

NAVIGATING THE COMPLEXITIES OF LAND ACQUISITION IN GURUGRAM: ISSUES AND CHALLENGES

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Abstract:

Land is always considered a symbol of an individual's social status. Its acquisition in Gurugram, a prominent city in the state of Haryana, India presents a multifaceted landscape characterized by rapid urbanization, regulatory frameworks, socio-economic dynamics, and environmental considerations. This article delves into the intricate nuances of land acquisition in Gurugram, exploring the challenges faced by various stakeholders, proposing potential solutions, and outlining future prospects for sustainable development.

Key Words: LAA, LARR, NAC and Compensation

INTRODUCTION

Land is always considered a symbol of an individual's social status. In the feudal system of land tenure, feudal lords owned the vast majority of the land in their region. Tenants and labourers who paid rents and levies were treated as slaves. This tenancy system existed in almost every country in the world. However, as democratic principles and the socialist societal pattern evolved, this system disintegrated. During the period of industrialization, the king's sovereign power was delegated to public bodies and corporations, which are integral to the complex organisation of the State machinery.

The evolution of the country's progressive industrialization concept facilitated the need for irrigation projects, town planning and improvement schemes, and a variety of other public utilitarian initiatives. As a result, the issue of land acquisition gained importance and has taken center stage. The Indian economy has traditionally been underdeveloped, with 70% of the population relying on agriculture as their primary source of income. Significantly, land is the most important asset for any nation's development and growth, especially in the infrastructure sector. To achieve this goal, the government must acquire land under the Land Acquisition Act of 1894 and 18 other special Acts that apply to various sectors such as highways, railways, and ports. Land acquisition and compensation have long been an emotional and contentious issue between the government and landowners.

History

In India, the British government issued its first regulation in 1824. The Rules authorised the government to purchase immovable property at a fair and reasonable price for the purpose of building roads, canals, or other public improvements. Act I of 1850 extended some of the provisions of Regulation I of 1824 to Calcutta in order to confirm the title to lands in Calcutta taken for public purposes. At the time, railways were being developed, and it was believed that legislation was required to acquire land for them as well. Building Acts XXVII of 1839 and XX of 1852 were enacted to alleviate the difficulties in the cities of Bombay and Madras. The first full enactment, Act VI of 1857, applied to all of British India. It repealed all previous enactments relating to acquisition and its object; subsequently, Act X of 1870 came into effect, which was further replaced by the Land Acquisition Act of 1894 in order to purge the flaws of Act of 1870. "LAND ACQUISITION ACT-1894" is a well-defined, self-contained, and efficient act that facilitates the land acquisition process. After independence in 1947, the Indian government implemented the "LAND ACQUISITION ACT-1894" as a tool for land acquisition. Since then, the 1894 act has been amended from time to time. Despite these amendments, administrative procedures have remained unchanged since 1951, when the government began to incorporate various land reform acts with the first and fourth amendments. This was accomplished by incorporating schedule IX of the constitution. Time and again, the government believed that the right to property. It did so in 1978 by amending the Indian constitution.

Chaudhary, Chitrangada (2011) said that the adoption of LARR Act 2013 makes a long overdue move to end the colonial LAA 1894. The new law is potentially a step towards greater justice for adivasi communities. The LARR Act states that as far as possible land will not be acquired in the scheduled areas. Though the Act makes no reference to adivasis who live in areas that are still not covered by the 5th schedule, which is an estimated 50-70% of the adivasi population, according to the NAC (National Advisory Council). This article also appreciates that now, adivasi in scheduled area will be subject to free, prior and informed consent principle. This article emphasizes the participation of adivasis in various projects and policies implemented by the govt. It also begin to our notice the varied impact of LA on women particularly and adivasis as a whole. Sarkar, Abhirup (2007) conducted a study in West Bengal. This article is concerned with the process through which agrarian land is acquired to build up infrastructure, industries and various services, in the process displacing people from their traditional occupation and livelihood. In particular, the focus is on West Bengal over such acquisition. This article argues that while such acquisition is necessary for industrialization, which in turn is absolutely essential for the long run development of West Bengal, its success depends crucially upon a well thought out compensation and rehabilitation programme, which has so far been seriously lacking in the state.

