

Prescribed, Tolerated, and Forbidden Forms of Claim Making

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Previous Research Papers on Social Justice-

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I

Development, as we all know, is not a conflict free process, and its history has been marked with claims and counter-claims. Before popular democracy arrived, development was not a virtue or mark of a nation, and therefore though the ancient texts counselled the kings and princes to look after their subjects and prevent their ruin and death due to famines, tax burdens, and plunder of their means of subsistence by the royal officials, “development” as a path of a nation and as a mark of “economy” of the nation is a typical product of our time. With democracy has come our right to develop. In this sense democracy and development are born at the same time. We should not be surprised that Smith, Ricardo, and Mill were all born in the time of the nations. Yet, the idea of development as a distinct character of a collective economy took time to strike roots. In the nineteenth century industrialisation and economic development came at human costs and amidst century long violent conflicts. Popular democracy had not yet been established; large numbers of people had to flee, perish, and die in the metropolitan countries and the colonies for the countries to develop. Today the question is two fold: In the coercive milieu of globalisation how can we ensure development in a dialogic way that addresses the claims and counter-claims in a society? Second, how do we ensure that our right to develop addresses at the same time our other rights, namely political, civil, social, economic rights? In other words, how do we reconcile development and democracy? Some of the well-known events of the last two years in West Bengal – the part of the country I live in – reflect in an interesting way on these two great questions of our time.

For the entire year of 2006 the West Bengal Chief Minister, Buddhadeb Bhattacharya, had used every opportunity to air his views that West Bengal required a quick march to industrialisation, that factors such as West Bengal’s past industrial decay, globalisation, current investment friendly atmosphere in the state, stable government, disciplined and skilled labour force, and improvement in the agricultural sector in the last twenty years, had made this policy of quick march not an option but a compulsory step. Therefore he, his party (Communist Party of India, Marxist), and his Government (Left Front Government) seized every opportunity to woo and welcome with promises and concessions each and every investment proposal from savoury and unsavoury sources, and then the redoubtable industrial group, the Tatas

came forward to set up a car manufacturing plant in Singur, some 45 kilometres outside Kolkata, to the west of the metropolis. For the purpose of this plant, land was required, and the state government acquired 997 acres of land there by invoking a colonial Act, the Land Acquisition Act, passed more than a century before - in 1894.

Though this was not required under the Act, the government wanted to demonstrate that the entire land had been willingly given over by the peasants to the government. Therefore it started securing consent letters, and on this along with the issue of compensation it held eight local meetings with village leaders, particularly with the leader of the section of villagers unwilling to hand over land. These meetings did not produce any effective result. The government determined to complete the acquisition process within November so that the West Bengal Industrial Development Corporation could hand over the land to the Tatas, started to cordon off the acquired land in face of the continuing dispute and the increasing opposition of the villagers. The ruling Left Front held a meeting near Singur on the Durgapur Expressway on 29 November 2006, and protesters of the villages where land had been acquired were beaten up and lathi charged by the police stationed there to prevent trouble, and on 30 November Section 144 was clamped down in Singur along with the announcement that land acquisition process was on the whole over. The ruling party the CPI (M), the main force behind the Left Front meeting in Singur, threatened the opposition with dire consequences if they persisted in "obstructing" the industrialisation of Bengal". In return, opposition members of the Legislative Assembly broke tables and chairs of the Assembly, earning opprobrium from leaders, members, and followers of the ruling party.

Thus, from 30 November-1 December, as the year of 2006 was coming to a close, trouble erupted with high visibility. The government claimed that the acquisition process had been completed on 28 November. In the next two days, processions in the villages of Singur became angrier. Police *bandobust* became massive. The leader of the opposition Mamata Banerjee along with several others were prevented repeatedly from going to Singur, they were picked up from mid-way by the police, and in protest the opposition called general strike in West Bengal on 1 December for 12 hours. Following this, the next day, on 2 December, the villagers of Singur made efforts from the morning to break the cordon and breach the line guarding the acquired area constructed and protected by the government with the help of armed police. Police made lathi charge, tear-gassed, opened fire, injured several, some critically, and arrested many including children, women, the old and the infirm. Meanwhile one had died due to the earlier police action, and now a teenage girl active in the resistance movement in the villages was raped in the early hours of 19 December, then killed, and then burnt on the field. Section 144, which had been clamped there under orders from the government as the month had started, continued for the entire month. The government completely banned the entry of the visitors there, including students and youth supporting the cause, other political activists, environmentalists, women's rights campaigners and leaders, and said that it would not budge from police measures and strong arm tactics - because this was only a work of a few mischief-makers, and that the overwhelming majority of villagers

were behind the government as they knew that by giving their land away the villagers would only stand to gain, and that they would get training and eventually jobs, etc. Thus police measures continued and there was also a coordinated media campaign in which oppositional stories were systematically ignored by the big media and declared as spurious by the government. Section 144 remained in place.

Meanwhile the opposition leader in the state, Mamata Banerjee, on 5 December - the day when the opposition had again declared a general strike, started an indefinite fast on the issue of return of land to peasants who had been unwilling to give away or had not given their consent at all. She also demanded the immediate withdrawal of police measures. And of course her main demand was that the car manufacturing plant site of the Tatas must be shifted somewhere else – and not in another high cropped fertile area. Initially, the ruling party, the left front, and the government dismissed the fast as a gimmick and not worthy to be treated as a serious political or agitating step. Apart from taunts, banter, and dismissive comments, police *bandobust* was strengthened. The vast government cum party cum media propaganda machinery started rolling in full earnest. It was argued:

- First, the opposition was irresponsible by demanding that the Tatas should move out;
- Second, their action was unnerving the industrialists and potential investors thereby harming the interests of the state;
- Third, the villagers were not with the opposition, and the opposition was fomenting unrest in the villages with the help of outsiders, because the opposition was frustrated;
- Fourth, other industrial lobbies were helping the opposition;
- Fifth, the police was not harsh with the agitators, in fact the agitators were assaulting the police, and hence the police was doing whatever it was in “self-defence”, and that this was “their duty”;
- Sixth, the government was transparent with all the data about acquisition of land;
- Seventh, the government wanted to dialogue with the opposition on all issues, barring of course the issue of the plant site, though on other occasions it said that it was ready to dialogue on the issue of compensation and on nothing else, and that the fast was a blackmail and at the same time an incitement to the followers to become unruly;
- And finally, the government was concerned with the health of the fasting leader Mamata Banerjee, which had started to deteriorate quickly after the twentieth day, and therefore the government was issuing public appeals and several letters to her to withdraw the fast, and come to the discussion table with the government, while the government would concede nothing as of now, save promising that it would hold discussions with the opposition...

