



## Impact of Special Economic Zones on Land Owners and Farmers Rights

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### ABSTRACT

*In this article it is discussing about the impact of Special economic zones on rights of Indian land owners and farmers. Indian farmers being the backbone of the country and agriculture which contributes more than 50% of Indian economy, Indian former and labour being exploited since ages, it would be imperative to know in such a situation that whether the SEZ statute has impact on their Legal rights? What will happen to their right to livelihood? And whether the development should be in a sustainable manner?*

**KEYWORDS :** Special Economic Zones, Land Owners and Farmers Rights, Human Rights.

### Introduction

As a part of its strategy to jack up export through creation of specially structured enclaves, India has experimented with three categories of such an initiative. These include Free Trade Zone (FTZ), Export Processing Zone (EPZ) and Special Economic Zone (SEZ). The difference between SEZ and EPZ is that the former is an integrated township with fully developed infrastructure where as an EPZ to just an industrial enclave. To supplement this effort of establishing EPZ and SEZs were permitted outside the zone area with almost similar facilities. The performance of these zones and their impact on Indian Labour laws and Human rights are revealed in this topic. The importance has been given to two major factors that is., promoting exports and attracting FDI in the case of ordinary citizens' life. An effort is made to reveal the violation of land owners and farmers rights.

### Violation of rights of land owner and farmers

The farmers are important group whose rights are being over looked in the race to establish SEZs the Land Acquisition Act allows the state to acquire land for public use or for companies that are in the public interest. As the state governments can treat the units within SEZs as public utilities, developers have the right to forcibly evict farmers from their land in exchange of compensation, at the right of frequently will below market value, and certainly not at values which amount to anything like a share in the profits that will arise from the land when it becomes part of an SEZ. Moreover, there are no lands for can compensation or serious rehabilitation measures contemplated by these land acquisition laws. Former Prime Minister V.P. Singh has stated that government is acting as the muscle man of corporate to usurp the land of farmers, thus forcing farmers to virtually subsidize industry.

### Illustrations of violation of rights of farmers.

**Illustration: 1.** The Reliance Energy Group has planned to locate the world's largest gas power plant on agricultural land, which would be given to Reliance Energy Group on renewable lease for 99 years at minimal cost. The farmers to whom these lands belong were totally unaware of these plans of acquisition till the foundation stone was unveiled. In fact, the government discounted nearly 40% of the land const to REG as part of its industrial policy to attract greater investment. On one hand, the state government was giving a subsidy to REG; on the other, the farmers whose land was being acquired were offered only Rs. 150/- sq yard. The farmers agitated against this low compensation and demanded to be paid the market price which was about Rs. 500 per square yard.

After protesting at the local administration offices for several months, the farmers began hunger strike and Dharna on the out skirts of Bajhera Khurd in November 2005. After eight months into the protest,

a few of them were forced to accept the meager compensation offered by the government for fear of the threats held out by goondas, the police and the local administration. Nonetheless, most villagers, concluding that 'enough is enough' pulled down the boundary fencing set up by REG and decided to plight their land in the first week of July 2006. The administration responded to this act by sending armed constabulary to attach them brutally. As a result, several persons including women, disabled and aged people suffered injuries and property worth lakhs was vandalized, looted and violated the fundamental rights and other rights of land owners and farmers.

**Illustration: 2:** Despite this type of state repression, however, resistance to forcible acquisition of private lands by government is increasing wherever SEZs are to be set up. The thousands of farmers of Pen Tehsil in Maharashtra's Raigad District staged massive protests in June and July 2006, under the banner of the Pen Panchkroshi Sheti Bachao Samiti against the proposed SEZ to be set up by the Reliance in the midst of their farms.

**Illustration: 3.** The protest continued across the state of Maharashtra at Belapur in Navi Mumbai by Maha Mumbai Setkari Sangarsh Samiti, an all party forum opposing SEZs. Media reports said that BOA has told Mukesh Ambani – controlled Reliance Industries Ltd., to rework its proposals for the 10,000- Hectare Maha Mumbai SEZ as it threatened to displace many farmers.

**Illustration: 4.** In West Bengal, the State Government's process for acquiring land for Tata Motor's project in Singur District received a set back because former and agricultural labours organize under the banner of Krish Jomi Bachao Committee (Save agricultural land committee) prevented officers from entering their villages to serve notice of land acquisition and engaged in unarmed combat with police who arrived soon after. The protest went on and police claimed five lives in the combat, violating the Articles 21, 14 and 19.