This article started with examples of development driven displacements, one of 17th century England and the other of contemporary China. Though West Bengal as well as other parts of India can learn important lessons from these countries experiences, in one respect the Indian scenario is different. There were no universal voting system in 17th century England and the present day China. This is certainly not so in India. So, here perception of people regarding development is important. An ideal arrangement for land acquisition is certainly the one where the investor acquires land directly from the seller simply because the transaction here in this case is voluntary. Fragmented land holding makes direct purchase both difficult and undesirable as in the case of West Bengal. The interference of the govt. in the land acquisition process is also desirable in a scenario where land holding is thinly spread over a large number of farmers which is indeed the case in West Bengal.

The govt. of West Bengal has so far proceeded to acquire land in Singur on the basis of LAA 1984. The compensation is based on the current market value of similar land in similar use. Apart from this, the West Bengal govt. has not made any provision for resettlement and rehabilitation of the displaced people. Barring a few exceptional cases, it is certainly true that a piece of land employed in the industrial sector creates more value then it dose when employed in agricultural sector. It seems that the real problem lies with states in entering into an unhealthy and inefficient competition between them to attract private investors.

LARR Act 2013

The LARR Act 2013, short for the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, is a significant legislation passed by the Indian Parliament in 2013. The primary purpose of the act is to regulate land acquisition and provide fair compensation to landowners while ensuring transparency and accountability in the process.

Key features of the LARR Act 2013

- 1. Consent:** It mandates that consent of at least 70-80% of landowners is required for acquiring land for public-private partnership projects and 80-100% for private projects.
- 2. Compensation:** The act stipulates that landowners are entitled to compensation at market rates, which is to be determined through a predefined process.
- 3. Rehabilitation and Resettlement:** The act also provides for the rehabilitation and resettlement of displaced persons, ensuring their livelihood and standard of living are not adversely affected by the acquisition.
- 4. Social Impact Assessment (SIA):** It requires a Social Impact Assessment to be conducted for projects affecting a certain number of families, ensuring that the social impact of the project is thoroughly evaluated.
- 5. Transparency and Accountability:** The act emphasizes transparency in the acquisition process, requiring public hearings and disclosure of relevant information to affected parties.

The LARR Act 2013 aimed to address the concerns of landowners and communities affected by land acquisition, providing them with greater rights and protections. However, it also faced criticism for potential delays in infrastructure and development projects due to stringent provisions regarding consent and compensation. In subsequent years, there were debates and discussions regarding possible amendments to the act to balance the interests of all stakeholders involved in land acquisition processes.

Patekar, Medha (2013) in her article claimed there are “loopholes” in the LAA and political parties should listen to the voice of “struggling people” if they want to resolve the conflicts over the issue of land. We are at a new point today, there are mixed feelings regarding the new law. On the one hand, it’s a good thing that an old law by British is being replaced by a new one due to numerous urban and rural movements; on the other hand there is a lot to be done. If political parties are serious about addressing the conflicts over the land and the other natural resources then they must listen to the voice of the struggling people. The new Act does not protect land rights or deals with historic injustices committed in name of development and public purpose. There must be justice for dalits, adivasis, landless workers and farmers.

Bose, Prasenjit (2013) in this article talked about many issues that have been raised across the country regarding the undemocratic and anti-people aspects of the land acquisition process under the antiquated 1894 law that have led to bitter conflicts and confrontations over the years. A democratization of the land acquisition process is long overdue. Against this backdrop, the proposed provision contained in the LARR Bill 2011 to carry out a Social Impact Assessment (SIA) in all cases of land acquisition -- including through a public hearing of the affected families -- by the government in order to make a comprehensive social cost-benefit analysis is a good start. Provisions have also been made for an evaluation of the SIA report by an independent expert group and a consideration of “all the reports” before a final recommendation for land acquisition is made. However, the final decision regarding land acquisition is to be made by a high-level committee consisting entirely of bureaucrats headed by a chief secretary of a state. It is questionable whether such a committee can objectively ensure “minimum displacement of people, minimum disturbance to the infrastructure and ecology, and minimum adverse impact on the individuals affected” in all cases of land acquisition. The experience of the Environmental Impact Assessment process currently followed shows that due processes are given a go by when it comes to implementation because of our vested-interest-driven political-bureaucratic system.