In this hardening of battle lines as the fast entered the twenty-first day, by which time the fasting leader had rejected several public and government appeals including one from the union government, to end the fast while the fast had become an unprecedented public event, and the Maoist guerrillas had raided a running train within two hundred kilometres of the city to snatch away the firearms of the armed

police declaring that this “action” was being “dedicated to the struggling peasants of Singur” and threatening more reprisals in case the government continued with repressive policies in Singur, the life and death of one person lay in balance; similarly the fortune of opposition movement in the state hang in balance; likewise the fortune of the defiant villagers lay in similar suspended animation; and above all depended the matter, namely, if the fundamental question of the legitimacy of the drive for industrialisation in this particular manner would remain relevant. These in turn reflected on some other issues of importance surfacing in the turbulence of December, such as: Was this the precursor of a new type of popular politics? Did the movement signify the return of the land question to the centre stage of politics? And, finally, did the movement signify the overriding significance of the issue of *justice* in popular politics – the ubiquitous term signifying the *excess*, which remained after formal political formulations, declarations, and policies had exhausted themselves, the ethics remaining beyond law, or in this particular case signifying the contentious politics of land?

Claims about the details of the land relating to land acquisition became shrill and extremely conflicting and confusing. While the government did not bring out any detailed report on the purpose, mechanism, state of acquisition, and the terms and amount of compensation, it went on making several claims. Thus it claimed that the plots claimed by the opposition to have been forcibly acquired had not been acquired at all; that it could at most verify if the compensation money offered by the government had been willingly accepted by the peasants and not verify if the land had been willingly given over by the latter; that the acquisition had ended on 25 September, land was vested with the government on 4 October, and mutated in the name of the West Bengal Industrial Development Corporation on 17 November, and the land would be handed over to Tatas’ possession by January 2007. The opposition including a sizeable section of peasants claimed that 462 acres of land had been forcibly taken in Singur, while the government claimed that 958 acres out of 997 acres had already been acquired on voluntary basis. Yet, the government claimed that under the Act, under which land had been acquired, actually securing consent had no place. About receiving compensation, again conflicting claims were made. The government claimed that till 31 December compensation cheques were given out for 658 acres, while according to opposition, owners of only 23 acres of land had accepted compensation in December. In another claim the government stated that till date little above 10 per cent of the people who had earlier consented to accepting compensation had received money. If all these claims were not enough, the further question was: Who was receiving compensation – the actual tillers of land, in this case mostly is the sharecroppers, or farm labourers, or the poor peasants, or the owners, or all, and if all in what proportions? Again, if compensation covered the range of this agrarian reality, did it take into account the cases where the farmers of substance had leased land from the poor owner-peasants? And who would get job and pre-job training as part of compensation, how many? And finally on this displacement, massive if the area is considered – did law, protection delivery system, and the system of justice, have anything to say? Clearly on the issue of law and legality, the opposition was on a losing ground, for these claims were political, by

which I mean extremely physical, and law had washed its hands off such intricate questions of physical possession of land, life, and livelihood.

So when the month of December of 2006 ended, there was no legal resolution in sight. Political claims continued from all sides. The opposition leader had broken fast on the midnight of 28-29 December, but punitive measures remained in place. There was no discussion. There was no political resolution either. No one knew if the affair of Singur was closed or would be soon resolved; or irrespective of the way it ended if this would prove to be just the beginning of large scale agrarian disorder in the wake of state-wide land acquisition on a massive scale by force, that is invoking the Act.

II

If we have just foreseen the significance of the issues involved, at this juncture I want to confess that an examination of these questions is not the aim of this article. My article aims to see amidst all the evidences and the vast repertoires of politics, popular movements, and state management of these issues around Singur, how claims are made, how regimes react, how repertoires build up, and how the ruling politics makes its preferences known – for the prescribed, if not then the tolerated forms as the second best, but certainly not for the forbidden forms of claim making. This is of course not to say that these issues had no impact on claim making; indeed government claims were conceptualised and articulated in an overwhelming atmosphere of consensus on globalisation, the need for a quick and forced march towards industrialisation via the road of private capital, on the need for the society (meaning one section of it) to bear the burden of this industrialisation, the necessity of displacing large numbers of population groups in the interests of development, the received history of reforms in the western world in the twentieth century and recently in China, and finally the consensus on the idea that at last the nation has been able to make a turn around and now the leap to phenomenal growth is around the corner. It is also important to examine the process of consensus building, because then we shall have a sense of the government's ruthless sense of direction displayed in the month of December and the counter-claims of the opposition regarding of the "impending disaster".

Yet, the argument for industrialisation was met from the beginning by the counter-argument about deliberation, careful planning, necessity to secure the consent of the peasantry and hence the need for discussion with various peasant associations, the necessity of a wider dialogue on the roadmap to industrialisation, modernisation and development, and finally the need to balance the industrial drive with agricultural stability and growth. The last factor became crucial for the shaping of the counter-claims, because this hinted at the unfavourable trends in agriculture in many parts of the country – farmers' suicides in some states including West Bengal where deaths due to starvation had been occurring, widening disparity between agricultural and non-agricultural sectors, marked slowing down of the rate of agricultural growth, and ever deepening debt trap for the poor peasants, rural labour, and at times the farmers. There was investment failure in agriculture; agriculture

