# The Land Question in India: A Synopsis Paper

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Introduction

Land is, and has been for a long time, one of the central political, economic and social questions in India. The form that the "land question" takes has changed over time, but its centrality has not. Indeed, if anything, this centrality has increased, even as linkages between different aspects of the question have intensified.

Consider a migrant male adivasi worker from any of the States of Central India. He may leave for part of the year to work as an urban construction worker, where he will be deeply enmeshed in urban accumulation processes involving both the land of the urban slum he stays in, and the land that is being used for the construction projects he is involved in. In his home area, women are likely to be left in charge of the fields over which they may have insecure title and which they use for subsistence, while purchasing some commodities and relying on forest lands for others - lands that are under the control and potential threat of the Forest Department. If the same area is then targeted for acquisition / takeover for a project, questions arise before the adivasis regarding how and whether they choose to struggle against this new attack. In this manner, land becomes a linking factor for a range of important and critical political struggles in India today.

Indeed, it has been pointed out that agrarian class relations are arguably now impossible to separate from participation in non-agrarian spheres of production such as industrial zones, real estate, migrant wage labour, and so on (Shah and Harriss-White 2011). Aside from the central principles of commodity exchange and wage labour in a capitalist economy, relations around land are obviously central to all of these spheres of production.

This essay is an attempt to present a birds-eye view of the land question in India at present. It is a synoptic sketch intended as the first stage in a larger research project, and hence is focused on identifying and outlining key areas of political economy and political struggle, with all conclusions necessarily being tentative in nature.²

Theoretical Background

The question of land and the relations of production around land have naturally been the subject of considerable debate in India. A review of some of the strands of this debate will be done in more depth in the subsequent work. For the purposes of this essay, we note that much of this debate - particularly among the Marxist left - has been restricted to one area of land use, albeit one critical to the country's political economy: the use of land in agricultural production.

Further, among Marxists, this debate focused on the question of the mode of production that is currently operational in Indian agriculture. In the 1970s, an extended and heated argument took place between those who held that Indian is "semi-feudal" in character (while the economy as a whole is also "semi-colonial"), and those that disagreed with this position.³ Despite the intensity of the debate, it did not affect the positions of India's Communist parties, practically all of whom continue to formally hold the position that India is a "semi-feudal semi-colonial society" or that India is ruled by a "bourgeois-landlord alliance."

² For these reasons this essay also makes extensive use of conceptual jargon and terminology, in order to ensure conciseness. The final study will be more accessible to a wider range of readers.

³ Some of the key articles in this debate are reproduced in Patnaik (1991).
In this view, the question of control over land effectively was equivalent to the question of the agrarian transition - in what manner could Indian agriculture shake off a parasitic class of landlords and develop a full-blown "capitalist" agriculture? As the CPI(ML) Liberation puts it in its party programme, "agriculture... is weighed down by the preponderance of a semi-feudal small peasant economy." Moreover, these "feudal remnants... retard and distort the development of productive forces and act as the biggest stumbling block to any real democratic awakening of the Indian people." In this view, control over land by landlords is central to the political economy of India as a whole. To quote the CPI(M)'s party programme, "The big bourgeoisie which acquired the leadership of the State [after independence] ... compromised with imperialism and maintained its alliance with landlordism... The agrarian question continues to be the foremost national question before the people of India." Similar propositions can be found in the party programmes of all streams of the Communist movement that have their ultimate origins in the undivided CPI.4

However, as a framework for analysing the land question as such, this approach suffers from a number of weaknesses. Firstly, it does not touch on a number of significant forms of land struggle, including some that have increased in importance in recent years. For instance, it does not cover the question of common lands and collective production, which continues to remain critical for almost all classes of rural producers and which constitute an estimated 34% of the country's land area (see discussion in section on common lands below for the source of this figure). It also does not offer a useful framework for examining questions of urban and peri-urban lands, which have never been insignificant in the country's overall economy, and have been rapidly growing in importance.

It may be objected that the focus of any analysis, particularly that by organisations engaged in revolutionary struggle, has to be on the principal contradictions; and, in India, the agrarian question is central. However, even if one were to grant this claim for the sake of the argument, the semi-feudal thesis still appears internally incomplete at a number of levels.

First, it is analytically inconsistent. As Rudra (1990) has argued, the term "semi-feudal" appears to refer to a mode of production; but a mode of production, insofar as the concept has any meaning, is an analytical abstraction that applies to a society as a whole. There cannot be a mode of production that applies to only one sector of an economy, and hence, he states, it is absurd to argue for a "capitalist or semi-feudal or colonial mode of production in agriculture, irrespective of the mode that might be prevailing in Indian industries." In this sense it is not at all clear what precisely is being argued when a particular sector is described as semi-feudal. To choose just one example of the inconsistencies that result: the CPI(ML) Liberation's party programme states that increasing penetration of capital "takes place not so much by eradicating as by utilising the stubborn remnants of feudalism in production relations and value systems, thereby reproducing them." But if it is capital that is "utilising" these "stubborn remnants", how then can the mode of production be "semi-feudal"? Is this not just a description of a variety of capitalism?

4 For the purposes of this essay, reference has been made to the party programmes of the CPI, the CPI(Marxist), the CPI(Marxist-Leninist) Liberation, the CPI(Maoist), the CPI(Marxist-Leninist) New Democracy, and the CPI(Marxist-Leninist) Kanu Sanyal faction.

5 Rudra also criticises the concept of mode of production in general, though that need not detain us here.
The second point flows from the analytical difficulties: as a result of the confusion regarding whether semi-feudalism is a mode of production or not, the boundaries of "semi-feudalism" are impossible to precisely define. Certain characteristics that are often cited include the use of "extra-economic" coercion to extract surplus, the continued presence of so-called "pre-capitalist" relations such as caste and patriarchy, and the absence of a formal legal process by which contracts are enforced. A typical example of such a definition is the following: "Capitalist societies ensure secured ownership of means of production as well as secured contract between capital owners and labourers. Ownership and contracts are enforced through state apparatus. In contrast semi-feudal societies are more likely to have fuzzy ownerships based on informal agreements dictated by social hierarchies and norms which have precapitalist origin. In Indian context, caste is likely to be an important determinant... In capitalist mode of exploitation ... dependence of labourers on capital owners is exclusively economic in nature" (Kar 2011).

However, by this definition, there is no society in the world that is fully capitalist. For within every society there are "extra-economic" relations such as racism, patriarchy and other forms of discrimination operating; industrial capitalist countries all have sectors of their economy that utilise violence, compulsion and threats (usually characterised as 'sweatshops', and often involving illegal immigrants) to extract labour; and all these societies also have organised crime, protection rackets, slavery and human trafficking. Moreover, considering that a large proportion of the production consumed in these countries takes place in ostensibly 'semi-feudal' nations such as India and Bangladesh, there is no meaningful way in which their mode of production can be separated from that operating here. In sum, if "semi-feudalism" is defined by such features, the concept is so broad as to have little analytical value. Certainly in societies such as India, such relations are far more widespread, but if one is to argue that this is a separate mode of production entirely, one needs to establish a difference of kind and not merely one of degree.

At a broader analytical level, the mode of production debate also typifies a certain analytical method that is relatively common in left analyses. This is the postulation of an "ideal type" of a social phenomenon and a subsequent analysis of particular social relations on the basis of comparison against this ideal type. One might call this a taxonomic approach, since it is essentially concerned with the identification of which label to apply to a phenomenon. This is a highly valuable methodological approach which helps to identify key features of a particular social formation. However, it must be kept in mind that this is a method of analysis, and the postulated "ideal type" is an analytical fiction, not an extant social reality. A taxonomic analysis is merely a means to understanding existing social relations by the method of comparing them to this ideal type. It is not an end in itself and is inherently incomplete. The limitations of the semi-feudal hypothesis arise primarily from the failure to recognise this; the classification of the 'mode of production' is treated as a goal in itself, with ostensibly automatic consequences for revolutionary strategy.

The Conceptual Approach of This Study

In light of these points, this essay and the subsequent work will attempt to examine the land question through a different approach. This approach has two primary foundations.

The first foundational proposition is that land does not enter into the production process only in the form of providing the basis for agricultural production. Rather, as noted by the classical economists, land, in the form of space, is a fundamental factor of production that enters into every production process. No production can take place without the space to conduct the productive activity in question. However, the manner in which land enters the process, and its relationship with other aspects of
production, will naturally vary.

This fact has two consequences for any analysis. First, struggles over control over land will hence run throughout the political economy of a society. The form and nature of those struggles will be shaped by the specific function of land in the production process. Second, this implies that there can and will be a range of differing relations of production that involve land, and these relations will in turn shape the conflicts that develop around questions of land. Thus, in order to understand these conflicts and to develop a political analysis in relation to them, these differing relations have to first be identified. Finally, the land question in India is hence not only a struggle between rigidly defined classes locked into particular social relations; rather, since there are a variety of production relations around land, there must necessarily also be struggles over redefining the production relations in a particular area. Such struggles are reflected in a complex of shifting legal, political and social relations.

The second founding proposition is in regard to the nature of the state. Within left circles, and to a much greater extent in the non-left policy discourse, certain implicit assumptions are often made regarding the nature of state action. Just as we often assume an "ideal type" of capitalism, an "ideal type" of the state is also often assumed. In this "ideal type", the state is assumed to be "rational", in the following three specific ways:

- the stated purposes of laws and other policy actions are generally achieved, barring aberrations;
- the intentions of these policy actions are the same as their stated purposes;
- the state's overall approach is coherent and internally consistent.

To choose one example of such assumptions, in the semi-feudal hypothesis, as noted above, there is an assumption that a "truly capitalist" state functions as a rational and consistent guarantor of contract. Since this and similar assumptions are held to be the basis of any modern state, any deviation from the hypothesized rationality of the system is assumed to be an aberration, with the prescribed correction ranging from revolution against "semi-feudalism", in the case of left forces, to various policy fixes and 'reforms' in the view of neoliberals and the right wing.

However, the problem with these assumptions is that they are not only "deviated" from - they are clearly and fundamentally untrue of every contemporary state, and certainly of the Indian one. Contradiction, conflict, 'perverse' regulation (to use the neoclassical term), "vested interests" and apparently irrational actions are not 'aberrations' but inherent and continuous parts of every modern state's behaviour. Indeed, if the state were indeed a rational monolith pursuing a singular agenda, much of modern politics would cease to exist.

Yet, despite this, most analyses continue to treat the state as if it is a monolith, and in particular as if it is an instrument of various actors. This amounts to accepting the self-description of the modern state as a rational actor, rather than noting that it is precisely in its failure to achieve these 'rational' ideals that the terrain of political action is constituted. As Karl Marx (1975) noted, "As far as real life is concerned, it is precisely the political state in all its modern forms which, even where it is not yet consciously imbued with socialist demands, contains the demands of reason. And the political state does not stop there. Everywhere it assumes that reason has been realised. But precisely because of that it everywhere becomes involved in the contradiction between its ideal function and its real prerequisites....Thus, the political state expresses, within the limits of its form sub specie rei publicae, [as a particular kind of state] all social struggles, needs and truths." Nicos Poulantzas (2000) provides a pithy statement of the cause of this phenomenon when he states that the state is "a relationship of forces, or more precisely the material condensation of such a relationship among classes and class
fractions, such as this is expressed within the State in a necessarily specific form."

A full theory of the state in capitalism is clearly out of our scope here, and it is not attempted. However, the state here is understood as a skewed, unequal terrain of conflict, both with respect to intra-class conflict between different fractions of the ruling class as well as inter-class conflict between classes. Hence the second section of this essay attempts to outline the manner in which various arms of the formal state are the site of conflicts around the land question, while the third section uses this as a backdrop when exploring political struggles around the land question.

Production Relations

As noted above, the first section of this essay attempts a classification of production relations that involve land in the country. In particular, we cover the following broad forms of production relations:

- Private property / quasi property used mainly for petty commodity production
- Private property / quasi property used mainly for reproduction
- Common property used for productive and reproductive purposes
- Private property used mainly for surplus accumulation
- Private property for rentierism and speculation
- State property

It should be noted that these are not mutually exclusive categories, and, further, the same area of land is often involved in multiple production relations simultaneously. In fact, the tensions and contradictions between different relations of production are a key constitutive point for conflicts around land.

Private Property / Quasi Property for Petty Commodity Production

"Petty commodity production" is here taken to mean production of commodities "where households control their means of production for exchange as well as exploit their own labour" (Shah and Harriss-White 2011). Harriss-White (as quoted in Shah and Harriss-White (2011)) describes this as the "most common form of production in India"; it clearly encompasses the majority of agricultural activity and a large part of non-agricultural activities, both in urban and in rural areas. Examples of include hawkers, tea sellers, roadside food stalls, small shops and businesses, and small and medium cultivators.

Agrarian Petty Commodity Production

Considering the size of the agrarian sector - which is the primary occupation of 52% of the adult population of the country (NSSO 2011) - we consider it first. The majority of agriculturists are petty commodity producers. A rough indicator of this can be seen in the fact that, in 2003, only those cultivators with more than 10 acres of land were able to recoup their costs (NSSO 2006). Since, by definition, a cultivator who consistently fails to earn a surplus cannot be considered a capitalist commodity producer, this indicates that at least 66% of cultivators (those with less than 10 acres of land in that year) were petty commodity producers. In reality the figure is likely to be larger.

Agrarian petty commodity production is embedded in an extremely complex set of relations of production, which also vary widely in different parts of India. Such relations have also been extensively studied and debated since independence, as discussed above in the section on theoretical
conceptions. This synopsis paper can only touch on some of the key aspects of these relations.

Firstly, underlying many of these relations is a fundamental reality that is often ignored: pervasive and widespread insecurity of land tenure. In varying ways, forest dwellers cultivating forest land, "encroachers" cultivating government land, tenants at the mercy of landowners, adivasis facing the threat of land grabbing by non-tribals, and other sections of the peasantry all face the constant threat of losing their land. Since the lack of recorded title is fundamental to this insecurity, it is no surprise that it is not recorded in most official data. However, some indicators exist. For instance, as of September 30, 2013, the Ministry of Tribal Affairs indicated that over 3.5 million households had filed claims for recognition of their forest rights (with the vast majority of these claims being for title to individual land, and hence for either reproductive purposes or for petty commodity production). Similarly, all major States have passed either orders or laws at various points to "regularise encroachments", and in any rural area a large number of people hold the certificates granted under these orders (referred to in Tamil Nadu as "B-memos", in Maharashtra as "1(e) certificates" and so on). Holders of such certificates remain under the threat of the government "resuming" their land at any time; the certificates only protect them against arbitrary summary eviction, and offer no shield at all against takeover for projects, sudden "encroachment removal" drives and so on. Finally, even those who hold full titles to their land are often at risk as a result of land grab attempts by more powerful landowners, who can use various provisions of the law to their advantage. Such pervasive insecurity is then compounded by state attempts to seize land for corporate and 'development' projects.

With the insecurity of land tenure in mind, the direct relations of production around agrarian petty commodity production can be classified into two broad categories. The first consists of relations internal to agricultural production itself. These include rent, agricultural labour, and production relations linked to non-class relations such as caste and patriarchy. Each of these, in turn, has implications for our understanding of the land question.

