question of the status (locus stand) of the applicants, the claims on behalf of farmers of AP, whose fertile lands were forcibly acquired by the state government for building a 'world class state capital' were rejected even to be heard by the very Supreme Court bench, which speaks volumes about the quality of the verdicts on land acquisition.

Just one day before the 'Gandhi Jayanti' and 'LalBahadur Sastry's Jayanti' on October 1 (2016) the incident occurred at, Dodikala of Barkagaon, 30 kms from Hazirabagh town in Jharkhand state, high lights the ongoing forcible land acquisition by the state and speaks volumes about the injustices meted out to the affected farmers by the state.

In 2006, NTPC started acquiring 8,000 acres across 28 villages for mining purposes. It had acquired the land forcibly from the small holding farmers of the villages without the consent of gram sabhas according to the forest rights act. 2006, for the coal mine project to be one of the largest coal block of ASIA. The lands acquired by NTPC are considered to be the most fertile in Jharkhand. But the NTPC gave a pittance to the farmers as compensation, against the law that orders to pay four times market value of land must be paid by a public sector utilities for land acquisition. Demanding the statutory stipulated compensation according to the Land acquisition and Rehabilitation Act 2013, the affected farmers are conducting a protest agitation, for the lands acquired by the NTPC for PakriBarwadh Coal mining project. As usual the police of rapid action force and armed police interfered in the name dispelling the agitators, resorted to firing and killed 4 persons who were not even the agitators and are only the on-lookers. The village is under the siege of police. Such is the justice meted out by the state to land acquisition affected farmers; and no verdict of Supreme Court is coming to the rescue of the affected farmers. This has been the stark reality of the experiences of farmers whose land is being acquired forcibly by the state.

Even the present supreme court judgment is not based on policy or principle of not allowing to acquire land by the state for any purpose including the so-called public purpose and development or on any such rule of law without the consent of its owners; but only based on non-compliance of certain law stipulated land acquisition procedures by concerned administrative authorities; which in other terms means if all the procedural formalities are complied the land can be acquired by the state without any objection. The justices only discussed about the questions of 'infringement of rights of farmers' and the questions of 'public purpose' with an academic zeal through their separate judgments, but were in full-agreement on the technicality of compliance of procedures of law stipulated methods and avoidance of procedural lapses. They have not questioned or acted on the merits of the policy of land acquisition from the farmers, depriving them of their livelihoods. The verdict had not quashed the very policy of land acquisition by the state.

So one need not have illusions that the Supreme Court verdict on Singur land acquisition will come in rescue of the farmers whose lands are being forcibly acquired by the state under land acquisition act 2013 or any similar act like land pooling act of A.P, which is being lauded by the central and other state governments.

It is only the unity and the spirit of fighting in protection of their lands of the farmers throughout the country that would be instrumental in protecting their rights.

Hence the verdict on Singur cannot be viewed as the victory of the farmers in its broadest sense, save that it could have facilitated the land leased to Nano project of Tatas to be given back to the affected farmers - a limited beneficial consequence-who have to hard-work, to make suitable their lands for farming on which extensive construction work of the plant was done by Tatas.