yielded in many places small volumes of trade, and there were disparities in public services such as education, healthcare, water supply, and connectivity. All in all agricultural productivity was going down – a condition in which turning multi-cropped land over to industrialists created concern, anxieties, scare, and panic.¹ In West Bengal a traditionally intensively cultivated state this meant even more gloom and despair. According to one commentator writing in the midst of the turmoil of December, if by any reason (in this case by acquisition of land on a massive scale) the annual rice yield fell by about 2 lakh tonnes, there was bound to be food shortage even in a normal year. While this drive for acquiring land promised to go on, government investment in education and public health had gone down, with the consequence that the quality of both education and public health had declined. The state now overwhelmingly depends on agriculture, to the extent that only about 8 lakh acres of land out of 219 lakh acres remain fallow for a greater part of the year, while the rest comes under seasonal cultivation. On the top of that, not all parts of the state have alluvial soil. Some have laterite, some acid, and some saline, while the industrialists including foreign companies mostly want land in and around Kolkata, that is to say the alluvial soil of East Midnapore, Howrah, Hooghly, North 24 Parganas, Nadia, Murshidabad, and Maldah. On the other hand companies now want in total about 125,000 acres of land, and the government has already issued notices for acquiring about 44,000 acres of land mostly falling in the area mentioned. What will be the resultant displacement of life, habitation, and resources? What will be the impact on land utilisation pattern and food production? And thus what will be the result on the state's self-sufficiency in rice, particularly when we consider the fact that in 1977 (the year of Left Front's rise to governmental power) the per capita availability of rice was 419 grams and in 2006 it rose only to 454 grams? With reduction of arable land and an accompanying plateau in food grain production what will be the impact on wage earners? Will the state have to import rice in addition to wheat, pulses, and edible oil, particularly when we remember that in the state of West Bengal the production of food grains had increased dramatically by about 70 per cent from 1980-81 to 2000-2001, and then the production had started to decline?² As the year of 2006 closed, it was not too hard to realise that the whole scenario was full with contentions, with claims and counter claims of different sections tearing the political and administrative milieu apart. In this scenario the forms of claim making – prescribed, tolerated, and the forbidden forms presented for us an absorbing scenario in terms of our understanding of democracy as a space for claim making.

But to develop such an understanding we have to first see the nature of the regime, which now faces these repertoires, and under which the claims and counter-claims are now shaping up. Besides the reason of general structural and socio-economic transformation, is there any specific connection between the regime and the way the claims for land were made? Of course there is a significant weight of history as in this case songs and themes of the agrarian revolt of the late forties led by the communists of those times were now played out and sung repeatedly under the canopy sheltering the fasting leader and her group. Red banners freely mixed with other banners. Red Guards from universities were again on their way, after a gap of nearly forty years, this time to the villages of Singur. And, an old litterateur of eighty

years wrote a daily column in a mass circulation Bengali newspaper throughout the month reminding the readers that this was a government and a party untrue to its own past. Land question had come back from economists' and historians' chambers to haunt the current time. But the pure weight of history would not have done the trick. Collective claim making by the peasants (of Singur) and the political forces supporting and mobilising them, demands the existence of possibilities of their future developments into full-fledged contention, which in turn depends on the nature, flexibility, and the dialogic trends present in the regime. Besides, collective claim making also requires and depends on networks, existing solidarities, and other mechanisms including the issue of available forms of claims.

It is of course natural that collective claim making took time to develop in communist ruled Bengal. For, once, we have to understand the Left Front Government appeared from the beginning, as a high capacity regime and there were reasons behind that. Coming to power in 1977 it was in many ways a break with Congress' ways of governing. With widened mass base, a participating peasantry in local government business, close link between "developmental bureaucracy" and "mobilisational bureaucracy" (epitomised by the closeness between the BDO and the panchayat pradhan at the bottom, District Magistrate and the Zila Sabhadhipati at the middle, and Left Front, particularly the CPI (M) party leadership, and the Government at the Writers' Buildings at the top). The radical Left had been decimated in the eight year armed struggle, the Right was discredited, and an organised party committed to discipline and development had lent its full strength to the government in power. With party cadre calling the shots in local governmental life, and the opposition of any type easily stopped and crushed, if necessary by killing few, many felt that the capacity of this regime was increasing all the time instead of weakening. Since in many ways this was a modernising regime calling into permanent use Bengal's reascent past to bring into reality a new middle class with new cultural and symbolic repertoires (secularism, new theatre movement, progressive cinema, limited land reforms, Bengali education, spread of primary education, mid-day meal scheme, inter-caste dining, rural fairs for literacy and literary works, women's education in district and other towns, etc) and could boast of a disciplined labour force, that would die rather but not revolt if the massively centralised trade union leadership did not permit it, the state government got backing from successive governments at the centre in its policy of stabilising the society. Besides, another factor rarely taken into account by contemporary historians of West Bengal, is the factor of the decimation of the militant labour in the state in the eighties and early nineties of the last century in the wake of the closure of jute, tea, cotton, and big and small engineering and tools manufacturing factories in the state. From Asansol to Durgapur, from Howrah and Hooghly to 24 Parganas workers committed suicides in large numbers in this period, many women became victim of flesh trade, many more returned and died back in their villages, and acres and acres of vacant factory land today stand witness to the once mighty industrial units of West Bengal. Almost all workers' protests were curbed or were of no use. In face of the offensive of bosses, workers retreated, and this – a silent counter-revolution in the industrial scenario and a silent passive revolution in the social scenario if we take

into account the impact of this defeat of the workers on the middle class – ironically strengthened the capacity of the regime, for the capitalist bosses knew that they had the dependable government in power. They could not complain of any serious misdemeanour from the government, while West Bengal underwent almost a structural change from the mid-nineties in the wake of the workers' defeat and global opening up of West Bengal.

High capacity regimes are typically ones with extensive formal democracy, trust of the rulers or the ruling groups on the government, ordered ways of negotiations among groups, similarly ordered ways of interest representations to various organs of government, adjudication, and legislation, and a capacity to deploy combinations in various measures of coercion, reward, resources, and a resolve to tackle contentious claims. West Bengal government not only shows regular regime features, it is a regime with a likewise high capacity. It displays both responsive and facilitating features – it can threaten (responsive) and retaliate, it can also reward people obedient to it (facilitating). In short such a regime has marked preference for certain claims, also for certain ways of putting these claims forward. Also because of its democratic basis it tolerates some claim makings even though it may dislike them, but it certainly punishes the offenders, that is, those who resort to the forbidden forms of claim making. It has at times mixed its responsive and facilitating roles by combining repression and facilitation. Thus while it responded to civil liberties forums in West Bengal on the issue of the abolition of death penalty by nonchalantly hanging a prisoner sentenced to death more than a decade back, it has acted as facilitator of several para-economic and cultural enterprises if they have been found to be of gain to the government. But, the bottom line is that the forms of claim making it prescribes and permits must conform to the given ways of negotiations and representation.