In earlier theories of the land question, and in particular in the semi-feudal hypothesis, rent in its various forms has been taken to be one of the primary means of extracting surplus from producers in agriculture. The extent to which this is still the case is somewhat unclear. Land concentration has declined in most areas. In Haryana, for instance, the proportion of households holding more than 5 acres of land has continuously declined since the 1960s (though households with more than 10 acres continue to hold 46% of land); while in UP the trend is even more evident, with households with more than 10 acres of land holding only 16% of total lands (Basole 2010). According to NSSO (2006) data, between 1960 - 61 and 2003 - 2004, the area cultivated by tenants fell from 34% of operational holdings to 10%. The figures in question are certainly an underestimate (Kar 2011), and legal restrictions and provisions for tenant rights have led to many forms of concealed tenancy (Mearns and Sinha 1998). Meanwhile, recent data indicates that there has been a rise in "non-cultivating peasant households" (i.e. households with no cultivators, but who own land in rural areas) in some areas, with a village level survey in Andhra Pradesh indicating that these form the majority of households that lease out land (Vijay and Sreenivasulu 2013). However, despite all these facts, the evidence does indicate that tenancy overall has declined. Even in the case of the "non-cultivating peasant households", these are not 'traditional' landlords; many of these households are engaged in non-agricultural activities in these areas and are retaining their land as an additional source of income (Vijay 2012). These issues will be discussed further below in the section on trends of change in production relations.


7 See Mearns and Sinha (1998) and Yanagisawa (2008) for a discussion of legal provisions on this issue in Orissa and Tamil Nadu respectively.
Closely linked to the question of tenancy are, of course, the twin phenomena of landlessness and exploitation of wage labour. Landlessness is both widespread and increasing in India; in 2003 an estimated 31.9% of households in rural India had no cultivated land (NSSO 2006). Moreover, such physical landlessness has to be coupled with the equally widespread phenomenon of "effective landlessness", where the cultivator has access to so little land that they are completely unable to survive by using this land. Together, actual and effective landlessness today account for the majority of the peasantry. In 2003, 45% of rural Indians belonged to social classes who earned an average of 50% of their income from wages; if one includes those who earned an average of 25% of their income from wages, the number jumps to 83% (NSSO 2006). This labour also takes many forms, ranging from completely unpaid bonded labour - which appears to have significantly declined - to "free" labour based purely on wages, including various forms of 'unfreedom' and attachment based on debt and other forms of coercion along the way (Brass 1999). The employers of these workers range from other petty commodity producers - small and middle peasants - to those engaged in a variety of non-agricultural activities; in 2010, 33% of Indians in rural areas earned their livelihoods from non-agricultural work (NSSO 2011). Migration forms a major part of the search for such wage labour, particularly seasonal migration. Till date there is no official data regarding the prevalence of seasonal migration, though estimates indicate that it is increasing, and currently may be the main source of livelihood for 100 million people (Sood 2010). As noted in the Introduction, such migration offers the most visible link between the different facets of the land question in India.

Further, as in all forms of production, non-class relations - caste and patriarchy in particular - are also closely integrated with petty commodity production. They manifest themselves both in terms of denial of access to land and in the imposition of particular forms of labour. For instance, links between caste and access to land are now well established; in 2006, 89.3% of Scheduled Castes owned either no land or less than one hectare, as compared to the an overall average of 77% (Rao 2012). As a result, Dalits are generally said to form the majority of agricultural workers. Patriarchy, similarly, denies women access to land; as per the Agricultural Census of 2005 - 2006, women owned only 9.3% of total landholdings in the country. Indeed, until the 2005 amendment to the Hindu Succession Act, the majority were even denied the right to inheritance. Joint titles are provided for in various laws, but continue to be implemented largely in the breach (Mearns and Sinha 1998). These restrictions on access to land are, in turn, enforced through social restrictions and open violence. To choose one particularly glaring example of the intersection between gender, caste and land control, the infamous caste-based khap panchayats of Haryana use brutal violence to ensure that marriages do not create situations where women and other castes can access land (Mahapatra 2012). Numerous other examples have been well documented. A further example of such oppressive landlessness is the continued alienation of land from adivasis (Scheduled Tribes) to non-tribals, despite such transfers being illegal in all major States except Tamil Nadu.

Patriarchal relations in petty commodity production have other consequences as well. Given the patriarchal imposition of domestic reproductive tasks on women, and the simultaneously greater ease with which men are able to access both other work opportunities and higher wages, increasing migration and wage labour dependence has also resulted in 'feminisation' of agriculture (see Binswanger-Mkhize (2013) for some examples). In turn, while sometimes increasing the autonomy of women, this also results in intensifying workloads and increased destitution.\(^8\) Such patriarchal relations also intensify the involvement of women in other relations of production around agrarian land.

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8 These points are discussed further in Gopalakrishnan and Sreenivasa (2009); regional examples can be found in Deshingkar and Start (2003) and Rogaly and Coppard (2003).
including for both reproductive purposes and on common lands. This is discussed below.\(^9\)

The oppression produced by such "intra-agrarian" relations is compounded by the complex of *external* relations in which agricultural production is today embedded; indeed, neither can now be understood without the other. The first and most obvious of such external relations is debt. According to the All India Debt and Investment Survey (AIDIS) (NSSO 2005), in 2003 48.6% of all cultivators in India were in debt; using village level data, Chavan (2012) finds that the true figure is probably 35% higher. Even this underestimate, however, shows severe indebtedness in some States - in Andhra Pradesh 82% of farmers were indebted; in Tamil Nadu, 74.5%; in Punjab, 65.4%; and so on (NSSO 2005). The AIDIS also showed that, between 1991 and 2003, institutional credit fell from 66% to 61% of all loans, while 'informal' credit rose from 17% to 26% (in Andhra Pradesh, the figure reached 53%). Landless households received 77% of their credit from non-institutional sources. 38% of debt from non-institutional sources was taken at interest rates higher than 30%. Such debt is clearly a major means of extracting surplus from petty commodity producers, and is the primary means by which those working for wages (whether landless or not) are locked into unfavourable employment.

In turn, the reality of widespread and intensifying indebtedness cannot be understood without noting the other primary form of exploitation of petty commodity production (whether agrarian or otherwise) - unequal exchange. Such exchange affects agrarian petty commodity producers at three levels - as purchasers of inputs required for agriculture; as sellers of their produce; and as purchasers of basic commodities (particularly food) that they require for their survival. The importance of the first two forms has increased over time, as producers are increasingly integrated into the market (see Basole (2010) for examples from Haryana and Uttar Pradesh; he also quotes NSSO data as finding that even marginal peasants sell an average of 44% of their output).

With the post 1991 "reforms" - particularly the liberalisation of trade restrictions on agricultural products - exchange of most forms of produce has become intimately tied to the activities of international finance capital. In addition, after years of pressure from neoliberal forces, the fertiliser subsidy is now being both reduced and "reformed", resulting in increasing volatility in the prices of chemical fertilisers. The spread of corporate-controlled hybrid and GM crops presents another example of such exploitation, with cultivators increasingly dependent on arbitrary monopoly pricing and subject to price gouging; indeed, one set of commentators has correctly described Bt cotton as a method of surplus extraction (A Suresh and Chand 2011). Some aspects of these changes predate the 1991 reforms as well, and reflect the fact that the Green Revolution process itself intensified dependence on input markets and on commodity production (Alvares 1986). Similarly, produce markets are also tightly controlled, with a handful of global companies controlling trade in coffee, grain, tea, cotton, and similar products. This naturally results in price volatility, increasing both risks and indebtedness for Indian producers (as most glaringly illustrated by the suicides among cotton farmers). As the Eleventh Five

\(^9\) More generally, the role played by such non-class relations of oppression and their integration with production processes has been theorised in the "social structures of accumulation" approach. In this approach, capital accumulation cannot be understood, or even imagined, without the institutional element - in a more dynamic sense, one might call it the *organising* element - provided by these other relations of oppression. Lippit (2006) provides a general theoretical discussion of this approach. Examples of its application in the Indian context - primarily relating to non-agrarian production, but covering petty commodity production - can be found in Harriss-White (2004) and in Basile and Harriss-White (1999). This point will be further discussed in the final paper.
Year Plan noted:

An important reason for recent farm distress was that after improving steadily from 1980 to 1997, terms of trade turned against agriculture from 1999 and, almost for the first time in post-independent India, farm prices actually fell at the same time that farm production decelerated. This not only depressed incomes, but also increased farm debt considerably. More generally, farmers are now subject to greater risk because variability of world prices is much higher than what Indian farmers have been used to in the past.

Volatility in output markets is both most visible and has had its most severe impact on food crops, since this is a means of surplus extraction not only from food producers (the majority of whom are net food purchasers) but also from all sections of society. That such unequal exchange in food exists and is worsening is hardly in doubt. For instance, the sharp rise in wheat prices in 2007 was clearly not due to any significant shortfall in production, but to market manipulation by Reliance and Cargill (Chand 2007). Similarly, in his supplementary note to the report of the Expert Committee to Study the Impact of Futures Trading on Agricultural Commodity Prices, Chairperson Dr. Abhijit Sen (2008) noted that wheat prices in India showed very sharp rises that were far out of proportion to changes in supply, but that such fluctuations dropped greatly after futures trading in wheat was suspended in February 2007. When looking at food prices in general, Ghosh and Chandrasekhar (2012) demonstrate that global prices showed markedly different behaviour before and after 2005 - prior to that year, fluctuations notwithstanding, prices showed no overall upward trend, while after that year they have begun to rise steeply. They state that:

[There are] newer forces that have affected price formation in global food markets, in particular the involvement of financial players in commodity futures markets, such that food markets became more and more like other financial asset markets, plagued with the same problems of asymmetric information, herd behaviour and extreme volatility. [This] was shown to have affected the rapid rise and then fall of commodity prices in the period 2007-09, as financial agents first moved to and then away from commodity derivatives during the run up to and eruption of the global financial crisis.

These dynamics of external expropriation reach their apotheosis in the form of contract farming, where the cultivator is transformed into a disguised wage labourer, producing with the inputs, finance and supplies provided by the recipient, often following extremely exact cultivating instructions, and selling their product back to the same recipient - all while bearing the full risk of crop failure and contractual default.

Non-Agrarian Petty Commodity Production

Land is of course also involved in petty commodity production of non-agrarian commodities. Such activities have been far less studied than agrarian production. They will be discussed in further detail in the final work, but certain broad trends can be identified.

First, as in agricultural production, many forms of non-agrarian petty commodity production are characterised by insecurity of land tenure. In cities, hawkers, household factory and shop owners, tea sellers, food outlets, and other such enterprises have no security for the space they require for functioning. In 2000, a study in Mumbai found that the hawkers in the city paid an estimated Rs. 324 crore every year as bribes to the authorities in order to continue selling (Cunha 2000); setting up a stall in the city at the time required a bribe of Rs. 1 lakh or more (Sharma 2000). Master plans do not
allocate space for such forms of commercial activity, resulting in all of them existing in a kind of legal twilight zone. Similar constraints also apply outside of large cities, where the situation of small producers is even less formal (though arguably less precarious as well, since the pressure for land takeover is less). This in itself acts as a mechanism for expropriation of surplus, by enabling extortion both by agents of the state and by informal mafias and land sharks. The constant creation and recreation of vulnerability also makes it possible for other forces (for instance, in cities, corporate retailers and real estate companies) to eliminate these producers when necessary for their accumulation processes.

Second, also as with agriculture, debt and market relations act as key instruments for exploiting such petty commodity producers. There appears to be little official data available on these factors (unlike in the case of agriculture), and hence their scale cannot be estimated; this is an area that requires further investigation in the full report. Available evidence indicates that they are very widespread. For instance, the reliance of most small retailers on non-institutional sources of credit is well known. Control over input and output markets operates much as it does for small cultivators. Small producers have no ability to "make prices" and are subject to the more powerful forces operating at on both the input and output chains, including the same traders, corporates and other actors who operate on the agricultural supply chain.

Some Trends of Change in Petty Commodity Production Relations

As a general observation, one should note that it is often assumed both in left and in other analyses that over time larger capitals will tend to absorb or expropriate smaller producers, leading to proletarianisation (in the left view) or to "efficiency" (in the opposite view). No such trend is evident in India at present. Rather, developments have been considerably more nuanced and complex. Thus, while railing at state restrictions (such as numerical limits in labour laws, reservations for small and medium enterprises, land ceilings, urban land ceilings, and so on) that effectively serve as a partial shield for petty commodity producers, big capitalits have also repeatedly tried to use petty commodity producers as a way to offload risk, diffuse class struggle, and, indeed, increase their profits.

Some particularly clear recent examples of this process include contract farming; outsourcing of textile and other production to "home-based" producers; unorganised sector food processing; and so on. These examples are indicative of the much larger trend of exploitation through debt, markets and unequal exchange. Overlaid on these widespread forms of accumulation is another rising one that operates in specific areas: the direct attack on lands being used for petty production, through state actions such as land acquisition and diversion of forest land, or through large-scale and/or illegal private purchase. The dynamics behind such attacks are discussed below.

Private Property / Quasi Property for Reproductive Purposes

Closely linked to relations of petty commodity production is the use of land for reproductive purposes (rather than commodity production) by individual families. Such uses include:

- Cultivation of crops by marginal and small peasantry for self-consumption
- Land serving as a support to wage labourers / a security for themselves and their households
- Slum dwellings in cities and "abadi" lands in rural areas
- Housing in general

The relationship of petty commodity production to Indian politics and larger capitals is discussed in more detail in Gopalakrishnan (2008).
Further study will be done on these questions in the final report; only a sketch is provided here.

The use of land in this manner often overlaps with petty commodity production. The first category of such relations above is a major example of such overlap. While it is ignored in many debates on the land question as well as in discussions on food security, such use is much larger than is often assumed. For instance, in what appears to be the only study of its kind, from 1996 - 1999 the Directorate of Marketing and Inspection of the Ministry of Agriculture undertook a 100 district survey regarding self-consumption of major crops (DMI 2005). The Directorate found that the following proportion of these major crops was self-consumed (not all of the remainder was sold, however):

<table>
<thead>
<tr>
<th>Crop</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paddy</td>
<td>28.3%</td>
</tr>
<tr>
<td>Wheat</td>
<td>29.6%</td>
</tr>
<tr>
<td>Bajra</td>
<td>35.91%</td>
</tr>
<tr>
<td>Maize</td>
<td>34.86%</td>
</tr>
<tr>
<td>Barley</td>
<td>10.36%</td>
</tr>
<tr>
<td>Ragi</td>
<td>60.65%</td>
</tr>
<tr>
<td>Red Gram</td>
<td>32.25%</td>
</tr>
<tr>
<td>Green Gram</td>
<td>26.35%</td>
</tr>
<tr>
<td>Lentil</td>
<td>32.15%</td>
</tr>
<tr>
<td>Bengal Gram</td>
<td>24.18%</td>
</tr>
<tr>
<td>Jowar</td>
<td>37.46%</td>
</tr>
</tbody>
</table>

As noted above, Basole (2010) quotes NSSO data as stating that 56% of production by marginal cultivators is for self-consumption.