Methodology

Various studies have shown the varied impact of land acquisition not only in India but worldwide. The question of food security also arises because of land acquisition as the agriculturalists are leaving agriculture as their occupation. Another impact of land acquisition unemployment.

Manesar or New Gurgaon is a fast growing industrial town in Gurgaon district of the state of Haryana in India and is a part of NCR. It has transformed from a sleepy village to one of the fastest growing townships in India. Some of the developers have added a new tag to Manesar “New Gurgaon”.

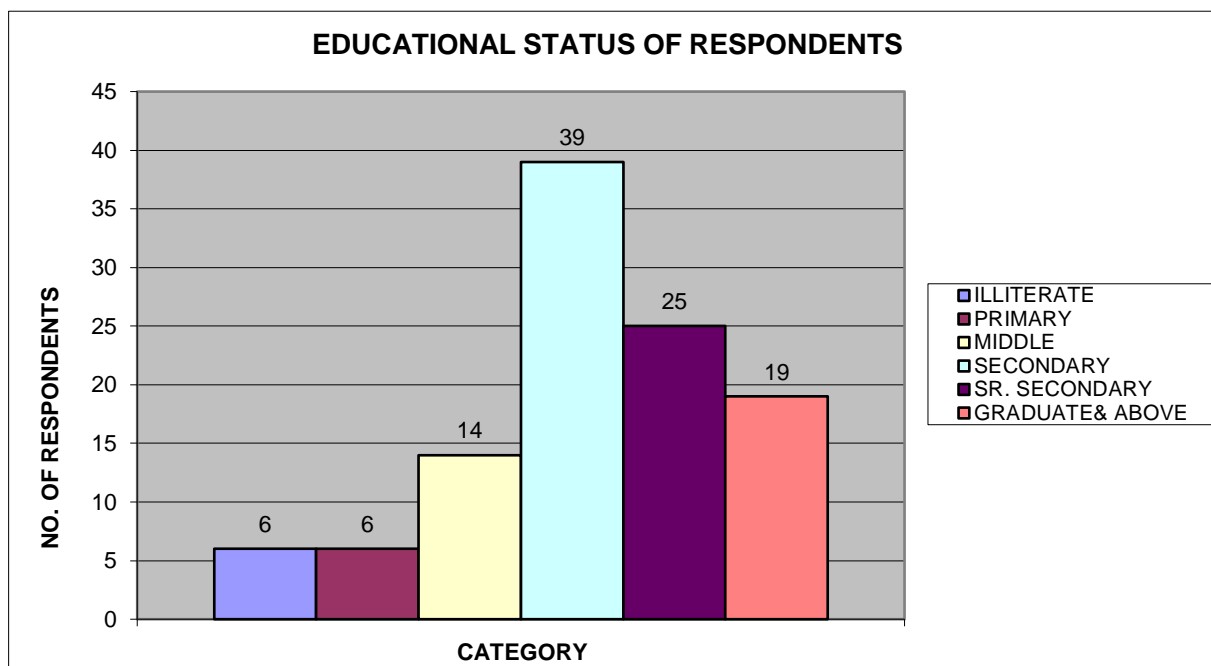
This is a sociological study of Nawada Fatehpur Village of a corporate city Gurgaon, located near IMT Manesar. Nawada Fatehpur is a mid-sized village located in the district of Gurgaon in the state of Haryana. Nawada is a YADAV dominated village that lies on NH-8, just 20 minutes away from Gurgaon. Nearby sectors include 86, 82, 81, and 87. It is also a major industrial hub, home to companies such as Minda Industries and Birla, Shishu Kalyan School is also located in Nawada

CASTE WISE DISTRIBUTION OF RESPONDENTS

CASTE	MALE	FEMALE	TOTAL
YADAV	92 (95.83)	04 (4.16)	96(88)
DHANAK	12 (92.30)	01 (7.69)	13(12)
TOTAL	104 (95.41)	05 (4.58)	109(100)