What are these prescribed forms? Generally, as evinced in the month of December also, from the perspective of the high capacity democratic regimes, the preferred forms of claim making are reduced to rights to assembly, association, speech, and representing in constitutional ways the grievances - mainly in form of petitions and discussions confined to the lower levels of government. Typically therefore, the local administration in Singur called the opposition to meetings about seven eight times in the four months preceding December. The local opposition members of the area could attend, would get the honour of being invited to the DM's (District Magistrate) chamber, but there was nothing that the DM could do if they did not fall in line. As the C.M. had said, Tatas would come no matter whether the opposition would come to an agreement or not. The opposition MLAs could visit Singur, raise questions in the Legislative Assembly, and meet the Chief Minister or the Industries Minister if they wished. But they could not, which they did much to the admonishment of the society, break tables, chairs, and destroy the files of the Assembly (30 November), for "Assembly was the mother of democracy". But if the opposition played according to the rules set by the regime, then the government could think of facilitating the opposition too, by helping the latter to play the role of a loyal opposition. This would be possible when the government would be ready to help the opposition in various ways to the extent of sponsoring the latter, as happened with the

big brother CPI (M)'s attitude to the small partners of the Left Front. These parties could certainly raise discordant points about land acquisition policy and methods of the government, air critical views, and claim that their suggestions were better. These were prescribed forms.

The governmental capacity being high, the government can have a range of prescribed forms. What is more significant, the range of tolerated forms may become bigger. Yet as I shall show soon, we are now entering a uncertain territory. Let us only say this much here, that the boundaries between the prescribed, tolerated, and the forbidden forms may prove uncertain if contentious claim making persists; also a high capacity regime may suddenly start showing weaknesses in face of a persistent claim. This is exactly what happened in the "velvet revolutions" in East Europe. Regimes and contentious claims meet as adversaries, and the contest may take different routes. Therefore not only governmental capacity matters, the persistence of claim making matters too. And as I already indicated, persistence depends on the state of resources for claim making, namely appealing techniques, coercion, trust and network as a resource, and finally the regime's attitude, which determines how much the claim making form has as manoeuvring space, more important the manoeuvring scope that regime has. Thus, typically in December the Left Front government was paralysed from within because of discordant voices of the small partners, which encouraged the claim making to persist.

In such a situation the range of tolerated forms of claim making may increase dramatically. Throughout the month of December, almost each day some of the main streets of the metropolis and other towns were occupied and traffic stalled by angry young protesters, on one occasion bare-bodied, who would even lie down on the roads. After the fast was withdrawn, and the administration decided to continue with Section 144 in Singur for another twenty days, there were processions in Singur unobstructed by the police. Trains were stopped at many places on several days; again the government did not intervene. There were three general strikes called by the opposition, which were by and large observed; and again the government had to tolerate. The regime however claimed that it was democratic, so while it would go ahead with its plans for regenerating West Bengal even at the cost of displacing and dispossessing peasants on a large scale, it would "allow" democratic protests to continue. In this case, what was democratic in the eyes of the government? Peaceful assemblies and actions of that sort, though as I said, as the month of December progressed, the range of prescribed-tolerated increased.

What about certain acts of vandalism? Again, the boundary seems blurred. The regime of course cannot permit them, because such acts (vandalism in the Legislative Assembly, stoning the showroom of Tata Motors, and the office of the West Bengal Industrial Development Corporation, the kicking of a boundary stone and throwing it away, torching of an office of the CPI (M) and a *panchayat* office, cutting of roads, felling trees, torching buses, police jeep, etc – some in the early days of January 2007) challenge the regime directly. They pose counter power. They pose the issue of justice in the way the Dalits have challenged governmental power in town after town by destroying property, particularly property bearing the marks of

the regime. Yet, as December showed, these were tolerated, though not prescribed, because the regime knew that it was facing a persistent contentious claim.

But clearly some forms, particularly the ones characteristics of an upsurge, are forbidden in the way revolutions are forbidden by regimes. Therefore in this case when villagers tried to prevent the party fencing the acquired land in Singur, and in the process resisted the police party, this was a forbidden way of claim making. The police beat mercilessly, women and children were not spared, subsequently a girl was raped, killed, and burnt, two committed suicide, large number of people were arrested from the villages of Singur, outsiders (except government leaders and police officials, etc.) were prevented from going there, even though outsiders by merely going there were not breaking Section 144, arbitrarily people were picked up from the road to Singur, and what was declared most forbidden was the tendency of the Naxalites “from outside” to go to the villages. This was a strange situation. Each of the actors was an outsider in Singur – the Tatas, the bureaucrats from the Department of Industries and the WBIDC, the Chief Minister who had been elected from another constituency, the state, political campaigners, and the police. Yet, the only “outsiders” forbidden to enter Singur were the radical youth, whose names and photographs were systematically picked up by some newspapers and TV channels as the intelligence arm of the regime. In this case thus, two forms were forbidden: (a) you must not actively resist the police and the party of order in the villages; (b) you must not bring in from outside “dangerous elements”, which could connect Singur to wider forms of claim making (think of network that I mentioned) and different forms of *action* thereby helping the claim to land persist. Both of these aspects showed the limits of the democratic regime, for which routine protest is an acceptable part of the game of claim making, but which would not tolerate anything that breaks the rules of the game. Who sets the rules of this game? Of course, the regime sets the rules. This is what we can call the democratic paradox as well as the democratic deficit.