Given the high proportion of dependence on wage labour among small and marginal peasants for survival, such use of land for production of self-consumed food is also the most widespread form of the second relation - where land becomes a source of security for those who are otherwise engaged in wage labour. Indeed, Basole (2010) notes that, in Haryana, the proportion of agricultural labour households that also owned land increased from 7 - 8% in the late 1970s to 67% in the late 1980s. The majority of migrant labour households also own land, which they use to support their families and supplement their wage labour income.11.

A different form of reproductive use on private / quasi private property occurs in the form of housing. The nature of such housing varies very widely. At the one extreme are independent houses and apartment blocks with secure property title, occupied typically by capitalist, professional and small capitalist classes. Land use for this form of reproductive activity is also closely linked to rentierist production relations, as discussed in the section on such relations below.

At the other extreme, the majority of the urban population lives in either semi-illegality or complete

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11 Further discussions on several of these points can be found in Gopalakrishnan and Sreenivasa (2009) and Chandra (2010).
illegality. As in the case of agricultural production, here too petty commodity production (such as small trades, household industry, small shops, etc.) overlaps with the use of land for reproductive purposes, such as for housing and schooling. As in the case of agricultural lands for petty commodity production and reproductive use, pervasive insecurity characterises land control in these areas too. A particularly detailed exploration of the various forms of land tenure - and, hence, relations of production and exploitation - around urban land is provided in Gautam Bhan's analysis (2013) of the city of Delhi. He notes that the forms of land tenure in the city range from "legal, formal, planned and legitimate" to "illegal, informal, unplanned and illegitimate", with all combinations in between.

Further, in the case of both agricultural lands and urban lands characterised by such tenurial insecurity, this very fact becomes the basis for a range of other forms of accumulation and relations of production / exploitation. These include extortion and harassment by state officials; price gouging by traders, who deliberately hike prices in these areas; and extraction of additional fees and bribes for provision of basic services. The ramifications of this kind of vulnerability extend up to the exploitation of wage labour itself. The lack of facilities, the constant threat of attack and the lack of security are all key factors in ensuring that the working class (the vast majority of whom live in such environments in both rural and urban areas) remains weak, desperate and unable to organise.

Recent Trends of Change

As in the case of petty commodity production, the use of private lands for reproductive purposes has also increasingly come under attack through state action. This is particularly the case for lands used for such purposes by the working and producing classes, for whom such land uses are, as noted above, characterised by tenurial insecurity. The most visible manifestation of this attack has been the slum clearance drives that have taken place in most major Indian cities since the turn of the century.

Common Property for Productive and Reproductive Purposes

Closely linked to the above form of production relations is another type of land use that is also often ignored - the use of common property. Since it is difficult to disentangle productive and reproductive uses on such lands we have combined them in this discussion.

Such land use is, again, much larger than is commonly recognised. In what appears to be the only quantitative study of its kind, in 1999 the NSSO estimated that 15% of the country's land area consists of common lands other than government forests (NSSO 1999). Given that approximately 19% of India's land area consists of government forests (FSI 2012), and most of these forests are also used as common lands, one can roughly estimate that 34% the country's land is under some form of common use. Certain other findings in the NSSO (1999) report are notable:

- Common lands provide up to 58% of fuelwood requirements and 25% of fodder requirements.
- 62% of rural households use common lands for their energy needs.
- Dependence on common lands is highest among rural labour categories of households.

As per another study into the use of such lands for food purposes, food that grows naturally (i.e. mostly on common lands) provides around 65% of the intake of landless poor households (as well as their fodder and fuel requirements) (Farhad Mazhar and Akhter 2007).

Forms of control over such land range from so-called "open access usage" (which, however, is less common than is usually assumed) to very strong collective regulation, as in the Northeast. Most of
these forms can be broadly classified into three categories: forests and forest lands; tribal and hill area lands in the Northeast; and revenue common lands.

**Forest Lands**

India's forest lands - which comprise approximately 23% of the country's land area, of which 19% consists of government forests and the remainder of various types of other forest lands (FSI 2012) - are the subject of a complex set of legal regimes and production relations. A full discussion of these areas is well outside the scope of this synopsis paper, and only certain key features will be highlighted here.\(^{12}\)

In legal terms, the defining feature of these lands is a state regulatory regime that revolves around the Indian Forest Act (of 1927, in its present - third - incarnation). Prior to British rule in India, forests in the country were controlled by a variety of local management systems, ranging from religious to village control to chieftain/royal ownership. With the onset of colonial rule, the production relations around these areas changed; unlike previous systems of control, the British were primarily interested in timber, which had become a valuable commodity for railway and ship building. The purpose of the Forest Acts hence was to replace existing systems with extractive, centralised regimes built around “scientific forestry” (i.e. forestry focused on maximising timber yields).\(^{13}\) In order to achieve this purpose, the Forest Acts provided for declaring any area as a fully or partially closed government forest ("reserved" and "protected" forests respectively), while "settling" the rights of the "natives" in order to deflect resistance. This was, in effect, a gigantic enclosure process, aimed at commodifying vast territories and the homelands of most of India's tribal / adivasi communities.

But this process effectively failed, and has remained incomplete to this day. Both the British empire and the postcolonial state have faced intense resistance to these efforts to expropriate forests, and their attempt to impose a "settlement" process that only protects documented private property rights - and not even these in most areas - has resulted in a situation of legal 'fantasy' where records of rights bear no relationship to what these lands are actually used for. Thus, as of 2005, 82% of Madhya Pradesh's forest blocks, 60% of national parks and 62% of sanctuaries had not completed the process of settlement of rights; 40% of Orissa's forests are 'deemed reserved forests' where no process of settlement of rights had taken place; and large parts of Uttarakhand and Himachal Pradesh were declared "protected forest" through colonial notifications without even being surveyed.\(^{14}\)

This has created a complex and contested situation on the ground. The total lack of resemblance between recorded rights and reality makes the forest areas a particularly extreme example of the kind of confusion that exists over land rights in India; it also makes for far less security of tenure over private

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12 This argument is discussed in more detail in Gopalakrishnan (2010) and Gopalakrishnan (2012).

13 The process by which these laws were formulated, and the internal debates within the colonial authorities around them, are discussed in detail in Pathak (2002) and Guha (1996).

property. The result is that accumulation has to occur along with and through the exercise of state force. Concomitantly, however, this particular form of property regime both provides the space for the reproduction of common/collective land uses (which are otherwise undermined by enclosure and private property in other areas) and simultaneously often makes such land use a central part of resistance (since it is usually the first target of state repression).

Over the decades since 1865, the situation in forest areas has had a cyclical quality, whereby the state machinery repeatedly attempts to complete the expropriation process, only to be stymied by resistance and forced to retreat. The British forest laws were met with such intense resistance that they formally 'excluded' some areas from the forest laws (as well as other laws, such as land and criminal laws), first through the Scheduled Districts Act of 1875 and subsequently through the declaration of 'partially excluded' and 'fully excluded' areas in the Government of India Act of 1935. The latter were incorporated into the Indian Constitution in the form of the Fifth and Sixth Schedules, with the significant difference that, whereas the 1935 Act stated that no 'normal' law would apply to these areas unless extended to them, the Constitutional provisions stated that all laws would apply except where modified or withdrawn by the Governor or the Autonomous District Council (in the Fifth and Sixth Schedule areas respectively). Thus began another round of attempted expropriation after Independence, with the forest laws extended to these areas, and the repeated declaration of new government forests; thus, the area of land recorded as forest has increased from 41 million hectares at Independence to 76 million hectares at present - an increase of 63% (FSI 2012). Yet this again met with resistance and protests, and most State governments were compelled to pass government orders or executive instructions providing for "regularisation" of the land rights of forest dwellers and/or recognition of their rights over minor fores produce. With the passage of the Wild Life (Protection) Act in 1972 (which mirrored the Indian Forest Act in its provisions for expropriation) and the shift in forest management discourse towards "conservation" (and away from timber management), a third round of expropriation was set into motion, this time marked by the transfer of control from the State governments to the Central government. The Constitution was amended in 1976 to bring forests into the Concurrent List, thereby making it possible for the Centre to legislate on them, and subsequently in 1980 the Forest (Conservation) Act was passed in order to mandate that "diversion" of forests would require Central permission - thereby making both recognition of forest dwellers' rights and expropriation of forests by private capitalists into a Central issue. This round of expropriation too, however, failed, with increasing protests on the one hand and continuing corruption and chaos among state authorities and capitalist forces on the other. Finally, as a result of all of these processes, the fourth attempted round of expropriation began in 1996. In that year the Supreme Court passed orders that greatly expanded the scope of the Forest (Conservation) Act and the powers of the forest bureaucracy, while effectively bringing forest policy directly under the Court. These culminated in an en masse eviction drive of forest dwellers in 2002 and 2003 (see testimonies in CSD (2004)), which, in turn, led to nationwide protests for forest rights and the eventual passage of the Forest Rights Act in 2006. While this Act is more far reaching than any previous measure of its kind, it has also been subject to systematic and continuous sabotage, ranging from the mangling of clauses in the Act itself to widespread violations of the law on the ground.

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15 These orders were passed in the course of the ongoing case T.N. Godavarman Thirumalpad and Ors. vs. Union of India and Ors. (Writ Petition 202/95); in particular see the orders of December 12, 1996 and November 23, 2001. Also see the discussion in CSD (2004) and in Rosencranz and Lele (2008)

16 The full title of the law is the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.

17 For more details on these issues, see www.forestrightsact.com.
The repeated attempts at expropriation, followed by partial victories for resistance that in turn are undercut, has imparted a distinct dynamic to production relations around common land use in these areas. As noted above, common / collective land use, in the form of collection of non-timber forest produce, use of grazing lands and water bodies, shifting cultivation, and community forest management, has remained common in many forest areas of the country.\(^{18}\) In contrast to agrarian petty commodity production, there is again very little formal data on most of these forms of production; even the NSSO report discussed above does not separately discuss government forest lands, and excludes them from its area totals. The few sources that exist relate to field studies in some areas. For instance, Tejaswi (2008) finds that for forest dwellers in the Western Ghats region, 26% of employment was provided by NTFP collection, and such collection was also the second largest source of cash income (the largest source being wage labour); NTFP collection was performed by all households. In an older report the FAO (1992) estimated that "The collection of tendu (Diospyros melanoxylon) leaves for bidi cigarettes in India employs an estimated 7.5 million people part-time in the off-peak agricultural season"; and further that "More than 30 million people in India are involved in gathering and trading non-timber forest products." Further sources will be discussed separately in the final report.

At the same time, many of these uses are deemed criminal by the state and the forest authorities, creating an environment of extortion and harassment that is similar - though much more intense - than that discussed above in the sections on petty commodity production and use of land for reproductive purposes. In forest areas an entire ecosystem of exploitation has developed, ranging from petty extraction of bribes by local officials, to harassment and violence by moneylenders, up to forced and illegal takeover of huge areas of forest land for corporate and state projects. The recognition of collective and community rights in the Forest Rights Act has yet to make a significant impact on any of this, with a few exceptions.\(^{19}\)

Thus, even as common and collective production continues to exist in forest areas, it operates in a highly subordinate and repressed position. This, as discussed below, is not unusual for collective production on land; but it is also a key axis of conflict.

**Hill and Tribal Areas of the Northeast**

The Northeast region has a social, political and economic history that is sharply distinct from the rest of India, particularly in the case of the tribal and hill areas. Most analyses of the political economy of land in India, or indeed of political economy in general, ignore this area entirely. This is particularly unfortunate as the land use regimes in this area are of interest both in their own right and as examples

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\(^{18}\) See Kumar and Kerr (2013) for some examples from Orissa.

\(^{19}\) The most famous of these exceptions being in the district of Gadchiroli of Maharashtra, where more than seventy villages have begun using their rights under the Forest Rights Act to harvest bamboo, earning, in the case of four villages organised by the Bharat Jan Andolan, almost 7 crores in revenue.
of a sharply different model of land control than what exists in most of the rest of India. As in the case of forest areas, the diversity and complexity of these regimes is immense, and this note will only briefly highlight some of the key features.

Most of the tribal areas of the Northeast came under the above-mentioned classification of "fully excluded areas" under the Government of India Act of 1935; this reflected the fact that the British never enjoyed more than nominal control of most of these regions, partly due to the lack of economic interest on the part of colonial authorities, but primarily due to the intense resistance put up by the indigenous communities. Neither the British nor their local Princely State allies (such as the states of Manipur and Tripura) were able to fully subjugate these communities, with whom they remained in a state of low intensity conflict throughout the colonial period. After the onset of Independence, most of these areas were incorporated into the Indian Union and brought under the Sixth Schedule to the Constitution - with the major exception of the Nagas, who declared independence on August 14, 1947 and against whom military operations began in the early 1950s (resulting in one of the world's longest running armed conflicts). Subsequent to this, armed organisations have arisen among several of the other tribal communities of the Northeast, including the Mizos, the Tripuris, the Zomi, the Kukis, the Bodos (who are not, however, a hill community), the Dimasa, and so on.

In many of these conflicts, though mostly implicitly, the issue of collective control over land has been central axis of struggle. The majority of the hill communities of the Northeast are traditional practitioners of jhum, or shifting cultivation, a rotational method of agriculture in which cultivators rotate over an area over a 20 or 30 year cycle. Each year, the previous year's cultivated area is left to regenerate, while the land in the next segment of the cycle - which has already been regenerating - is cleared and cultivated again. Contrary to colonial and Forest Service stereotypes about shifting cultivation being "destructive" and "wasteful", such cultivation actually is more friendly to biodiversity, more secure for cultivators, and less erosion prone than sedentary agriculture (Raman 2000; Ninan 1992). More importantly for our purposes, it does not involve any system of private property.

In contrast, allocation of jhum plots is done at the village level, on the basis of various systems of collective control. These vary from tribe to tribe, with some vesting ownership or power in the clan, some in the village (formalised through the creation of village councils in the Naga areas in 1954), and some in the chieftain or village head (though in practice the power of these individuals is never absolute). Plots are allocated on the basis of family requirements and other considerations annually, and then revised as the cycle shifts. In this sense, collective control over land in most of the hill areas of the Northeast is absolute - there is no recognised form of private property in land at all. Such collective control is not fully egalitarian (in particular, women are excluded from most decision making processes), but it is more so than the private property regimes of the rest of India. It also forms the centre of the social and cultural universe of these communities. As with most other forms of common land use, given the lack of records, there is essentially no formal statistical data on these land uses.

The legal structures governing land in these regions vary from area to area, but they share one feature in common - regulation over land is not done through codified statutes but through customary law. The formal legal environment hence is essentially concerned with "making space" for such customary regulation. In the Sixth Schedule areas, the Constitution provides that several subjects - including land - can be legislated upon by elected Autonomus District Councils (rather than by the concerned State governments); in turn, the regulations passed by ADCs in States such as Meghalaya and Assam generally recognise customary law. Similarly, there is a patchwork of Constitutional provisions that have arisen from various peace accords with armed struggles in this area, of which the most significant

20 See the discussion in Franke (2008) for a description of this process in the Naga Hill areas.
are Articles 371A and 371G for Nagaland and Mizoram respectively, which both state that no law concerning land (among other subjects) will extend to the States concerned except where explicitly extended by the State legislature. A third 'solution' can be seen in the case of Manipur, where there is simply a legal vacuum - the State revenue code does not apply to hill areas.