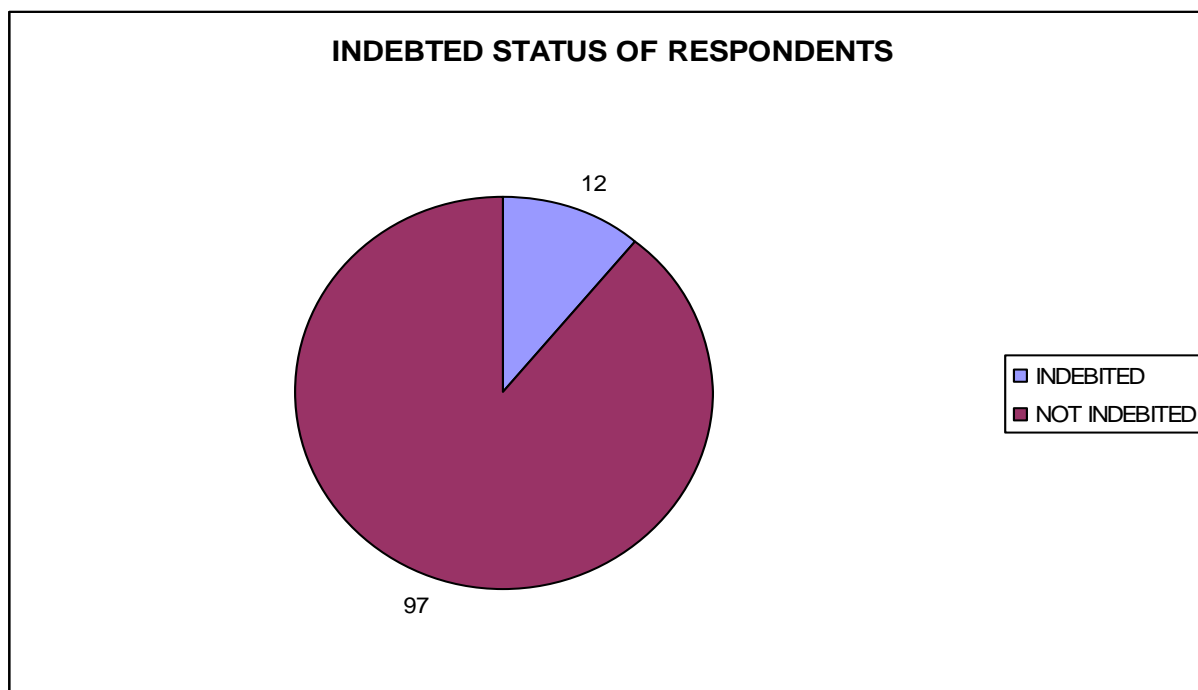
The table presents data on caste distribution among males and females, detailing the number and percentage of individuals within each caste. It focuses on two castes, Yadav and Dhanak, across a total population of 109 individuals. For Yadav, there are 96 individuals in total, with 92 males (95.83%) and 4 females (4.16%). In contrast, Dhanak comprises 13

individuals, with 12 males (92.30%) and 1 female (7.69%). Overall, Yadav constitutes the majority of the respondents with 88% of the total, while Dhanak represents 12%.