But, most important, what about the indefinite fast, that became fast unto “death”? Indeed, what is the position of death in contentious politics? Clearly the opposition cannot kill as a form to make claim. But what when the opposition leader says that she is going to die, that is kill herself, to press the claim? Law does not allow such deaths either. Law only allows deaths done by the State. But trying to kill one self has a tradition that goes back to colonial days, hence we know the names of Gandhi, Jatin Das, Bhupendra Kumar Dutta, or elsewhere Bobby Sands... People think of this as moral politics, Gandhi himself thought so, which may be the case. But in terms of claim making, fast unto death to press claim is terribly contentious. The regime thinks that it is an act of blackmail and putting pressure. The opposition thinks that this is the last, most risky, and most contentious way to go ahead – a high wager high dividend game, in the process of playing the actor may die. Here when Mamata Bandopdhyay started her fast, many ridiculed it, yet when the fast went on and entered the closing days of the second week, pressure started mounting on the regime, yet the regime tolerated the action, and did not resort to violent transfer of the fasting leader to a hospital, or lath-charge the hundreds and thousands of people assembled near the canopy, because it would have been too risky a step. It thought that the fast would end under pressure from various quarters

persuaded by the regime's posture of dialogue. But the juggernaut of claim making rolled on. The fast entered the third week. Now this was hovering between a tolerated form and a forbidden one. The regime's high voltage postures, letter writings, repeated consultations, various intercessions, issues of statements, rallies, meetings, sit-in strikes, and blockade of roads and trains, appeals to boycott of Tata goods, and other demonstrations showed that the situation created by the indefinite fast was rapidly reaching a situation of forbidden form, which meant some action would have to be taken by either of the adversaries to break the stalemate of which Gramsci had spoken once. Hurting both and hurtling down the road of full-blown contention, the fast epitomised all that I have mentioned here regarding the prescribed, tolerated, and forbidden forms of claim making and their slippery boundaries. In this case, as local readers of this essay know, the fast ended with promise of dialogue but no concrete assurance from the government of mitigating any of the major demands. But the claim of course persisted. December 2006 may be only the first scene of a remarkable drama, and a contentious future may be waiting for us. Post-colonial India may witness yet again sharply different claims and contentions.

III

So, what are the lessons apart from the ones that came out from the above description? And this is where I differ to a critical extent from Charles Tilly whose writings on contentious politics over the years have taught us many things about popular politics, and whose ideas about regimes and repertoires have enriched our understanding of collective violence.³ To Tilly, democratic and non-democratic regimes have invariant meanings and therefore their boundary is inflexible. The result is a poorer reading of popular politics, also a poorer understanding of the mix of regimes and repertoires that is constantly happening in contentious politics. But there is a greater difference between Tilly and me. Tilly refers almost ad nauseam to democracy (almost wholly western) and forgets what is crucial in the encounter between regime and repertoire is the regime's dialogic capacity, and not any inherently democratic capacitor.

What are the lessons then I think we can draw from the turbulence of December?

- A regime's capacity to control contentious politics depends to a great extent on its attitude towards different forms of claim making and their boundaries;
- The means of control by a regime over claim making depend partly on its institutional capacity, partly on its dialogic capacity;
- Repertoires of claims can fast slip from one category to another (prescribed, tolerated, and forbidden), and there can be transformation in the nature of the forms;
- Innovation in claim making accelerates as contention becomes acute;
- Various incipient trust networks become active and contribute to the persistence of the claim;
- The capacity-democracy space is marked by dialogic acts, proclivities, and trends;

- Globalisation can make contention acute;
- The number of claimants increases to the extent the repertoires of claim can become elastic and this increases in a variable way; thus the sudden beginning of fast brought a surge of protesters and claimants after the strong police action had seemed to quell the claimants;
- Movement thus grows and becomes increasingly contentious as it keeps on producing streams of issues, actions, events, measures, and forces a regime to tie itself up in knots as the latter concentrates all its energy in quelling the movement;
- Finally, collective violence reaches high level as on one hand the regime operation concentrates on coercive means and is unable to counter the coercion that claim making repertoires bring to bear in the movement, and on the other hand the claim making forms reach a high degree of coordination and salience.

These ten particular lessons of December tell us also some general truths of politics that is popular politics. It shows how politics can exceed governmentality due to what can be called the autonomy of politics, or the autonomy of the political subject, whose existence as an autonomous phenomenon paradoxically depends on, for lack of better term we can say, “unfolding”. This unfolding challenges the location of the regime as defined by the regime’s self-claim about its location; it may disallow a successful repeat of the previous trajectory of the regime in encounters with popular politics (in West Bengal, for instance surrounding and overwhelming a dissenting group of villages with enormous mobilisation from outside, called the “Keshpur Line”); it may create multiple centres of power; it can create a situation in which forms of claim making will arise increasingly from the bottom; and contention can change the shape of the regime, if not always the regime itself. Finally, this unfolding implies that the most forbidden forms of claim making may suddenly become a reality.

Nothing is inherent in the fortunes of a regime’s control capacity or of a claim making form. As the month of December 2006 ended along with the end of the opposition leader’s indefinite fast, the government could have turned a new leaf by taking the following steps through initiating discussion at multiple levels and in a wide ranging way (with opposition, various trade union, peasant, and village associations, other public bodies, sociologists, geographers, and economists, and other trade bodies), namely, formation of a land bank through a proper land map, transparent policy of inviting investment, more significantly an agreed compensation and resettlement policy with local consent of the people to be affected where land acquirement is absolutely essential, policy for utilising unused land of the factories closed for long and forever and finding out land in the dry areas, and take a new policy for reviving industries, particularly small units... in short, holding out the assurance that the dialogic path is the regime path, and by taking that path and not being in an unseemly hurry, that the regime was losing nothing. Yet, the New Year showed no indication of turning a new leaf, even though the whole think tank of the party of order, called the Central Committee, was in session to frame policies for the nation. On the other hand, consider now these two events – one not connected with

Singur but speaks volume of the regime's control capacity, and the other connected to the claim making politics Singur represented.