As in the case of forest areas, these collective regimes of land control have faced periodic attempts at repression, expropriation or subversion. Military operations in these areas typically result in the seizure of land, often with no legal due process at all. The forest laws are also used as a means of expropriation. For example, in 1891, under the Assam Forest Regulation, forest officials classified many of these areas as "unclassed state forests" without any due process of law. This designation was basically forgotten until the Supreme Court, in the 1996 order mentioned above, expanded the applicability of the Forest (Conservation) Act (FCA) to any land recorded as forest. Subsequently, the Central Ministry of Environment and Forests has repeatedly used the FCA to 'divert' these lands for various corporate and state projects (Sarin 2010). At the time of writing a struggle against one such diversion was ongoing in regard to the Mapithel dam in Manipur, where the State government has been arguing that it has no need to respect or recognise any customary rights and can simply submerge community lands upon the payment of a small amount of cash compensation (Shrivastava 2013).

Internally, as well, land relations in these areas are changing and may, perhaps, be shifting in the direction of petty commodity production. There is a reported rise in de facto private property in Naga areas, driven by cash crop cultivation and government schemes providing subsidies to plantations (Longkumer and Jamir 2012). No definite statement can be made on the extent of these changes at present.

**Common Lands in Revenue Land Areas**

The third major form of common land use and control occurs in 'ordinary' revenue lands, or lands that are under the control of the Revenue Department. The key forms of productive and reproductive activity that occur on these lands have already been discussed above. In this subsection we discuss the forms of regulation that exist on such land use.

There is a common notion that there is no legal recognition of common land rights, and that such lands are all "government lands", which in practice are either "encroached" upon for private plots or used as "open access" resources. This is not in fact the case. There are indeed both legal provisions recognising collective rights and functioning systems of collective regulation, to varying degrees, in many parts of the country. At the risk of belabouring the issue, one should note that these regimes, too, are very diverse in character, and here we merely address their common features.

An illustration of such regimes can be found in the Madhya Pradesh Land Revenue Code. While all land is declared the ultimate property of the state, the Code divides land into occupied lands and unoccupied lands; the latter are considered to be common lands (Ramanathan). Section 236 of the Code requires that the Collector should annually prepare a record of such unoccupied lands, ensuring land for various uses, including:

- timber or fuel reserve; pasture, grass, bir or fodder reserve; burial ground and cremation ground; gaodhan or village site; encamping ground; threshing floor; bazaar; skinning ground; manure pit; public purposes such as schools, playgrounds, parks, lanes, drains; and any other purposes that may be prescribed.(Section 237(1))

These rights are to be recorded for each village in the form of a nistar patrak, with an accompanying
document known as a wajib-ul-arz (a practice dating from the Mughal period) that records rights of easement and access (Ramanathan). Similar provisions exist in the Maharashtra Land Revenue Code. Meanwhile, several States have separate laws or subordinate legislations governing various forms of common land use, such as the Uttar Pradesh Zamindari Abolition and Land Reforms Act, the Punjab Village Common Lands Regulation Act, the Maharashtra Land Revenue (Disposal of Government Trees, Produce of Trees, Grazing and Other Natural Products) Rules, 1969, and so on. These laws generally share certain broad features - they usually vest ownership in either the village panchayat or the gram sabha (such as in the case of the Uttar Pradesh law), provide some means by which these land uses can be regulated either by the concerned local body or by means such as auction (in the case of grazing), and, almost uniformly, provide the District Collector or revenue authorities with the power to override local decisions "when required." A more extensive regime of legal control is provided for in Fifth Schedule areas (see discussion above on forest lands) through the Panchayat (Extension to Scheduled Areas) Act, 1996, which provides that the gram sabhas (village assemblies) in these areas will be "competent to safeguard community resources" and further are empowered to regulate alienation of land, to manage and own minor forest produce, and to be consulted during land acquisition. Certain tribal areas in the mainland enjoy even more extensive common land regimes, in particular in the case of Jharkhand, where the Chotanagpur and Santhal Parganas Tenancy Acts provide for community ownership over all common lands and grant extensive powers of regulation to local traditional institutions (see Upadhya (2005) for a discussion on these laws).

Concomitant with these legal provisions, various forms of common land regulation exist in large areas of the country. Generally without recourse to any explicit legal provision, local communities often regulate various collective activities such as grazing or collection of fuelwood. Such regulation is generally weaker than it is on forest lands (and certainly far weaker than the systems extant in the Northeast), but it continues to be practiced. The existence of these systems receives no state recognition and little legal protection, the above provisions notwithstanding. Rather, these provisions are mostly ignored (as in the case of the PESA Act or the nistar patrak clauses), violated, or at times, overruled by using other legal provisions (in particular the Collector's power to override local decisions). One key instrument for doing this is the repeated use of the term "wasteland" to justify takeover of common lands.21

Common Lands in Urban Areas

Urban areas naturally have far less in the way of common lands or common land use than rural areas do. This does not mean that such uses are, however, non-existent. Shared spaces range from formal parks to maidans, grounds, roadsides and river banks. Many of these spaces are shared between common use and use for petty commodity production or reproductive uses (such as hawking, housing, etc.). One such use that is very rarely noted, but which forms a land use that is both significant in terms of the numbers of people involved and in terms of its importance to the economy of the city, is the "labour chowk" concept - where hundreds or thousands of daily wage labourers stand in the morning in order to seek work. These exist in every major city but are completely ignored by the law.

21 This point is discussed further in Gopalakrishnan (2012).
Urban common lands require further study in the final report, but certain points can be noted. The first is that state power in these areas is often used in the name of common use - "cleanup" drives, "beautification", "removal of encroachments", "making roads safe for pedestrians", etc. - but in practice is usually intended to remove the livelihood activities of small producers and the housing of working classes while securing these spaces for the common activities of the wealthy (a point we return to below). In most cases, these "clearance" exercises 'succeed' for a short duration, followed by a renewed stalemate as the state retreats. In Delhi, for instance, repeated slum clearance drives have only achieved the result of repeatedly impoverishing lakhs of people while doing nothing to improve the housing situation in the city (Bhan 2013).

**Trends of Change in Relations of Production on Common Lands**

Readers will have noted the pattern in the discussions above - on all common lands, the pattern appears to be one of repeated attempts at state expropriation, which meets with intense resistance and retreats, eventually leading to a renewed impasse, characterised by a legal 'twilight zone' where formal records bear no resemblance to the concrete practices of the state and all other social actors. It is generally agreed that this has led to a gradual decline in common land uses in the country - for instance, the NSSO (1999) estimated that the area of rural common lands was declining at a rate of 2% per year. Notwithstanding such a high rate of decline, however, common land use remains a major component of relations of production on land and will continue to do so. Rather than being destroyed, it has been placed in a continuously subordinated and precarious position in the hierarchy of relations of production on land, even as these relations are reproduced.

This is not a new phenomenon. We have seen that the forest laws have formed part of such a process since the mid 19th century. Whitehead (2010) argues that the issue of common land control has been a central area of contestation from the onset of British rule in India; she notes that the colonial rulers constructed an entire ideological complex to justify the expropriation of common lands, claiming that collective land use is 'barbaric', 'inefficient' and 'primitive', and drawing on Lockean theories equating private property with "civilisation" (see discussion in Gopalakrishnan (2012)). It is from this concept that the term "wasteland" enters the Indian policy discourse; indeed, on this basis, Lord Cornwallis had in fact declared fully one third of the Bengal Presidency to be "wasteland" (Whitehead 2010).

Common land use should not, naturally, be taken to be some kind of egalitarian ideal. Rather, as in all forms of production and reproduction, these relations are entwined with other relations of oppression. First, it has been pointed out that, particularly in non-forest areas, common lands were earlier often controlled on caste terms - two examples being upper caste control over common lands in Tamil Nadu (Yanagisawa 2008) and the Brahminical control over the gaonkari (collectively owned village lands) of Goa (Borges, Pereira, and Stubbe 2000, 138 - 140). However, with the increased integration of all castes into capitalist commodity relations, the expansion of petty commodity production, and the growth of anti-caste movements, in most areas this arrangement has shifted (Yanagisawa 2008). At present, as noted above, one can postulate a near linear relationship between oppression on various axes of oppression and dependence on common lands. Thus, landless workers, women, adivasis, and Dalits are generally more dependent on common lands than capitalist farmers, men, non-adivasis, and high castes respectively. In this context, the subordination and repression of common land use has a disproportionate effect on these sections. A particularly grievous example of the consequences is the widespread starvation among the Sahariya community of south Rajasthan and western Madhya Pradesh, a tribal group that earlier practiced shifting cultivation and collected minor forest produce and

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22 See Bandyopadhyay (2009) for a detailed discussion of the experience of the "Hawkers' Movement" in Kolkata.
has now reached a stage where 90% of its households are unable to access enough food (Mishra ; Singh et al. 2013).

Private Property for Surplus Value Accumulation and/or Commercial and Trading Activity

The above relations of production are those engaged in by the broad "majority" - the working and producing classes of the country. We now turn to relations that involve capitalists and other powerful classes in a more direct manner.

The first of these is what one might call the "classic" use of land, in the sense that it is understood by orthodox economics and (by implication) also by many left analyses. This is the use of land for purposes of production where surplus value is extracted through wage labour relations. Examples of such relations of production include:

- Industrial production
- Capitalist agriculture, including cash crop horticulture, large farms, estates and plantations
- Commercial activities such as offices, large-scale trade, supermarkets, malls, and so on, particularly in cities

The last category often overlaps with petty commodity production. The proportion of land involved in such activities is difficult to gauge, though it is almost certainly far smaller than the area utilised for petty commodity production or for common land use.

In contrast to the insecurity that characterises land ownership and control in the forms of production discussed above, this form of land use enjoys perhaps the most secure forms of property title. This security takes multiple forms. First, titles are generally formally granted and recognised, as well as recorded in the relevant records. Second, these forms of accumulation are typically exempted from land ceilings. For instance, urban land ceiling laws have recently been revoked (with such revocation being a prerequisite for State governments to access assistance under the Jawaharlal Nehru Urban Renewal Mission); and plantations and estates are exempted from agricultural land ceilings in all of the major States.

Thirdly, and most strikingly, there are frequent attempts to set these areas outside of the democratic and regulatory framework. Thus, when the 73rd Amendment to the Constitution was passed in 1993 in order to provide for local democratic institutions, it specifically included an exemption (Article 243Q) for industrial townships (these are instead governed by a "Township Authority" consisting of bureaucrats). Most States have policies permitting "single window" clearances and permissions for industrial areas and for some forms of corporate retail. The most extreme form of legislative insulation for these forms of accumulation (and also for rentierist accumulation) came in the Special Economic Zones Act of 2005, which effectively created zones where all regulatory power would be centralised in a single Development Commissioner whose mandate is to "promote the zone"; it then requires provision of reliable electricity and water supplies in these areas while exempting the zones themselves from municipal and other requirements.23 India is one of the few major countries in the world to have an SEZ law that permits corporations to themselves decide the location of the special zones.

After 1991, the promotion of these relations of production has become the most often-stated goal of state policy on land. Thus, acquisition of land, diversion of forest land, dilution of regulations and

displacement of affected communities are uniformly justified in the name of "providing employment" (by which the state machinery typically means absorption of people into wage labour); with then Finance Minister P. Chidambaram stating this philosophy quite explicitly in his now famous statement that 85% of Indians should live in cities (Ray and Chaudhury 2008). Beyond direct land acquisition and diversion for these purposes, there is also promotion of contract farming, which amounts to an attempt to convert petty commodity production into these relations while reducing the risk to capitalists (Swain 2011; Singh 2012); permitting FDI in retail, which would, among other things, displace petty commodity producers and small retailers in favour of large corporations (see discussion in Sreenivasan and Gopalakrishnan 2009); and the relaxation of municipal regulations in favour of large real estate projects and corporate retailers.

Of course, it should be noted that state promotion of such relations of production has often been a disguise for facilitating rentierist relations of production, which in any case are often difficult to distinguish from these relations in an absolute manner. This is a point that we discuss in the next section. The systematic manner in which the state is attempting to promote both these sets of relations of production has led to intense conflict in some areas. This takes two forms: conflict within these relations of production, including frequent (and often wildcat) strikes in industrial areas, protests by estate and mining workers, and so on. Many of these conflicts receive relatively less press attention. The second form of conflict occurs when petty commodity producers, those using land for reproductive purposes, or common land users are expropriated, displaced or economically squeezed for this form of production, in which case there is often mass resistance. These points are discussed below in the section on political conflict.

**Private Property for Rentierist Purposes**

In these relations the primary purpose of land use is the generation of a 'rent' from other productive activity. This rent can take three forms:

- The form that Karl Marx referred to as "absolute ground rent", or the charging of a price by a landowner purely in order to allow the land to be used for any kind of productive activity (Patnaik 2007);
- "Differential ground rent", or the rents gained from differences in productivity, either naturally or due to application of additional capital, between different pieces of land;
- Speculation, where a land or natural resource is held in the anticipation of future profits or gains from it; these expectations are often converted into immediate gains through seeking credit and/or private investment on their basis.

In the Indian context, on the basis of these forms, one can crudely divide rentierism into two very broad categories:

- Landlordism, particularly in agriculture - as discussed in the section on petty commodity production above, this production relation has drawn considerable attention from theorists and revolutionaries in the Indian context, but has also declined in importance over time (Lerche 2011; Shah and Harriss-White 2011). The key aspects of this form were discussed above.
- Corporate and capitalist rentierism - such as in the case of mining, speculative holding of mining and coal leases, real estate projects, and so on.
The latter form indicates that rentierism is in no way non-capitalist (contrary to the arguments of some supporters of the semi-feudal hypothesis). Indeed, it is an integral part of capitalism, arguably even more so in an era when the dominance of finance capital has expanded. This phenomenon is not limited to India. As David Harvey (2010) argues, The power of rentiers has been growing in recent times, as we have seen in land markets, in pursuit of intellectual property rights and patents, and in speculation in commodity futures. Land and property values in combination with finance capital were at the epicenter of the current crisis."