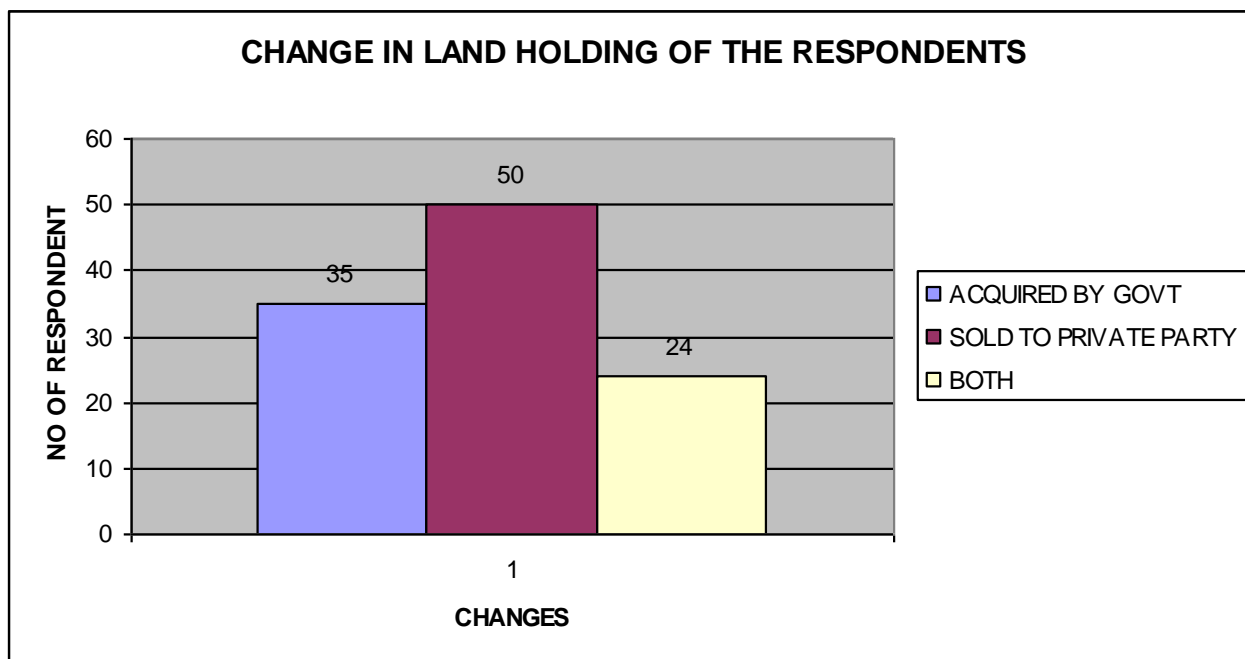
Graph 1: Educational status of Respondents

The present graphs explain the educational status of respondents. This graph shows the educational qualification of the respondents. Majority of the respondents i.e. 35.77 percent have secondary education while 5.50 percent are illiterate and the same amount i.e. 5.50 percent had primary education. Only 17.43 percent i.e. 19 respondents are graduate and above while 12.84 percent have left education before completing 8th standard and 22.93 percent have completed senior secondary education.



Graph 2: Indebted Status of Respondents

The graph represents the indebted status of the respondents, showing only 11 % of them have loans from relatives and bank which were taken to fulfill their responsibilities of marrying children or constructing a new house.