On the night of 31 December as the year was ending, a group of army personnel raided the Park Street police station, occupied its premises, beat up the policemen, broke tables and chairs, tore telephone and other cables, and freed from lock up two of their colleagues just put there on account of alleged misbehaviour with women in the mid night on Park Street – taking over a police station, a feat that the Army had not managed in the Northeast even. The fulminations of the state government ended in whimper in a day or two. Second, few days later on 3-4 January 2007 as the news of imminent land acquisition on a wider scale reached Nandigram, East Midnapore, where a Special Economic Zone was to be set up, thousands of peasants came out, drove away the police, administrators, and the party bosses of the area, threatened the government and the big man of that area Lakshman Seth, the CPI (M) M.P., with dire consequences if the regime persisted with its programme of displacement of the peasantry, burnt down offices, cut down culverts, roads, trees, etc to prevent the police from entering the villages, and declared their resolve by coming out in thousand men and women with spears, lathis, and scythes, in the process losing several lives (by informal count eleven, government figure six) in clashes. The government said that the notice for law acquisition had not yet come out, it was all a rumour and mischief of outsiders, once again these so-called outsiders being the radical youth, the Naxalites, who had “fomented and incited” the villagers of Nandigram. In Kolkata, the same party that is CPI (M)'s general secretary said that the state government had a definite policy of land utilisation and that the opposition was behaving irresponsibly, and once again people refused to believe the words of party functionaries and the government. Once again, a democratic regime showed no inclination to dialogue. Claim making assumed forbidden forms – some say it was a peasant upsurge after long years in Bengal – after the incremental mutations in the form of claim making have been ignored by the regime. Contentions have risen; the connectivity of the forms of contentious politics has gone up, and December projected its long shadow into January and beyond.

IV

Events progressed fast after 31 December. The take over of land in Singur by means of Land Acquisition Act in the “interests of industrialisation” was to be followed now by acquisition of about ten thousand acres of land. On 4 January 2007, peasants in Nandigram in face of police bullets and para-military operations dug all approach roads to the heart of Nandigram, and began conducting night vigil parties composed of women, children, and men, to ward off any police entry. Police, armed cadres, and vigilantes of the party of order tried to enter repeatedly for the next few days to bring the insubordinate villagers into submission. The Government blew hot and cold at the same time. It said that it would not forcibly take away land from the farmers; therefore the villagers had no cause to fear. It further said that industrialisation was necessary, and that Maoists were fomenting trouble in the village. It also said that the villagers of Nandigram had taken the road of lawlessness, insubordination, and the

setting up of parallel authority by establish a “muktanchal” (liberated zone), which no administration could tolerate. Law and order had broken down there and the government would have to act sooner than later. Throughout January the government prevented the entry of human rights activists in that area.

Meanwhile Singur was once again in flame. On 22 February the peasants tried to break and uproot the fence that had cordoned Tatas’ land there, and police and the security forces mercilessly beat them. “Arandhan” (no cooking, no eating) was observed in houses of Singur in protest. On a High Court order the government had to lift the prohibitory order Section 144. Opposition parties again started holding meeting there. Meanwhile on 12 March Haradhan Bag, a 62-year peasant of Singur whose land had been taken away by the government to facilitate the small car project, committed suicide by consuming pesticide. In the eyes of the official communists and their government this was another necessary sacrifice in the interests of industrialisation. Haradhan had exhausted other steps to prevent the forcible acquisition of land before he decided to end his life. On 25 September he was one of the demonstrators agitating in front of the Block Development Office and was severely beaten up by the police. On the same day the government cleared another project by the Salims who were to set up their chemicals hub in Nandigram. On 14 March the government entered in a formal agreement with the Tatas, whereby the Tatas would get a 200 crores loan for their car plant in Singur at a rate of one per cent from the West Bengal Industrial Development Corporation – a government agency – which would take a loan from the market to extend to the Tatas.⁴ On the same day, finally, the government decided to enter Nandigram with full force. The result: at least 14 deaths according to official version, according to public at least 50 deaths with rest of the dead bodies being thrown into the Haldi River with some of their heads cut off the bodies to avoid identification of bodies. Some bodies were dumped in the morgue of the nearby big hospital, the Haldia Hospital, where anxious relatives were prevented from seeing the dead bodies to identify the missing near and dear ones. Of the people who died a significant number consisted of women and teenagers, and mostly Muslims and dalits. On 15 March the head of the government Mr. Buddhadev Bhattacharya issued a statement in the Legislative Assembly where he said that killings were necessary to bring back rule of law, though to be sure he expressed his remorse at the killings. On 16 March again a general strike was declared by the parties of opposition, with the city of Kolkata in upsurge, and in various parts of the state the offices of the party of order set ablaze, one deputy magistrate and other officials severely beaten up, buses torched by defiant crowd when the government forcefully tried to maintain the transport system and break the strike, and students and youth in large numbers everywhere coming out on streets in defence of the harassed and dispossessed, and the adamant peasantry remained unwilling to give up land.

Meanwhile claim makings took on violent turn in some other fields also in the following year, that is 2007, which quickly became known as the “ration revolt” in the countryside. Protests against corrupt ration dealers were simmering in the villages of Birbhum, Bankura and Burdwan. Trouble first broke out on 16 September (2007), but things flared up three days later. PDS (Public distribution system) dealers

were accused of privately selling off government-subsidised wheat and rice at higher rates. In Mayureswar and Kirnahar of Birbhum district, about 250 km from the city of Kolkata, the houses of six ration dealers were set ablaze and their families assaulted two days later. Villagers looted property and food grains. An opposition political party, the Socialist Unity Centre of India (SUCI), called a 12-hour strike in the district to protest against corrupt ration dealers, but it was later withdrawn at the behest of local leaders. Protests were also reported from Bankura district, where they had first began. Villagers in Birbhum district continued violent protests. Then a day after a man protesting against corrupt ration dealers was killed in police firing in the district, irate groups of villagers set on fire to PDS or ration shops, stores, and even attacked the houses of ration shop dealers in fresh areas of the district though there was no future report of any death. But, a free-for-all situation prevailed in the district as people looted house after house and resorted to arson. Forces led by the Inspector General of Police (Western Range) Arun Gupta found it extremely hard to cope with the situation as consumers went on looting the shops of ration dealers in Birbhum district. One protester, said to be starving for days, was shot dead by police on Monday during a similar demonstration in Kirnahar. But police was still unable to stop villagers across several districts from looting food supplies from shops. Villagers also set fire to go downs and police vehicles, saying they were starving. Dozens of PDS franchisees surrendered their permits out of fear, while the police said they were investigating the allegations of hoarding. In any case West Bengal by now was repeatedly coming up in the list of hungry states of the country with sky rocketing prices of edible goods, and inefficient food supply to the needy. Earlier in the same year, an inquiry by the Union Government had found that most of the rural poor in five states were not getting subsidised food supplies regularly. It found that only 10 percent of the rural poor were getting regular supplies in the remote villages of West Bengal.