Rentierism is often linked to accumulation by dispossession, especially in the present period (though one should note that such accumulation processes also operate in order to secure land / resources for surplus value accumulation). Indeed, Harvey (2003) developed the concept of a "spatio-temporal fix" in order to argue that such forms of accumulation, and the rentierist interests that often sponsor them, reflect the need of capital to address potential crises of overproduction / underconsumption by investing large amounts of capital into new spaces and areas.24

The expansion of speculative rentierism can be seen in a number of forms. First, at the international level, the practice of providing huge land areas in the "emerging market economies" as "concessions" to multinational and domestic capitalists - usually for extractive purposes or speculation - has taken place without even the minimal protections required to reduce investment risk; instead, it is assumed that the concerned state will crush all resistance and expropriate all other land users (Ramon de Leon 2013). In the Indian context, there are several clear indicators of the expansion of such rentierism:

- An estimated 62% of houses built between 2007 and 2012 were vacant in 2013, despite a massive shortage of housing in the country (Dasgupta 2012).
- The annual average number of forest clearances for mining projects was 19 between 1980 and 1998 - but jumped to 216 between 1998 and 2005, an increase of 11 times (CSE 2011).
- The "coal scam" that erupted in 2013 showed that many large companies that had been awarded large captive coal mines were not using the coal available to them, but instead holding the allocations for speculative purposes (see data in Rajshekhar 2012b; CSE 2011).
- There has also been speculative expansion in the thermal power sector; water, land and often coal linkages were allocated for 45 such plants in the State of Chhattisgarh, but only 15 are now expected to be built (Rajshekhar 2012a).
- The Special Economic Zones Act and its accompanying regulatory structure effectively incentivises real estate speculation (Gopalakrishnan 2007).
- As of June 2012, three sectors - iron and steel, cement and construction, and power, all of whom are linked to speculative tendencies - accounted for 47% of corporate debt restructuring from Indian banks; that is, debtors in these sectors were unable to repay loans that they had been granted and had sought extensions (RBI 2012, chap. 2.29). In a single year, from September 2011 to September 2012, the share of power sector projects whose loans were either restructured or deemed "non-performing assets" jumped from 10% to 14% (RBI 2012, chap. 2.30(i)).
- An August 2013 report by Credit Suisse found that the combined debt of ten large corporate

24 This argument is also discussed in greater detail by Arrighi (2003).
groups in the infrastructure sector grew by six times; the *Mint* newspaper editorialised that one of the key reasons for this is that "Many projects were unviable to start with, and lenders seemed to have glossed over the heroic assumptions involved in the projects during appraisals... Several public-private partnership (PPP) projects have been stuck because the private partners seeking to exploit the chinks in the various PPP models to aggrandize themselves at taxpayers’ expense have been checkmated by regulatory actions" (Mint 2013).

An indirect indicator of the increasing presence of rentierism is a recent study that found that 43% of India's billionaires, accounting for 60% of wealth among billionaires, had accumulated their wealth in what the authors describe as "rent-thick" sectors - of which all, except telecom, were natural resource and land related (Walton and Gandhi 2012).

India's land and resource control laws both permit and facilitate rentierist activity on land. They, in a sense, reflect the mirror image of the situation noted above wherein the rights of small producers, those engaged in reproductive activity and those using common lands are rarely provided secure protection. In contrast, the legal arrangements that facilitate rentierist activity combine a strong, clear definition of state powers (making it possible to expropriate land and secure control over it) with an extremely weak set of regulatory checks on this power or on the eventual use of the land.

Thus, the key legislations involving expropriation of land - the Land Acquisition Act and the Forest (Conservation) Act - both empower the bureaucracy to make decisions over expropriation without more than token consultation with those affected. Indeed, in its own provisions, the FCA provides for no consultation at all; all decisions are taken at the State or Central level by committees dominated by forest officials. After the passage of the Forest Rights Act, in 2009 the Environment Ministry was forced by protests to issue an order that required taking the consent of the affected gram sabhas prior to diversion of forest land; it has since essentially ignored this order. The Land Acquisition Act has recently (August 2013) been replaced by a new Right to Fair Compensation, Rehabilitation and Transparency in Land Acquisition Act, but despite the new law containing provisions on consent and consultation, there are sufficient loopholes to allow these to be bypassed.

Similarly, even as such expropriation is justified as being necessary to provide "employment" (i.e., pull those affected into wage labour based relations of production), neither the legal nor the policy framework offers any method by which rentierist actions can be distinguished from 'productive' or 'employment providing' industrial activity. Thus, despite having the stated objective of increasing exports and generating employment, neither the SEZ Act nor the Rules provide any method at all by which the achievement of these objectives can be evaluated - either at the time of declaring an SEZ nor during its subsequent operation. Instead, the only actual requirement to secure an SEZ is for the developer to demonstrate an ability to acquire the required minimum area of land (Gopalakrishnan 2007). The Forest (Conservation) Act also has no provision relating to these aspects beyond a requirement that the overall 'benefits' of a project should be stated in the proposal; these statements are invariably allowed to pass unquestioned. The Environmental Impact Assessment Notification of 1994, which applies to any large new project on public or private land, requires a "socioeconomic impact assessment" as part of the EIA procedure; but this is done by consultants paid by the project proponent. It is hence no surprise that 99% of projects that seek environmental clearance receive it. In a rare exception to this litany, Chapter VII of the Land Acquisition Act of 1894, as amended in 1984, required that acquisition for private companies could only take place for certain specific purposes (notably, housing for workers) and subject to an MoU with the State government where the company would be required to commit to achieving employment and other goals; but this chapter has been almost entirely
ignored during actual acquisition for private companies, which is generally undertaken in the name of the State Industrial Development Corporation, which then transfers the land to the company in question.  

Unlike other production relations involving land, the gains from rentierism, by definition, rise in linear proportion to the quantity of land or natural resources under the rentier's control. As such, these production relations lead to a direct conflict with all other forms of production on land, even (though to a lesser extent) with those where the land is used for accumulation of surplus value. Hence, it is no surprise that some of the most militant struggles have occurred against the expropriation of land for rentierist relations of production. These include struggles against land acquisition for large projects; struggles against slum evictions by the real estate lobby; and so on. These will be discussed below in the section on political struggles.

**State-Owned Property**

The last category discussed here relates to land formally controlled by the state. Such land does not always fit into the categories of reproductive activity or productive activity; rather, we follow the classical thinkers in broadly noting that it constitutes a category of property intended to enable the possibility and continuation of accumulation.

Such land uses include:

- Provision of public services such as education, health care and food supply, which are both requirements for the system to run, and a share of the surplus won by popular struggle.
- Provision of transport infrastructure such as roads, ports, railway lines, airports, and so on.
- Electricity and water infrastructure.
- Defence and "national security" activities.
- Land required for the administrative institutions of government.
- Conservation of resources for "future use", such as by the forest authorities.

Given that the state itself is a site of struggle, the character of the relations of production that such lands are involved is not static. This is discussed further in the discussion on the struggles over state control. Moreover, it is often difficult to divide "pure" holding of land from other relations of production; thus, while the forest authorities control and restrict present-day accumulation in some forms, they also engage in surplus value accumulation through activities such as minor forest produce collection and trade.

One trend that can be noted, as mentioned above, is the recent increase in the openness and frequency with which the state uses its property to enable accumulation by dipossession in general and rentierism in particular. Examples include construction of infrastructure oriented towards specific projects, such as in the case of mining in Orissa, Chhattisgarh and Jharkhand; holding of "land banks" for industry (as in Gujarat); handing over of urban areas to real estate developers; and so on.

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25 Such transfers are technically ruled out in the new 2013 Act, but the provisions of Chapter VII have also been dropped, and replaced with a "social impact assessment" process which mirrors the Environment Impact Assessment one.
Transitions in Relations of Production

It is notable that over time, and particularly after the onset of neoliberalism in 1991, the overall balance between these relations of production - in terms of political power and economic dominance - has shifted considerably. The most obvious gainers in this respect have been rentierist and speculative forces - whether in the shape of direct expropriation of land for these purposes, or through the larger shifts over control of production. Meanwhile, petty commodity production has declined both as a part of the larger economy and in terms of political strength, being the primary victim of state policies that promote the expansion of surplus value accumulation and rentierism, as well as the indirect exploitation of petty commodity producers. This has not always resulted in loss of land. At times, it has resulted in abandonment of land; a particularly extreme case has occurred in Uttarakhand, where more than 1,000 villages are now estimated to be empty (Umar 2012). More often, it has resulted in the increasing reliance of producers on wage labour and migration for survival, with the land slowly beginning to serve more reproductive uses.

This process was naturally not inevitable; it is the result of a political conjuncture that is both global and specific to India. It has in turn impacted the shape and form of political struggle in India as well. We will return to this question in the discussion on political struggle in the last section of the paper.

The State and Political Relations

It is clear from the above that the political element varies widely in the various forms of production relations that exist around land. In particular, the role of the state machinery in facilitating accumulation can be broadly classified into the following:

- **Facilitator of legal, formal accumulation by private capitalists**: As in factories, commercial enterprises, estates, and other forms of surplus value accumulation.
- **Legal, formal accumulation by state agencies themselves**: Such as in the case of PSUs and state agencies engaged in production in various sectors of the economy.
- **Facilitating legal, informal accumulation**: This is somewhat more difficult to define, but covers the kinds of 'informal' accumulation that are made possible by state regimes of land control (see above). These include exploitation of forest dwellers and slum dwellers by traders, contractors, and others who take advantage of their perennial insecurity to intensify exploitation. It also includes exploitation of migrant workers and urban workers, using their vulnerability to suppress wages and engage in price gouging. Finally, it also covers the use of debt and usury to seize the assets, money, labour and lands of small peasants and agricultural workers. All of these are forms of exploitation whose *informality* is made possible by, among other factors, state actions on land relations. In this sense they are enabled by the land regime and cannot be separated from it.
- **Illegal informal accumulation**: The familiar regime of bribery and extortion around land control, made possible by certain legal and institutional systems. These include forest and urban planning, which both appear to exist in a world of fantasy and often bear no resemblance to ground realities (while, of course, affecting them). The system of land records more generally, which enables endless confusion, is a further key system in this regard.
- **Legal / illegal accumulation by dispossession**: The use of state force - through either clearly illegal actions or through land acquisition, forest diversion, urban evictions and other such steps
- to expropriate resources either for state use or directly for capitalists.

Yet the discussion in the previous section also makes it clear that the state does not only act as a facilitator of various forms of accumulation. It also plays other roles that are either directly or indirectly problematic for certain sections of capitalists or, at times, even for the overall dominant project of capitalists in the country. That the state never performs these roles in any consistent or sincere way is only evidence that we do, indeed, live in a capitalist society; but this should not blind us to their political significance. Some such roles include:

- **Provision of partial tenurial security to petty commodity producers and for reproductive activities:** As we saw, sections of the state offer inconsistent and weak protection to various forms of petty commodity production. Examples include land ceiling laws, the Forest Rights Act, recognition of the rights of "encroachers", assignment of lands to Dalits and adivasis, bans on alienation of tribal lands, regularisation of unauthorised commercial uses in cities, regularisation and rehabilitation of slums, and so on.

- **Shielding of some forms of common property use:** As noted in the previous section, there are various laws that contain protections for common land use. These include the Forest Rights Act, regulations in revenue codes and state laws regarding common lands, the Constitutional protections for Northeastern states and communities, and so on.

- **Provision of public services:** As we noted, state property is used for a number of uses, and at times the state will defend these uses against the actions of capitalists. For instance, while rare, it is not unknown for large corporate projects to fail to receive a clearance or approval from a required authority in cases where a state agency (such as the defence establishment or the Forest Department) has a strong interest in the land in question.

- **Informal shielding of 'illegal' land use:** This is the other side of the state's facilitation of informal forms of accumulation. Slums, urban and rural "encroachers", hawkers and vendors, construction workers, and other such categories are often shielded by informal 'arrangements' or interventions within the state machinery. Typical examples of such interventions include local politicians stepping in to stop slum demolitions, attacks on hawkers or eviction of forest dwellers.

It is easy to dismiss this latter set of state actions as necessary for "preserving legitimacy", for "deceiving the masses", "blinding" them to their exploitation, and otherwise "diverting" people from the "true struggle." However, such explanations in fact beg the question. Why is it necessary for the state to take these steps? Moreover, why these steps in particular? What is the nature of the threat that is feared and why is this the character of the response?

**The State Machinery as a Terrain of Conflict**

Indeed, the roles played by the state machinery are clearly not merely diverse, they are mutually inconsistent and often contradictory. This is not limited to the distinction between the state's roles in facilitating accumulation and its other roles. Within each of these domains as well as there are tensions. Thus, as discussed in the previous section, the recent increased rate of accumulation by dispossession - by definition, operating through the state - has also threatened other forms of accumulation and weakened the state's roles in these directions.
This itself should serve to illustrate the analytical danger involved in analysing the state as a single monolithic entity. Hence there is a need to consider the state as a terrain of political struggle. Clearly this is an unequal and uneven struggle, in which certain benefits and freedoms are granted out of compulsion, but there is also a continuous tendency to organise and unite the ruling class while disorganising and fragmenting the working and producing sections. These points will be discussed in greater detail in the final paper.

With this in mind, in this synopsis paper we merely focus on 'unpacking' the state - with extremely brief discussions of how its various arms respond to the land question.

**The Bureaucracy**

In order to analyse the functions of the bureaucracy, one needs to broadly divide it into two parts - the lower, 'field' bureaucracy and the higher 'civil servants'. The lower bureaucracy occupies a crucial position in regard to state action, since it is at the 'frontline' of state action. This position is conflicted and is subject to three competing pressures. First, it has to confront and manage conflict directly. Typically, as one might expect, it bends to the interests of the forces of exploitation - whether they be large capitalists, local contractors / traders, landowners, or other dominant elements. Secondly, however, it also has to respond to and confront struggles and resistance, and beyond a level of resistance it usually lacks the necessary repressive power to simply crush them. Thirdly, it faces pressure from "above", which simultaneously requires that it advance the agenda of powerful interests outside the local area, and that it maintain the minimal coherence, rationality and neutrality that the functioning of the state machinery requires.

The result is an uneasy 'compromise' that generally tilts in favour of locally powerful sections, but which is periodically disrupted by organised resistance from the oppressed, or by interventions in favour of capital or the "long term interest" of the ruling class from above. It is notable that this compromise grants the lower bureaucracy a degree of power, particularly through its capacity to be refractory and intransigent. Gupta (1989) quotes Herring as noting an example of such intransigence: the regulations put in place to prevent corruption are routinely used to block policy action.

Similarly, Kohli (1989), in his analysis of various States in India, finds that the key element in poverty alleviation is the presence of an organised political force that is autonomous of local dominant classes, for only thus can bureaucratic resistance be defeated, whatever the policies of the government in power. Kohli's primary example in this regard is the Left Front regime in West Bengal; he holds that the mass presence of the Left Front parties was the critical instrument in ensuring that land reforms were not confined to paper implementation (the subsequent contradictions of Left Front rule are discussed briefly in the section on Left parliamentary parties below).

In contrast, the higher bureaucracy - which, in India, can be equated with the Indian Administrative Service - occupies a different fundamental role in the state structure. It is largely concerned with defending the longer term interests of the ruling classes, and, in fulfillment of this role, it functions in a dual sense. On the one hand, it works as a guarantor of the coherence of the overall structure, in its famed role as the "steel frame" of the Indian state. On the other, it also functions as a think tank whose purpose is to articulate new policies and interventions. Indeed, this role has been so critical to Indian politics that Bardhan (1984) argued that "professionals" and the bureaucracy are a third dominant class in the Indian state, alongside landlords and industrial capitalists (though one need not agree with this formulation as such).

26 Some of these issues are discussed in greater depth by Poulantzas (2000).
Since 1991, the neoliberal shift of the Indian state has perhaps been most clearly evident in the higher bureaucracy, which has become the main engine of neoliberal "reforms." This includes on the question of land. Thus the higher bureaucracy has acted as a key driver for policies such as the SEZ Act, the raising or elimination of land ceilings, the imposition of conditions aimed at opening urban land for private capital in the JNURM and the Rajiv Awaas Yojana, and so on.