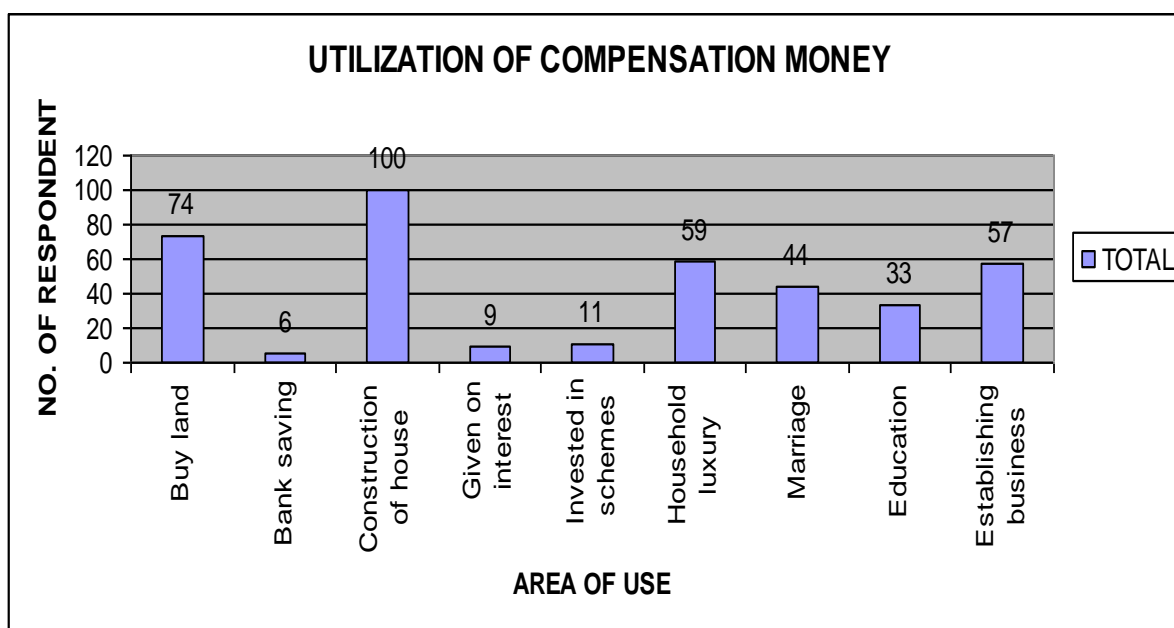


Graph 3: Acquisition status of the Respondents

The graph representing the change in land holding status of the respondents puts light on the issue of Land Acquisition. Out of 109 respondents, government acquired land of 35 respondents while 50 sold their land to private builders. Still there are 24 respondents, some amount of their land was acquired by government as well as they sold some of their land to private builders.

Majumdar (2014) conducted a field study on the impact of land acquisition among a group of women of the peasant families in rural area of Kharagpur sub division in Paschim Medinapur district in West Bengal. This paper shows that land acquisition in rural areas does not only leads to landlessness but also like the male members, children as well as female members of the land loser families have been affected in different aspects. The school dropout rate and decreasing age at marriage were more among the land loser female member than non-land-looser families. The acquisition of agricultural land for industrialization leads to a number of socio-economic consequences.

The Paschim Medinapur district in the state of West Bengal is chiefly an agricultural district where more than seventy per cent of the population lives in the rural area and among them majority depends on agriculture and agriculture related occupations. This study has also showed that after the acquisition, livelihood pattern have been changed among the female members of land loser families.



Graph 4: Utilization of money

The present graph shows, how the respondents utilized the money received as compensation by the government or the money received for their land from the private builder. Majority of the respondents constructed a house with this money followed by buying land. Interestingly very few saved in banks or invested in schemes. A decent number of respondents utilized the money to get their children married, owing luxury and establishing some kind of small business.

Narain, Vishal (2011) this paper describes the implication of the LA process in Basai village in the Gurgaon district of Haryana. Gurgaon city is emerging as a major industrial hub, its growth made possible by large scale acquisition of agricultural land by the govt. The expansion of the city has altered patterns of rural natural resource use, created social, cultural and economic changes and bred resentment among many peri-urban residents. The speedy disbursement of reimbursement for lands acquired and the spread of livelihood generation activities can make processes of urbanization more inclusive and participatory. The case of Basai describes the transition process in peri-urban Gurgaon. The village has undergone rapid transformation through changes in land use and the acquisition of land for urban and residential purposes. The resident interviewed had strong opinions about how they could be compensated, for example: - by being employed (factory), higher rates for their land and to directly negotiate with the buyer instead of going through govt. It suggests that residents are active participant rather than mere recipients of a policy that affects them deeply.

Conclusion

In conclusion, the paper delves into the multifaceted implications of land acquisition in India, particularly focusing on the sociological dynamics in Gurgaon. It highlights the historical context of land acquisition laws, tracing back to colonial regulations and subsequent legislative developments, such as the Land Acquisition Act of 1894 and its amendments, leading up to the significant LARR Act of 2013. The research underscores the complex interplay between land acquisition, development, and the socio-economic fabric of affected communities. It sheds light on the varied impacts on different demographic groups, including women, farmers, and marginalized communities like adivasis. The study reveals the challenges and inadequacies in the compensation and rehabilitation processes, as well as the need for greater participation and consultation with affected populations.

Moreover, through field studies and analysis of respondent data, the paper elucidates how land acquisition reshapes livelihoods, alters socio-cultural dynamics, and triggers economic changes, particularly in peri-urban areas experiencing rapid urbanization. It also underscores the importance of inclusive and participatory approaches to land acquisition, emphasizing the voices and agency of affected communities in decision-making processes. This also emphasised on the importance of addressing land acquisition issues with sensitivity, fairness, and equity to ensure sustainable development and social justice.

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