And then the protest finally spread to Burdwan district also. A man was killed and dozens of people were arrested on 24 September after hundreds of people clashed with police in Burdwan, accusing authorities of hoarding food stocks meant for the poor. Again here also the poor villagers voiced the same complaint, namely that the subsidised food grains and sugar meant for them were being diverted to regular markets and sold at huge premiums by corrupt PDS officials. At least 100 people, including dozens of policemen, were injured in clashes in the fourth week of September, against what locals termed as widespread graft in the government's public distribution system (PDS). The district police chief, Peeyush Pandey admitted deploying massive police force to bring the situation under control. Again, when the latest round of trouble broke out in Ketugram in the same district, witnesses said that one protester was killed when police opened fire to disperse a mob, though the police said that they were still investigating how he died. The incident occurred when villagers had laid a siege on "ration dealers" (as PDS agents are commonly referred to), and demanded compensation from them for insufficient supplies of wheat and rice. Police contingent had to be rushed to the spot to rescue the ration dealers; angry at the police action, the villagers had attacked the houses of ration dealers and hurled stones at the police. They also set fire to police vehicles. As things went out of

control, police first resorted to a baton-charge and then opened fire. Yet protests did not stop. It now again moved to Birbhum district, where next Monday, a protestor, Ayub Sheikh, was killed in police firing outside a block office in Lavpur as political leaders were huddled inside the office to discuss as to how to contain the spreading agitation. Arson, looting and ransacking of ration shops were now reported with alarming frequency, so much so that as the SP Pandey added, "Ration dealers and their families are being given adequate protection".

Slowly of course the ration revolt that endured for a month went off the newspaper heading and first pages, as Administration honed strategies to quell the unrest. Hunger remains, through the fire of protest of course died down in the festival month that followed. And we do not know when collective violence over hunger will reappear. Yet one thing is certain. Judging the way the public discourse in the state of West Bengal still makes itself known, it is still clearly one of development, and not one of claims or democracy.⁵

What will you choose to call this: a political problem, a law and order problem, a developmental question, an administrative bungling, a problem of democracy, or peasant stubbornness, compulsions of a coercive globalisation, or all these combined? Whatever answer you may choose, one thing is clear, namely, the prescribed, tolerated, and forbidden forms of claim making will remain, and development as a process and issue will not be exempt from this contentious dynamics. Economic rationality will make little sense here, or to be true will make no sense. The choice was always and will be political. Rulers will behave as rulers, ruled will respond as the *ruled*. In this fundamental division of society these experiences as the one narrated here make it imperative for democratic politics to take a dialogic turn, for we must remember that the rise of the political subject is irresistible, and democratic politics must now get rid of its deficit if it wants to remain relevant all for those whose claims are ignored in the name of development.

Yet we have the occasion here to ask what is this age that so glaringly demonstrates the divergence of the economic and the political? How do we explain the decline of the will, which leads to if possible a total denial of the significance of claim makings, as if the society should henceforth be run on the basis of "economic rationality" and not political will? This too is characteristic of modern democracy. We do not have the full occasion here to go into these characteristics of modern democracy. But I shall mention only two, and I hope they will provide glimpses into if I may use the phrase "the secret of the political will" in an age when politics seems to have died down. One is the *question of claim making in the age of bio-politics*; second is the question of *the divergent phenomena of electoral majorities and social majorities in modern democracies*. Both are significant questions, and again we cannot go into their full implications. But at least we can make clear the line of further thinking as to what these two inquiries entail in terms of the interplay of democracy and development.

First, let us see briefly *the issue of bio-politics*. One of the landmarks of both development and democracy, better developmental democracy, is the care by the government, in this case the Indian government, for human life, social (life) security arrangements, increasing governmental guidelines for every aspect of life, an

appropriate population policy (in terms of number, composition, spread, socio-cultural characteristics, etc.) – in short the power of the developmental mode and discourse over democracy, also the democratic stake in the paradigm of development. We can clearly see from the Indian instance how developmental democracy produces a specific form of bio-power and governmentality, which in turn influences the nature of democracy itself. The image of democracy that I have provided in the above pages is one of contentions, emergence of forms of collective claim making, which determine the relations of these collectives with their rulers. Development provokes to an increasing degree collective claim making as the core of popular politics, yet as I have shows here the particular forms of claim making are influenced and conditioned by the way people are ruled and the particular way sovereign power and governmental power have combined to rule people. We must therefore understand today's specifics of ruling power and resistance.

As we know, Michel Foucault almost without preparing his readers for the turn in his thinking had suddenly suggested an idea nearly forty years ago in *The Will to Know (History of Sexuality, Volume 1)* that subsequently opened up for us new lines of inquiry into conditions of modern democracies, and the relation of democracies to strategies of rule. He had titled the relevant chapter as “Right of Death and Power over Life”. In six dense pages he had argued that while one of the privileges of sovereign power had been the right to decide life and death, a right that the sovereign needed when he felt himself threatened from enemies without and within, today wars bloodier than ever are waged not in the name of the sovereign, but in the name of the existence of everyone: “entire populations are mobilized for the purpose of the wholesale slaughter in the name of life necessity ... It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, causing so many men to be killed”.⁶ These wars are meant to control, reinforce, optimise, and exercise power at the level of life. Later, in course of several essays he had developed the idea of power being exercised at the level of life – thus not only through war, in fact increasingly less through wars and violence - but through various life controlling and monitoring means and techniques. The aim of these has been to integrate life with an efficient system of control over society. One of the principal means of such aim has been to influence the mechanisms of life, such as birth, mortality, morbidity, public health, education, food pattern, etc. by investing more and more governmental technologies in conditions of life. Life thus emerged as “a political object” and claims emerged over “right” to life, to one's body, to health, and in general to the satisfaction of one's needs. If this gave rise to “bio-power”, within this field of bio-power, bio-politics emerged as specific strategies and contentions over the place of body in politics, of collective human life in the production of forms of knowledge, regimes of authority, and practices of physical intervention to make life desirable, legitimate and efficacious. Bio-politics, as Foucault, showed in *Discipline and Punish*, meant at the end of day the physicality of politics. Nearly forty years later, faced with this conundrum of development and democracy, and in trying to find out the effects of the combination of the two, we need to go back to some of these insights. Only then we shall be able to see for ourselves what these life controlling aids emerging out of the combination of

development and democracy have produced in terms of new forms of power and new forms of resistance.