**Legislative Bodies**

It has often been pointed out that the function of the legislative bodies in India is very constrained. Certain institutional features (some of which are unique to India, and others of which are common in parliamentary democracies) both reflect and reproduce this pattern:

- Drafts of government-sponsored legislation (which are the only ones with any chance of passage) are prepared by bureaucrats, 'vetted' by law department officials and only then presented to Parliament or the concerned State Assembly;
- The bureaucracy has the power to frame 'subordinate legislation' (in other words, Rules, orders, guidelines, and other instruments that are crucial to operationalising any law) with only a perfunctory reference to the legislature;
- All recommendations of any Parliamentary or Assembly committee (other than those with very narrow functions) are treated as "recommendatory", with the government (in practice, in most instances, the higher bureaucracy) free to accept or reject them;
- The Anti-Defection Law (the Tenth Schedule to the Constitution) disqualifies any member of an Assembly or Parliament who votes against their party whip, thereby making it impossible for a ruling party to ever lose a vote on any issue in the legislature, except in the rare case of a vote of no-confidence after the breakup of a coalition.

There are two results that follow from this. First, elected officials - both as members of legislatures and as Ministers - are typically able to push through only a handful of policies of their own. Where such policies face the resistance of the higher bureaucracy (as was the case with, for instance, the Forest Rights Act), the obstacles placed in the way of their passage can be so strong as to be almost insurmountable, requiring large-scale popular pressure to ensure their passage. In this sense, only those aspects of the land question (or any other political question) that develop into significant political contradictions are likely to be the source of new legislation. Given the decline in the political salience of land questions between the 1980s and the mid 2000 period - discussed in more detail in the section on political struggles - it is hence not surprising that there were hardly any new progressive legislations on land issues in this period.

Second, as a result, the legislatures ironically gain their political salience not from their ability to legislate but from their ability to resist doing so. As the balance of power in the ruling class shifts (for instance, after 1991), the legislatures do not necessarily follow suit, since they are the first target of resistance. Thus a range of "reforms" have never succeeded in entering the domain of formal statutory law. Among such "incomplete" reforms, some that are directly relevant to the land question are the abolition of agricultural land ceiling laws, the scrapping of food procurement for the PDS, the abolition of APMC laws (rather than merely their dilution), and so on. Much of this has been the result of the vulnerability that elections impose on ruling class measures, in the sense that the government "cannot be seen" to be taking certain steps. Indeed, since 1991, neoliberal forces in India have been periodically prevented from achieving their stated goals by their political weakness and the lack of any mass force...
that openly endorses neoliberal ideology.\textsuperscript{27}

\textbf{Federalism}

The federal structure, evolved in response both to the diversity of India's ruling class bloc and to the complexity of political struggle in a continent-sized nation, has also had a direct impact on the land question.

It has often been assumed that State governments, being smaller and less amenable to centralised control than the Central government, are also easier targets of popular struggle. In practice, and certainly on land issues, this has not necessarily been the case. The reasons include the following:

- The Central government retains powerful fiscal instruments, control over the administrative service, and other such tools that permit it to restrict the actions of State governments. Moreover, contrary to a common misconception, only agricultural land is purely a State subject under the Constitution. Forests, land acquisition, and several other land-related subjects are all on the concurrent list, permitting Central legislation to override State legislation.
- The State governments contain the same contradictions and structural inconsistencies that the Central government contains, particularly with respect to the bureaucracy and the judiciary. They differ from the Centre not in their inherent responsiveness to popular struggle but in their level of institutional and policy capacity, which is considerably less than that of the Centre.

In the post 1991 era, with the rise in strength of finance and 'big' capital, both of these factors have led to increasing control over the State governments by these forces. As outlined by Yadav and Palshikar (2008), some recent trends have included:

- A shift from influence by "big farmer" classes (see the discussion in the next section on regional parties) to control by large industrialists and capitalists, who have increasingly engaged in "direct intervention" in policy making (through, for instance, framing policies themselves and then ensuring their passage);
- A "race to the bottom" as a result of the Centrally induced fiscal crisis in States, and the simultaneous 'freeing' of these governments to directly negotiate with multilateral and private actors;
- Restriction on and deterioration of policy options as a result of both of the above;
- In sum, increased "blackmail" and "capture" of State governments by more powerful capitalist interests.

Historical and political reasons for many of these developments are covered in the discussion below on regional parties and parliamentary politics.

\textsuperscript{27} This point is discussed further in Gopalakrishnan (2008).
The Judiciary

The lower judiciary functions in a manner similar to the lower bureaucracy; it is primarily concerned with acting as a facilitator of local powerful interests, while acting within the limits of the overall systemic interest. Just as with lower bureaucracies, lower courts are systematically starved of funds and staff and pressured from above, from local dominant interests, and from forces of resistance.

As for the higher judiciary (the High Courts and the Supreme Court), its function has greatly expanded in the last three to four decades. A complete analysis of these developments has been somewhat obscured by two phenomena: first, the relative lack of political analyses of judicial functioning, beyond (on the left) polemical condemnations of the courts for favouring elites and capitalists; and the consequent domination of analysis, where it exists, by legalistic discussions that see expanding judicial functioning as either the result of a "vacuum" left by executive failings or (far more rarely) as a reprehensible overreach by overactive judges.28

A full analysis of changing trends in judicial functioning is, naturally, out of our scope here. However, particularly with respect to land, there are some broad trends that should be noted for further analysis.

First, by comparison with civil rights and, to some extent, wage issues, land issues received little judicial attention during the era of so-called "progressive" judgments in the 1980s and early 1990s (with a few exceptions, such as the Olga Tellis ruling, where the Supreme Court held that slum dwellers have a right to rehabilitation29). However, judicial intervention in land issues accelerated rapidly in the late 1990s and the early years of the new century. Thus some of the most dramatic expropriations of land in the country - the 2003 eviction drive against forest dwellers, the evictions and clearing of slums in major cities, the "sealing" drive in Delhi in 2006, and so on - have been driven by judicial intervention.

Indeed, in several major cases - the aforementioned T.N. Godavarman case, Kalyan Sanstha Social Welfare Organisation vs. Union of India and Ors.30, and similar cases in various High Courts - the courts issued orders that involved massive expropriation and then went on to monitor and direct the implementation of those orders (under a legal innovation that they referred to as "continuing mandamus"). Many of these cases have been continuing for more than a decade; the Godavarman case, the largest of all, was filed in 1995 and has been the subject of more than 2300 intervention applications. Despite the case being heard weekly for more than a decade, there no final judgment is in sight. In this period the court also reversed some of its earlier progressive judgments; Olga Tellis was effectively overturned by Almitra Patel31, where the court struck down Delhi's slum rehabilitation policy and made the infamous declaration that "Rewarding an encroacher on public land with [a] free alternate site is like giving a reward to a pickpocket."

It has often been noted that the courts, in many of these cases, operate on the basis of an elite understanding of "beauty", "cleanliness" and "conservation" and defend these notions as if they are constitutional rights (while ignoring the legal and constitutional rights of those affected). For instance,

28 For instances of the latter, see Rosencranz and Lele (2008) and Khaitan (2013).
29 Olga Tellis and Ors. vs. Municipal Corporation of Bombay and Ors., 1986 AIR 180.
30 CWP 4582/03 of the Delhi High Court.
31 Almitra Patel and Anr. vs. Union of India and Ors. (January 15th, 2000).
in the *Almitra Patel* ruling, the court attacked slums on the basis that their presence leads to "domestic waste being strewn on open land." However, it is important to note that these are not matters of attitude alone - rather, these ideas of "conservation" and "cleanliness" have their direct roots in policies of enclosure of common spaces and expropriation of spaces used for petty commodity production or workers' reproductive activities. These attitudes are, in other words, aligned closely to the interests of capitalists in general and rentierists in particular. A particularly glaring instance of this came to light in the infamous case of Justice Y.K. Sabharwal, who headed the Supreme Court benches that directed the sealing of thousands of small shops and commercial establishments in Delhi (on the grounds of ensuring "order" and "cleanliness" in the city), and whose sons were later found to be engaged in malls and commercial real estate.\(^\text{32}^\)

In the overall sense, the higher judiciary today has come to play three key functions (in addition to its narrowly judicial ones): as an overlord whose function is to ensure that the system functions coherently (i.e. in accordance with the perceived overall interests of the capitalist class, through, for instance, policing "corruption"); as a kind of sounding chamber that permits the articulation and debate of some forms of capitalist projects that cannot be debated in the political system, such as eviction of forest dwellers; and as an enforcer of certain powerful capitalist interests.

But none of these roles is one for which the judiciary is institutionally suited. The Supreme Court in particular has had to beat a retreat from the heyday of its role as enforcer around land, which lasted essentially from the late 1990s to 2008 or so. Following protests of various forms - the struggles that led to the Forest Rights Act, for instance - and public criticism of its actions in certain famous cases (such as the Delhi sealing drive, the Vasant Kunj malls and the Vedanta project in Orissa) - the court now appears more hesitant to openly act on behalf of capitalist and elite interests. Nevertheless, it remains a crucial space for the political actions of dominant sections, as evinced by the continuation of the Godavaran case and the ongoing (though less high profile) court battles around slum evictions and removal.

**The Police, Paramilitary Forces and the Military**

As with the judiciary and the bureaucracy, repressive institutions also contain a clear divide between the lower tiers of their institutions and their 'higher' or State and Central level counterparts. At the local level, the routine role of the police on land questions (and indeed on most other questions) is the extra legal practice best described by the Hindi word *samjhauta* - "compromise." The police most often function as brokers, using their potential repressive powers to ensure the acceptance of 'compromises' that generally favour the locally powerful while also usually avoiding the complete destruction of the oppressed. As with the bureaucracy, these unequal compromises are periodically disrupted by resistance or by intervention from 'above'. At these times the police generally revert to both being more 'legal' (and hence entering the formal domain of legal action) and also being more repressive, resorting to arrests, cases, and so on. If the resistance in an area becomes too intense, or the pressure for expropriation reaches a high level, the local police are then supplanted by various layers of "reserve" forces, each with an increasing degree of repressive power - the armed constabulary, the State reserve police, the Central reserve police, and eventually (in regions of armed conflict) the military. Being the repressive arm of the state, the police are by their character a brutal institution, but the manner in which this brutality is inflicted is shaped by resistance as well.

Some Analytical Findings on the State

In light of the above, as discussed, it is not surprising that the final character of the state's actions is inherently unstable, contradictory and shifting - with respect to land as with respect to any other political question. Its character and interventions are defined by ongoing struggle. The result is an unstable, constantly changing formation which nevertheless exhibits certain inherent tendencies. With respect to land, we can define these tendencies as follows:

- First and most obviously, within any particular 'reference frame' (such as in one area or with respect to one set of relations of production), state action tends to favour the exploiting / surplus extracting actor.
- When different relations of production come into conflict in a single area, state action favours that which benefits the more powerful section of capital. This is most clearly seen in battles over accumulation over dispossession with respect to other relations of production, but it occurs in other contexts as well. Since 1991, such conflicts have intensified and typically have ultimately benefited finance capital.
- State action tends towards an unstable "equilibrium" in most situations, between phases of more intense conflict. This equilibrium is usually characterised by a combination of formal accumulation with various forms of informal accumulation, and the persistence, reproduction and at times expansion of petty commodity production, in a subordinated and exploited position. This equilibrium can be witnessed both at the local level - in the form of informal compromises - and at the wider level, as evinced by the efforts of the "reformists" to engage in sweeping legal changes and the resistance of the legislatures to agree to these, resulting in piecemeal "reforms by stealth."
- State actions tend to place most reproductive activities, and most collective / common activities, in a space of informal 'twilight' where they have no effective institutional or legal protection. Their sole protection tends to be the fear of resistance.

The Role of Law

A particularly important role in all of the above is played by law, since, as we have seen, it is legal definitions that often shape both struggles over land as well as the analyses of these struggles. Many commentaries on struggles assume that law is relevant only in two crude senses - either it is followed, or it is not followed. This binary mode of analysis obscures the complex, contradictory manner in which law actually operates in any bourgeois state, and certainly in India.

As the discussions in the above sections makes clear, when it comes to land questions in India, the law is rarely "implemented", or "not implemented", in any deterministic administrative sense. Rather, the law functions as an overall political framework within which conflict occurs. This function is played out in multiple ways. First, legal forms set the terms of political engagement. This is generally as true for the exploiting classes as it is for the state machinery and the working and producing classes. Law in this sense provides a vocabulary for class and other of conflicts.

Second, the "shadow state" or the pervasive illegality that characterises so much Indian administration - and in particular administration of land - reflects a highly indeterminate political situation, where hegemony is operationalised through informality rather than always through open, formal political action. The state does not articulate an overall coherent political project (i.e. a consistent and enforced "rule of law") as no single class fraction is capable of either articulating or imposing such a project,

33 See Bhan (2013) for an interesting analysis of the parallel function played by planning in the urban context.
either with respect to the other fractions of its own class or to other classes. The result, as we noted above, is an overall tendency to favour "compromises" and "equilibria" that are usually "illegal" in the technical sense but that survive because they reflect the existence of a balance of power. The result is a kind of selective, distorted and perverse "implementation" of the law, where certain provisions get used routinely, others are forgotten entirely, and yet others are never followed by the state but frequently invoked by struggles and resistance.

Yet, despite this continuous failure to comply with law, no arm of the state machinery or individual capitalist can openly endorse or promote a violation of existing legal provisions. This option is only, ironically, open to those engaged in political struggle. The existence of this kind of "in the closet" illegality empowers certain segments of the state machinery - notably, the lower sections of the bureaucracy and the police, and the judiciary as a whole - and results in them playing a disproportionately larger role in conflict then would otherwise be the case.

The combination of the above results in a situation where law is constantly fought over, not in order to have it "implemented", but in order to redefine legal categories in such a way as to favour certain aspects of existing relations of production and thereby secure protection from, or the assistance of, segments of the state. This is a key point to keep in mind during discussions of political struggles.

**Struggles and Conflicts**

In any analysis of political conflicts, a caveat is first necessary. It is easy to fall into the analytical conceit of stating that, if only they had the correct analysis, a movement or organisation would achieve the correct objectives. This is to make what is often a failing of the analyst for a failure of political action. The proposition that "mankind ... inevitably only sets such tasks as it is able to solve" (Marx 1977) is a useful maxim when considering politics as well - if an ideological formation acquires a mass base and political significance, even with an analysis that appears incomplete or incorrect, it must be taken to be reflecting some existing material contradiction, however distorted (or perverse) that reflection may be. In this sense the purpose of this section and the subsequent work in these areas is not to subject existing movements to some kind of totalising critique, but to note the manner in which they reflect the existing political conjuncture, and hence some possible steps that can be taken to transcend it.

**Axes of Conflict**

The discussion in the preceding sections indicates that, as discussed in the Introduction, there are a variety of conflicts around land. Some of the key axes of such conflicts are as follows.