**Illustration: 5:** in Punjab huge tracts of land allotted to industrial in Amritsar. A coalition of several farmers organization Punjab held a demonstration in last week of September 2006, before Vidhan Sabha at Chandigarh to protest the State governments move to acquire vast tracts of fertile land to hand over to industrialists to set up SEZs they held the banners, "we want to remind the State government that its role is to work for the welfare of people and not to act as a realtor for multinational companies and big industries". Thus, this shows the violation of Directive Principles of State Policy of State itself.

Thus, SEZ are violating the fundamental rights of the land owner, agricultural labours and other citizens too. In late September 2006 an advocate named Manohar Lal Sharma filed PIL in the Supreme Court alleging that states like UP, Maharashtra and West Bengal etc., were

forcing farmers to sell their land in order to hand over to big business houses for setting up SEZs. The petitioner contended that conversion of agriculture land for purpose of other than cultivation will create shortage of regular food supplies and vegetables. The petitioner prays for the quashing of all acquisitions that have already taken place with direction that the land to be returned to the farmers. Because, by reading Article 21, 39(a) and 41, the Supreme Court has included the right to lively hood a part of right to life under Article 21. This however does not mean that state may be compelled by operative action to provide, it, but it does certainly mean that the state shall not derive any person of his livelihood except according to just and fair procedure established by law.

Further, Supreme Court lawyer Prashant Bhushan is part of vocal community that it troubled by host of provisions in the Act. Some of them have already filed PIL in High courts and Supreme Courts questioning the rational for turning SEZs into enclaves of privilege that are not subject to democratic process. The PIL in the Gujarat High Court challenged the Constitutional validity of the SEZ Act, 2005. It said the Act violates Article 14, 19, 21 and 301 of the Constitution. And Act also against the Directive Principles of state policy and some are without the legitimate competence of parliament. Also PIL said local governance would be by passed since laws applicable to municipality would not apply to SEZ. Thus SEZ are jeopardizing the rights of the majority of the people of this country.

### Violation of Human Rights

The SEZ Act overrides all existing Acts, including that pertaining to local government. When towns under SEZs fall in the hands of a few people with their own administration, imagine the ensuring tyranny, SEZ denies all existing environmental laws of the country. SEZs can be seen as a manifestation of the phenomenon of globalization, which seeks to bring on increase standards of living to minuscule elite sections in developing countries, often by jeopardizing the human Rights of majority of the people of this country.

It is high time to evaluate benefits of SEZ against the tax relief accorded to it by the state and central government. It is also time to measure the benefits of these zones against the harm done to those who will lose their hands and pasture. How much harm will we do to the environment by giving reserved forests and area under the coastal regulations zone to SEZ? How much will the rupee gain against it? Can be all foreign profit at the cost of pasture lands? Is it morally right to earn foreign exchange at the cost of human rights? What would happen of the rich forest that is sold? Finally, would this development sustain when we become victims of natures anger?

It is high time one does a through ecological and economic analysis to protect and prevent the violation of human rights. Even according to Article 13(2) "the state shall not make any law which takes away or abridges the right conferred by this part III of Constitution. This prohibition goes to the root of the competence of legislature just as lack of legislative power under Article 246 or the violation of some other specific prohibitions, such as article 287(1) or 39(1) does. Thus the fundamental rights cannot be violated by the legislature.

### Conclusion

In this part, some obvious conclusion can be drawn from the global experience so far. SEZs are great for companies seeking to promote investments; they are great for companies seeking world class infrastructure and big tax breaks. But the effect of these SEZ was worse on the ordinary people and the working class. The SEZs violate the legal, Constitutional and fundamentals rights of the citizens. Since SEZs are being designated industrial townships by the state. Development Commissioner would work independently with no municipality governance. One can imagine the ensuring tyranny. As the SEZ are turning to be sovereign states accountable to none. No penalties have been spelt out for dereliction of duties. Apart from this, the forcible eviction of farmer from the land puts him to untold hardship for the rest of their life. Thus to conclude the SEZ Act overrides all existing laws. SEZ can be seen bad impact on labour laws. It is not the way for ensuring exchanges at the cost of human right, but eh SEZ policy allows entrepreneurs to do so.

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