We may ask, the result? The contested field of development and democracy is more crucial and enigmatic than ever. There are several competing truth discourses on both development and democracy, and several locations giving birth to an array of authorities considered competent to speak that truth. All claims to developmental democracy speak for life, all speak of collective existence in the name of life, health, and well-being; they are as if different bio-social collectives, characterised and known in terms of categories of identity, such as race, class (why not), ethnicity, or gender. Therefore, life must be known in terms of certain collective identity, which the individuals can bring to work on themselves. In a way thus while development produces for democracy more choices at one level, the fundamental structure of society becomes one of control (as distinct from one of discipline) – control of life mechanisms, which becomes now possible precisely through the existence of development and democracy. Thus with development bio-power as a mode of power is strengthened, because developmental issues affect the society at the level of life; and democracy is the framework that forces development to reinforce bio-political issues. Even though Foucault did not put the issue exactly in this way, when he discussed the related questions at length in *Society Must be Defended*, but the historical phenomenon, which he was seeking to grasp was precisely this. In fact once when we extend this insight we shall realise that if for the ruler this means bio-power, for the subjugated and controlled it means forging resistance on issues that have *life-stakes*. If control over life is the name of the war on one side, defence of issues that can be called having great stakes in life becomes the name of the war on the other side.

This is of course something that was never explainable by our conventional democratic theory. We have to turn only once the already yellow pages of *Democracy in Asia*⁷ to see the cracks in the conventional democratic theory that India's democratic experiences have produced. The point to note about these cracks in the conventional democratic theory is that they are caused as more and more life level issues appear out of the daily scenario of society as issues of democracy. In other words, bio-politics emerges (contrary to Paul Rabinow's opinion) not on the basis of a separate bunch of issues, lending to bio-political control; bio-politics emerges as politics becomes increasingly biologised, as daily issues transform into life-level issues, as collectively they create a situation where our biological existence appears to be in a crisis. It is in such situation that the economy of democracy seems to be caught in contentions. In the wake of globalisation-induced development simple economic facts transform into bio-political facts.

Second, let us see briefly the significance of the *divergence of two phenomena of electoral majorities and social majorities in modern democracies, as in India*. As government introduces more reforms, reforms enable the emergence of new technologies – at once legal, political, ethical, and bio-political. As deep technologies take root the culture of dialogue weakens and recedes; government strengthens. Thus government economists can now argue that if in the nineteenth century millions had to pay price for industrialisation in the west, so must be the

route today for India. New technologies can bring back in this way old designs, albeit with changes. Thus “expropriation” the word made famous by Marx indicates today bio-political choice. Peasantry needs to be expropriated; small landed property and small agriculture must be expropriated by corporate business, technologies must abolish workers, their stations, and stages of labour; certain varieties of food items must vanish and certain others must now be introduced; certain garments have to go, certain others have to come, certain seeds or cultural items must vanish or wither and the genetically modified seeds industry or the culture industry must now occupy the place, and finally the acceptance of Victorian famine like conditions must reappear as the companion to globalisation. To map the choices now being made by the nation to attain development means to map the bio-political possibilities or deficits of each choice induced by international capital, marketing strategies pursued by their writers, campaigners, and intellectuals, who are the carriers of intellectual property rights, as well as new links between life choices and extant forms of knowledge production and geo-politics, with the consequent increase in already massive inequalities in even basic healthcare.

Yet as reforms increasingly take this path nominally legitimised by elected majorities, social majorities construct themselves on these life-staking issues – uncertain, fragile coalitions, yet no less reminder of that other word made famous by Marx, *class* – that social group, which would have nothing, stands condemned to history, and fights for life. We are now in a position to reflect on the specific pattern of resistance emerging today, which can suggest answers to many of the questions, posed by contemporary time. The fact that (a) globalisation has not promoted dialogues; on the contrary in recent years the so-called growth ideology has provoked a new type of response and resistance – linked to issues of life - precisely because globalisation has emboldened the State to take unilateral decisions concerning the life of millions of people (thus starvation deaths cannot be sourced to any organ of responsibility); (b) new forms of collective claim making precisely on these life-issues have emerged and are pressing for legitimisation; (c) consequently Indian democracy, under conditions of globalisation, is moving towards a redefinition marked by ideas of justice (allocative, re-distributive, restorative, transitional, etc.) rather than by party system, votes, courts, press, federalism, etc. (d) and thus all of these in the present situation re-defining the civil and the political, and thus impacting on the nature of the democratic institutions – shows that India has now not only re-formed and re-forged a regime of power in the wake of globalisation, but that our democratic collective is also being reshaped by social majorities which are not deterred by the gross inadequacies of our representational system, but are occasioned by what the historian of democracy, Pierre Rosanvallon calls the “growing dissociation of legitimacy and trust” in his description of the rise of social majorities.⁸

I admit that we need to spend much longer time on these issues. But I am sure that each one of us will be emboldened by events of our time to visit them and draw deeper lessons.

Notes

¹ A. Vaidyanathan, “Farmers’ Suicides and the Agrarian Crisis”, Economic and Political Weekly, 23 September 2006, pp. 4009-4013

² Bibekannanda Ray, “Thus Capital”, The Statesman, 17-18 December 2006

³ Charles Tilly, Regimes and Repertoires (Chicago: University of Chicago Press, 2006); particularly, Chapter 4, where Tilly refers to “prescribed, tolerated, and forbidden forms” of claim making

⁴ The Statesman, Kolkata, March 15, 2007

⁵ On the rural protest in West Bengal, see the chronicles in asia-refugee-concerns@yahoogroups.com on behalf of Palash Biswas

⁶ History of Sexuality, Volume 1, (New York: Random House, 1978) p. 137

⁷ Larry Diamond, Juan Linz and Seymour Martin Lipset, Democracy in Asia (New Delhi: Vistaar Publications, 1989) – product of a huge comparative study funded by the National Endowment for Democracy, that began in 1985 and continued for two years.

⁸ Pierre Rosanvallon, Democracy – Past and Future, ed. Samuel Moyn (New York: Columbia University Press, 2006), p. 238