**Conflicts Around Exploitation of Petty Commodity Production**

As argued above, petty commodity production is currently exploited by three distinct mechanisms: through the extraction of rents and debts; through the denial of physical access to land or the expropriation of land from landholders; and through the mechanism of unequal exchange. In this approach, one can note that "classical" land reform struggles - for "land to the tiller" - attempted to address the first mechanism and (to a lesser extent) the second, in the agrarian sphere. However, with

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34 Bardhan (1984) noted that the relative autonomy of the bureaucracy in India reflects precisely such a conflict.

35 This proposition holds even in the case of reactionary movements; an argument on these lines, on Hinduutva politics, is presented in Gopalakrishnan (2008).
the liberalisation of markets, and particularly after the liberalisation of imports in the early 1990s, increasing market concentration, price volatility and falling public investment have intensified the extraction of surplus through unequal exchange. Simultaneously, land fragmentation, increasing wage labour migration and commoditisation have weakened large landowners considerably. The result has been the decline in tenancy and land concentration discussed in the section on petty commodity production.

As a result, as has been noted by a number of scholars, both the scope and intensity of struggles around land reform has declined over the past two to three decades (Basole 2010; Lerche 2011; Shah and Harriss-White 2011). Instead, the other two mechanisms have become increasingly prominent. In agriculture, struggles against unequal exchange initially took the form of the "rich farmers' movements", most prominent in the 1980s and in the early 1990s, whose central demand was increased subsidies and prices. After 1991, these movements were undermined by the combination of price volatility with the increasing wage dependence of marginal and even medium peasants. This removed the centrality of price fixing as an issue. While struggles continue to raise the price issue today, but with less intensity and strength. Meanwhile, at a much more scattered level, struggles have also developed around the PDS and the ration system - seeking to address the issue of unequal exchange across food prices in both urban and rural areas.

Resistance Against Accumulation by Dispossession

The second mechanism above - denial of access to land or expropriation of land - has become a central issue of struggle, for petty commodity producers, common land users and those using land for reproductive purposes. The most militant struggles in this form of resistance take place against various forms of accumulation by dispossession. Such struggles include:

- Resistance to evictions and other attacks on petty commodity producers and slum dwellers in urban areas;
- Struggles for forest rights, which cover reproductive uses, common lands and petty commodity production; and
- Struggles against displacement by large projects.

Such struggles have acquired a kind of periodic centrality in Indian politics, most notably in the 2011 election defeat of the Left Front government in West Bengal, though they remain outside the mainstream of electoral issues. The impact of this increasing centrality on forms of political struggle is discussed below in the sections on social movements.

It is also notable that, more recently, these struggles have incorporated, or at times transformed into, struggles for security of tenure more generally. The forest rights movement, for instance, moved from being merely one of resistance against evictions to raising the demand for statutory protection of forest rights; and now that this has occurred, albeit in a deeply flawed manner, struggles have shifted towards the implementation of the Forest Rights Act (and hence the recognition and securing of rights). Similarly, in urban areas, struggles around slum rehabilitation have a long history, and have also shifted away from merely demanding an end to evictions to demanding policy changes. The impact of such struggles, in turn, has been reflected in steps such as the Rajiv Awaas Yojana, which partially bars removal of slums - except where the slum residents are in physical danger or where there are "health concerns".

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Struggles for Defence of Collective Production

Land issues have directly or indirectly also formed the basis for some of the most radical movements in Indian history - namely, the Maoist revolutionary movement and the armed organisations of the Northeast. In both cases, land issues have been central, but in contrast to the other conflicts mentioned here, in these conflicts the Indian state itself has sought to be expelled and replaced with either a "people's democratic republic" or a separate state. To a lesser extent, similar motivations also underlay struggles such as the Jharkhand movement.

Though it may seem odd to group such disparate struggles under a single heading, from the viewpoint of production relations on land, they share certain features. While the Maoists earlier sought to defend marginal and small peasants against landlords, over the last decade they have shifted increasingly to forest areas, where they are defending largely reproductive and common uses against accumulation by dispossession. Similarly, in the case of the Northeastern organisations, the defence of a common land system has been an implicit thread in their struggles as well. Finally, the Jharkhand movement explicitly raised the loss of a tribal homeland as the central demand of their struggle. In other words, all of these movements share various links with the question of collective control over land - and the view that the state machinery, either through accumulation by dispossession or by the operation of commoditisation, threatens such control. These points will be discussed further below.

Forms of Struggle37

If these are some of the axes of conflict, what forms do these conflicts take? We discuss some of these forms below.

Local and Disorganised Resistance

This is the most often ignored category of resistance and struggle, though it is also the most widespread. It of course takes a nearly infinite variety of forms, but on land issues, it can easily be discerned in the daily press reports of numerous conflicts across the country. Sharecroppers fighting landlords; slum dwellers protesting eviction and blocking bulldozers; forest dwellers resisting the Forest Department; Dalits attacking upper castes; and so on are all common instances of such struggle.

Such struggles are most apparent in situations of petty commodity production, common lands and use of land for reproductive purposes. They are usually fought through informal means and direct action, and usually - as we saw above - result in some kind of 'compromise' mediated by local political leaders, lower bureaucrats or the police. Outright eviction, killing, or terrorising of the oppressed is a less common (though obviously still widespread) result.

The importance of such struggle should not be underestimated. It defines the 'horizon' of state and

37 The discussions below on the parliamentary left, the armed organisations and rural movements are drawn from arguments given in Gopalakrishnan (forthcoming).
ruling class activity, and also sets the parameters for all other kinds of political struggle. Any kind of action that expands into a larger mass base and acquires political salience does so essentially as a result of organising, coalescing and uniting these individual struggles - whether in a liberatory, conservative or reactionary direction. Further research will be undertaken on this in the final study.

The Non-Left Parliamentary Parties

Beyond these local struggles, the next most widespread form of political conflict is that expressed, mediated and at times fought by the non-Left parliamentary parties. These parties are part of political conflict at multiple levels.

At the local level, their leaders, as noted above, are instrumental in temporarily 'settling' conflicts and struggles. The local leader's function as a 'guardian' and a 'patron' on questions of land is among his or her key functions. At a higher level, however, the character of these parties has shifted over the decades. Analyses of Indian politics often distinguish four phases: the domination of Congress "big men" in the 1950s and 1960s; political discontent among the oppressed and working classes in the 1970s and the destabilisation of the Congress system; the rise of the "rich farmer" and peasant classes in the wake of land reforms in the 1980s; and finally the combined Hindutva-neoliberal turn after the late 1980s.\(^3\)

Each of these phases affected the mainstream parliamentary parties and their position on land. In the first phase, with the centrality of petty commodity production and peasant agriculture to both the economy more generally and to the political survival of the ruling party, land reform (which, as we have seen earlier, was primarily aimed at petty commodity production) remained a key political claim of the Congress (and to a lesser extent of other non-Left parties as well). But in most States, reform was confined to the elimination of the zamindars and the granting of title to big tenants.

This in itself was a significant shift, significantly reducing the strength (albeit over a long period) of a large rentier class and granting that power to a segment of large producers (some of whom made the transition to being capitalist farmers). But as is well known, land reform went no further than this, and a key reason for this was the internal contradictions that began to occur within the parliamentary parties. For instance, quoting Frankel and Frankel, Gupta (1989) points out that initial efforts at agrarian reform in Nehru's period were resisted by State governments and chief ministers, who were primarily supported by rural landed classes and agricultural product merchants. Therefore, by the time of the Second Five Year plan, funding and political support for institutional change and the agrarian sector in general declined and was increasingly given to the industrial sector. Subsequently, in the Shastri period, there was a squeeze from foreign donors regarding "economic reforms" and pressure from State level leaders against land reform / institutional reform. The result was a turn towards greater private investment in industry as well as an increase in public spending on agriculture, but now with the sole focus being an increase in production. Gupta notes that this demonstrates how State leaders can influence policy through nonconformance, while the judiciary and foreign donors constrained (and in the case of the latter dictated) policy.

This pattern burst into conflict in the latter part of this period, continuing into the struggles of the late

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38 See Gopalakrishnan (2008) for a more detailed discussion of these transitions.
1960s and the 1970s, in which the question of land reform remained politically salient. On the land question, contradictions similar to those of earlier persisted both in the Congress and in the forces that coalesced into the Janata Party.

However, these latter developments presaged the beginnings of the rise of the regional parties in the 1980s, which is usually taken as marking the political rise of rich peasant classes that emerged out of the earlier round of land reforms. But, as noted above, for these classes, the primary contradiction was with accumulation through unequal exchange. This therefore became their primary political focus. Indeed, a focus on land rights would not only have gained them little, but would have threatened their earlier gains. The new politics resulted in demands for increased subsidies, accusations of "neglect" against certain regions, and so on. This also marked the demise of the land reform issue as a major political faultline in India.

Even as explicit land issues declined in political importance for the mainstream parties, the shift to open neoliberalism after 1991 marked a further step in the evolution of their leaderships. Now facing the rising power of finance and big capital, all of these parties developed a kind of tiered power structure: a hidden layer at the top of agents and representatives of big capital; a lower tier representing old forms of patronage, clientelistic politics and 'compromises'; and a 'public tier' consisting of leaders who attempt to reconcile the two and retain popular support.

On the land question, this has both caused an increase in rentierism and, in its own turn, has been reinforced by it. Unlike the Thatcherite regime or Latin American governments of the 1980s and 1990s, in India no political force till date has openly embraced neoliberalism as a political project (even the oft cited example of the BJP in Gujarat represents only a half-hearted endorsement), perhaps in a reflection of the continued importance of petty commodity production. Hence, rentierism and accumulation by dispossession - which do not require wholesale legislative changes, but can be done through mostly backdoor dealings with bureaucrats and Ministers - have expanded as a major form of capital accumulation. This has intersected with a global trend that is in any case in favour of such forms of accumulation (as discussed above). In turn such rentierism has necessitated the continuation of public obfuscation and clientelistic politics in order to retain legitimacy for a form of accumulation that can never win widespread popular support.

**The Parliamentary Left**

We now enter into the domain of more conscious political struggle over the land question. The parliamentary left parties, dating back to the united Communist Party of India, have always made land issues central to their politics. Indeed, their shared analysis of India as a "semi-feudal semi-colonial regime", ruled by a 'landlord -bourgeois' alliance, rests on their conception of control over land as central to the political regime in the country.

As discussed in the section on theoretical conceptions, this political struggle (and concomitant analysis) has been essentially focused on one set of relations of production around land - that concerned with agriculture, and particularly with removing landlordism and supporting a resolution of the 'agrarian question.' This led to a series of militant struggles as well as the partially successful land reforms of West Bengal and Kerala.

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39 These points are explored in greater detail in Gopalakrishnan (2008). One should also note that this form of politics is another example of the building of a "political machine" based on "the emergence of patronage networks" around a middle caste / rich peasant cluster (Yadav and Palshikar 2008).

40 An institutional analysis of the role of the left parties in West Bengal's land reform can be found in Kohli (1989).
But the land reform agenda of the parliamentary parties also had its inbuilt limits. This has been particularly discussed in the context of the long uninterrupted rule of the Left Front in West Bengal. Land reforms in this State were essentially concerned with the providing tenurial security to sharecroppers ('Operation Barga') and with redistributing land held in excess of the land ceiling (Sarkar 2006). But the pace of this slowed down considerably after the 1980s; the number of sharecroppers registered between 1988 and 1997 was a tenth of that registered in the previous decade. By 2000, 13.23 of pattadars (beneficiaries of redistribution) and 14.37% of bargadars had given up their lands (Sarkar 2006). Ray (2011) notes that "The total number of landless peasants... more than doubled from 33 lakhs in 1971 to 78 lakhs in 2001."

Ghosh (2011) argues that these problems occurred as "Operation Barga" (registration of sharecroppers) in Bengal did not take into account the economic unviability of small-scale agriculture in the face of the Green Revolution. Other commentators note that "poor peasants [are] unable to bear the high input costs for agriculture and [are] facing unremunerative returns" (Ray 2011; Sarkar 2006). In other words, to put it in the terms used in this essay, relations of petty commodity production could not withstand competition from relations of capitalist production, on the one hand, or the extraction of surplus through unequal exchange on the other.

Meanwhile, in West Bengal in particular (but also to an extent in Kerala), with increasing stagnation around the land agenda, the CPI(M) also began to come close to the agenda of 'big' capitalists - most notoriously after 2006. The result was evident in the clashes in Singur and Nandigram, leading eventually to the party's electoral rout in West Bengal. The resistance in both of these movements was led precisely by the stronger sections of petty commodity producers empowered by the party's own earlier agenda (Ghosh 2011).

A less studied but similar process has developed in one other former base area of the parliamentary left parties - the country's forest belts. Though their struggles and presence here were confined to certain pockets (such as Tripura, Thane district and some other areas in Maharashtra, and parts of Jharkhand and Chhattisgarh), these pockets were significant both in terms of their political impact and in their importance to the wider Communist movement. However, the Left parties understood these areas predominantly in the frame of petty commodity production. In ideological terms, these parties have typically viewed adivasis and forest dwellers as the most "backward" elements of the peasantry, those oppressed by 'feudal' elements in what was viewed as the "semi-feudal" relations of production in the Indian agricultural scenario. As a result the struggles by these parties focused primarily on struggles for individual land security. This pattern continues until the present day and was exemplified by the "Bhu Poratam" (land struggle) launched by the CPI, the CPI(M) and several other allied organisations in Andhra Pradesh (primarily in the tribal areas) in 2007.

Yet over time the narrow focus on land issues, with neglect of non-land resource struggles and particularly issues of collective and cultural identity, have contributed to the decline of these parties in these areas. Combined with their drift into an increasingly parliamentarist approach, this decline pushed these parties into an institutional cul de sac and thence into an increasingly clientelist model of politics similar to that followed by other parties. But such clientelism requires a form of institutional flexibility (the possibility of easily making 'compromises') which is considerably restricted by accumulation by dispossession in forest and tribal areas. For instance, even obtaining such a basic document as a ration card (a routine task that politicians often undertake in other areas) is often impossible for those who live entirely on forest land, and obtaining title to one's lands under cultivation is also rendered very difficult by the Forest (Conservation) Act and the orders of the Supreme Court. The result is that, in the absence of a wider agenda for transformation of social power, both struggle
and maintaining electoral support becomes more difficult, and party cadres tend to become entrenched in local power structures. This was most famously reflected in the notorious wealth and power enjoyed by CPI(M) leaders in the Jangalmahal areas of West Bengal, who, in the words of a sympathiser of the Lalgarh movement, were living in "palatial houses" built through their connections to "rapacious timber and kendu leaf mafia" and "corrupt government contractors" (Ray 2010).

Social Movements

Since the late 1970s another form of political actor has appeared in struggles around land questions, though it is one that has proved notoriously hard to define. Variously described as "social movements", "people's movements", "mass organisations", and so on, these organisations exist predominantly (though not only) in forest and tribal areas and in areas witnessing struggles against projects and displacement.

These organisations should not be confused with funded NGOs engaging in welfare or "rights based" activities; the majority of these groups are unregistered and unfunded, and rely primarily on mass mobilisation. These organisations range from State-wide mass movements to small groups with a presence in a few villages. They also encompass a wide variety of organisational forms and ideological and strategic orientations. Within this diversity, they share certain broad features, namely internal structures that are less formal than a party, and a mode of organising that is centred around localised grassroots mass engagement. Their ideological orientation most often blends (in varying fashions) agrarian populism with Marxist, Gandhian, or adivasi/tribal cultural influences.

A particular note should be made here of the politics of indigeneity, which has become a key theme in certain areas of India (such as Jharkhand, Chhattisgarh and the Northeast) and has been expressed almost entirely through the work of such organisations. It has also been the subject of particularly virulent debates among scholars. 41 Non-party movements in adivasi areas that adopt this approach articulate a frame of cultural and ethnic identity based on defending a "tribal homeland" against the attacks of non-tribals, the state and big capitalists. As we noted above, a particularly large and strong example of such politics appeared in the Jharkhand movement, which developed a discourse of defending the rights of "moolnivasis" (original dwellers) against the "encroachment of outsiders" (Corbridge, Jewitt, and Kumar 2004). This indigenous understanding in turn is attacked by some as an elision of internal class relations (Shah 2012; Chandra 2013).

However, as with all forms of mass politics, this discourse is not merely an invention or an intellectual concept. Rather, the particular nature of this sense of indigenous identity is clearly marked by (though not determined by) precisely the existence of certain types of relations of production. Hence the strong articulation of a connection between the "community" and the "land", which reflects the continuing existence of collective production, and the resulting sense of an "ancestral domain", which belongs to the "community", but is now under attack. As with all ideological formulations, this understanding is incomplete; but it is also not merely a rhetorical invocation that has no relationship to reality.

Despite the great diversity among them, in recent years many of these organisations - in both adivasi and non-adivasi areas, though with the exception of the Northeast - have converged on a roughly similar set of demands and programmes. These are centred around three common themes. The first theme is the notion of an oppressive state, seen primarily as an agent of those who seek to expropriate the natural resource base of people's livelihoods. The second theme is the conception of the resistance as centred around a "community", equated with an indigenous population in tribal areas and with more

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41 See Baviskar (2011) and Shah (2012) for two opposed examples of this debate.
generalised agrarian communities in other areas. The third theme, which follows from the above, is the notion that therefore the way forward is through the fight for empowerment of local institutions - and in particular in recent years of the "gram sabha", or village assembly, as the central institution in resource governance. In addition to reflecting the material realities of these areas, this also reflected the fact that, unlike the parliamentary parties (which primarily targeted the legislative institutions) many of these social movements targeted the bureaucracy - and hence sought some degree of empowerment relative to it.

These key themes have found perhaps their clearest articulation in the ideological documents of the Bharat Jan Andolan, a national platform of some of these organisations, which unfortunately is not very well known among either political commentators or academic analysts. However, the same ideas permeate a range of recent struggles, such as those of the Narmada Bachao Andolan on the one hand, and those of the groups that fought for the Forest Rights Act and the Panchayat (Extension to Scheduled Areas) Act on the other. The Forest Rights Act mobilisation in particular resulted in some of the most widespread protests by adivasis since independence, and reflected the spread of these ideological conceptions into almost all regions of the country.

Yet, much like the armed organisations discussed below, these movements have struggled to expand beyond these initial areas and successes. These three ideological tenets find particular resonance in a situation characterised by a high level of state-driven accumulation by dispossession, since they match with the sociopolitical realities of such areas, as noted above. Yet efforts to generalise them beyond such situations have largely not been successful. As a result, these movements - with the occasional exception - have remained largely confined to areas with these material conditions and have faced difficulties in either expanding themselves or in building significant alliances with other political forces.

**Urban Social Movements and Organisations**

One should note that from the 1980s onwards such "movement" organisations have also emerged in many urban areas, often in the form of independent unions or loose coalitions of slum dwellers. This is an area that will be analysed in greater depth in the final project. Shared understandings have formed around specific issues - such as the right to housing and on benefits for unorganised sector and construction workers. On the land question in particular, they have built up an increasing resistance to eviction, in the process posing an obstacle to some forms of accumulation by dispossession in cities. However, by and large the crucial form of resistance to such accumulation continues to come from disorganised resistance (expressed through the local leaders of parliamentary parties). In this sense, these organisations are still developing wider organisational and ideological coherence.

**Northeastern Movements and Armed Organisations**

As discussed above, the Northeast has always had a different political dynamic than the rest of the country, and this has spawned two particular forms of struggle around land. On the one hand, also as discussed above, armed organisations fighting for a separate state have opposed the entry of private property-based land relations into their areas (though generally not in those terms). In recent decades, typically at the initiative of the unarmed 'movement organisations' in these areas (such as student fronts or the Naga People's Movement for Human Rights), these struggles have incorporated the vocabulary and concepts of indigeneity into their politics, and today express their struggle as that of defending an indigenous way of life against encroachment and expropriation by the Indian state. As noted in the
historical discussion on relations of common land use, these struggles have largely been successful in resisting the expansion of revenue codes and other 'mainstream' laws and retaining customary laws. However, these organisations have typically not openly combated transformations in production relations that have occurred as a result of class differentiation or shifts towards petty commodity production in some areas.

The second form of land conflict in these areas, which has also taken the form of armed struggle against the Indian state, is the Assam movement. In this movement as well, a central theme of the struggle has been the claim that Bangladesh migrants have been expropriating land from ethnic Assamese cultivators; in short, the sense of expropriation of petty commodity producers by external migrants (paralleling the issues of alienation of tribal land to non-tribals). The extent of such migration and expropriation remains highly contested (see Dutta (2012) for an opposing point of view). Meanwhile, until the rise of the Krishak Mukti Sangram Samiti after 2002, questions of other threats to petty commodity producers in Assam remained largely off the radar of political struggle.

Arguably, thus, the 'submergence' of land questions within the wider questions of sovereignty and independence has permitted more subtle forms of expropriation, privatisation and enclosure to proceed in these areas as well (albeit, in the hill areas, still to a far lesser degree than in the rest of India). This process can be expected to accelerate now that the armed organisations have all been repressed or contained throughout the Northeast, to the extent that today none of them poses a major threat to the security forces or the state machinery in these areas.

**Armed Revolutionary Organisations**

The last and most consciously revolutionary form of political struggle around land in India is that, of course, of the left armed organisations - and particularly the CPI(Maoist). Today, as noted above, these organisations find their primary base in the forest belts of Chhattisgarh, Jharkhand, Orissa and West Bengal, in addition to their older strongholds in Andhra Pradesh and Bihar (which are, however, today substantially weaker than they were some decades ago).

These are not the first or only armed organisations that have operated in these areas - armed uprisings among forest dwellers date back to the wars against the British. The suitability of forest areas for armed struggle flows from a number of factors. The terrain is the most obvious, but the political factors are considerably more crucial. First, the frequent use of legal and illegal repression by both the state and non-state actors makes violence far more the norm of political engagement in these areas. Second, as noted in the discussion on indigeneity, the lack of broad-based class differentiation as a result of accumulation by dispossession makes a political frame of the "state vs. the people", or the "state vs. the community", not only a rhetorical statement but a relatively accurate reflection of material reality. This in turn makes armed operations far easier.\(^{42}\)

As the CPI(Maoist) has increasingly shifted to forest areas, their articulation of the situation in these areas has gradually incorporated these concepts. Thus, initially the party and other similar organisations tended to situate the issue in forest areas in a manner similar to the parliamentary left parties. However, in more recent articulations by the party and its supporters, the view of these struggles has shifted

\(^{42}\) One should however note that the presence of armed organisations is limited to only sections of the forest areas.
towards seeing them as the "vanguard" of the revolutionary movement in India. Thus, one sympathetic commentator (Giri 2009) calls for making the "Dantewada experiment into a nationwide phenomenon"; another (D'Mello 2010) talks of the Maoist movement in the Dandakaranya region (at the intersection of Orissa, Andhra Pradesh and Chhattisgarh) as the key element in fighting off "neo robber baron capitalism" in India and putting in place a "new democracy." The most well known of these recent voices is Arundhati Roy (Roy 2010), whose famous essay "Walking With the Comrades" essentially equated forest areas, tribal movements, resistance to resource expropriation, revolutionary politics and the CPI(Maoist) with one another.

Yet the rapid expansion of the armed organisations - and particularly the CPI(Maoist) - in certain forest areas over the last decade has not necessarily marked a high point for their politics. Indeed, physical expansion has not necessarily meant an increase in political strength. The Indian state's counter-insurgency doctrine has always been premised on containment of armed organisations, not on their absolute defeat, at least until the state is prepared for an all out offensive. In this sense the CPI(Maoist) in particular is exactly where the state would like it to be: predominantly contained to a particular social group, in one geographical region, isolated from public opinion and treated by even its sympathisers as a "tribal" movement. This is a significant change from earlier decades.

The ability of the party to break out of this situation remains to be seen. As with counterparts discussed above, the armed revolutionary movement appears to be confronting only one of the numerous forms of relations of production in the country - and thereby preventing itself from expanding to others.

**Some Concluding Notes on Political Struggle**

As with any contradictory social phenomenon, there are thus both liberatory potentials and internal limits in most of the forms of political struggle on land issues at present. Some of these limits are clear. In particular, historically, each of the more conscious forms of political struggle has operated within the ideological, material and political frame of the particular relations of production that it is confronting. As a result a self-limiting process develops, whereby the struggle's political-ideological understanding develops around that particular set of relations of production, which in turn limits the ability of the organisation to work against other forms of exploitation, which in turn reinforces the original understanding, and so on. The result is visible in the actions of the parliamentary left, in those of the rural social movements and in the Northeast organisations. The armed left organisations face much the same issue; though their base has changed from areas of small-scale petty commodity production to forest areas, they continue to essentially confront the relations of rentierism and accumulation by dispossession.

This inherent self-limiting character becomes a particular weakness when the wider conjuncture shifts - as has happened to the organisations (the left parties and some initial social movements) that were dedicated to agricultural land reform. The increasing unviability of small-scale agricultural petty commodity production - pushing land relations into, on the one hand, reproductive and subsistence production on the one hand and into rentierist and large capitalist production on the other - has weakened these formations in a manner that they have yet to recover from.

This does not mean that political struggle has had no impact. As discussed repeatedly in this essay, the horizon of action for the ruling class is constantly restricted and constrained by the reality of struggle (at all levels, from the local to the national). Indeed, one cannot comprehend politics or the state's

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43 Dantewada is a district of Chhattisgarh which is almost entirely forested and with a majority adivasi population, and has been a CPI(Maoist) stronghold since the 1990s.
actions without recognising the continuous reality of struggle. Within this broad space, certain specific impacts can also be discerned. To choose two obvious examples: first, in the discussion on the state machinery above, it was noted that the courts have to some extent resiled from functioning as the spearhead of accumulation by dispossession. This is a direct result of conscious struggle. Secondly, the ideas of the rural social movements regarding gram sabha-based management, consent before expropriation of land, and so on have now become the common vocabulary (if only at the level of lip service) of a number of mainstream political forces. They have also been incorporated into a number of laws. This too is the direct result of struggles.

In short, the forms of struggle that achieve the most salience are those that attack the most crucial relations of production in the configuration of Indian capitalism at the time. This is not surprising in itself. However, the limits of the more conscious struggles arise from the inherent tendency of any political formation to remain within the boundaries set by the particular relations that it is fighting. In this sense the biggest weakness of struggles on the land question in India today has been the continued inability to \textit{cross} the boundaries of different relations of production in an effective manner. Given the inherent flexibility, organisational strength and physical resources of capital, this has permitted it to continuously prevail.

**Conclusions**

These are some of the broad issues that confront an analysis of the land question in India today. It is clear that attempting even a basic understanding of conflicts over land also forces one to engage with the overall political economy of the Indian socioeconomic formation. In the full study, these aspects will be examined in more detail, and a deeper analysis of the linkages between state action and forms of political struggle will be developed.

Two questions remain for any analysis to be complete. First, how is this situation likely to develop? And second, the age-old question of every progressive: what is to be done?

These questions will of course be mainly explored in the full study, but this synoptic analysis gives us some pointers. In regard to the first question, recent patterns seem likely to continue to develop. In particular, the continuation of accumulation by dispossession appears to be likely, given the strength of rentierist forces in the Indian economy, the shaken but continuing dominance of the global economy by finance capital, and the lack of any political force capable of or even attempting to confront these forces in India. In light of this, it is likely that the most visible and militant face of struggles over land in India will increasingly be the resistance to such accumulation. Other struggles will also naturally continue, as they do at present.

Such a scenario provides both advantages and disadvantages. The advantage is that struggles against accumulation by dispossession have an inherent radicalism: they directly question the exercise of state power and thereby raise political questions over the control of resources in a manner that other struggles do not necessarily do. In the Indian context they also challenge the exercise of power by the bureaucracy, which (as discussed above) is in turn the most direct agent of the finance and large capitalist forces that dominate the neoliberal economy. Further, given the class relations that such forms of accumulation produce, resistance to accumulation by dispossession also offers the possibility of developing collective production as a really existing entity (as has happened in some forest areas). This further contributes to such struggles’ radical potential.\footnote{These points are discussed in further detail in Gopalakrishnan (forthcoming)}

\footnote{44 These points are discussed in further detail in Gopalakrishnan (forthcoming)}
However, while all forms of political struggle over land suffer from the risk of becoming self-limiting, this tendency applies particularly strongly to resistance to accumulation by dispossession. By its very nature such accumulation can only occur in specific areas and, outside of forest areas, only for specified periods of time. The result, as discussed above in the sections on rural social movements and armed revolutionary organisations, is that the political forms that evolve in such resistance are not always amenable to being generalised out of these areas. Containment, isolation, disintegration or cooption are the common results. Earlier struggles for land reform and against exploitation of petty commodity producers were able to expand to much larger mobilisations before reaching their limits. This is a continuing weakness in struggles around land issues today.

How can one respond to this situation? As noted above, capital enjoys a key organisational and political advantage in its ability to respond by altering relations of production entirely - while resistance and struggles typically remain locked within one or the other set of relations. The question is whether a form of resistance can develop that can target more fundamental contradictions, ones that are shared across multiple areas and situations. Which contradictions would these be? Some points emerge both from the experience of past movements and from the analysis above. First, it is apparent that in all the relations of production that exist, collective production can both reduce exploitation and offer more political possibilities of resistance. Second, urban - rural alliances are possible today in a more direct fashion than they were earlier, as reproductive use and petty commodity production in both areas are increasingly threatened by similar forces. Third, such struggles can challenge the constant maintenance of a sphere of "illegality" that currently encompasses almost all land relations that are not of immediate benefit to capital. Fourth, the necessity for a political challenge\footnote{By which, it should be noted, one is not referring to an electoral challenge alone.} to the structural power of the bureaucracy over land allocation, and the clarity with which this necessity is today visible (as a result of accumulation by dispossession), is an additional area that needs exploration.

All of these are possibilities that are already 'on the table' in terms of existing struggles and movements. It would appear that struggles that operate on these lines are more likely to consolidate and succeed in the present environment. These questions and points that will be further given a more concrete shape in the final study.
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