

Role of Government Authorities in Land Acquisition and For Rehabilitation of Land Owners

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Abstract – *The general public opinion on the purchasing of property is unfavorable when the government acquires land on behalf of the private sector, whose primary aim is to increase benefit. In comparison, citizens too accommodating of government procurement, as the public-sector project is seen to improve the wellbeing of society as a whole and not that of any private citizen or community. Traditionally, the government (defense, railways, etc. or public sector corporations have acquired the bulk of the property.[1] With liberalization, both utilities and manufacturing have been more privatized and private demand for property has risen. The Land Acquisition Act represents a constitutional declaration of the authority of the State to exert eminent jurisdiction over the land on its territories. It denies the individual from whom the property has been bought the ability to select whether or not to split the land as long as the purchase has been made public.[2] The theory of eminent fields is intricately related to creation and maintenance. Eminent domain in its sense of designation implies the State's right to seize private property for a public reason. The purpose of the compensation varies from appropriation to purchase. This doctrine is part of the Land Acquisition Act 1894 and has over the years established jurisprudence around the texts and use of legislation which privileges the power of the State while rendering it more or less prone to legal challenges.[3]*

Throughout the evolution of civilization, cultures have struggled to reconcile constitutional freedom with State control. The government's acquisition of land has risen with rising demand on land due to urbanization, rapid economic growth, increasing infrastructure needs, etc. in particular in a fast-growing economy like India. The Indian government has confiscated the property of individuals for the "greatest good" and "development" reasons, which ensures that millions of citizens are displaced.[4] At the international level it is viewed as a breach of human rights but land acquisition is a question of time, and the only thing that can render acquisition operation smooth without resistance is to strike a balance: that is, land acquisition must serve the object of public interest or welfare on the one side and landowners' rights to rehabilitate and resettle on the other. The position of the Indian government in this respect is highly appreciable as it has implemented some policies and legislation.

Key Words – *Land Acquisition Act, Social Welfare Development, Doctrine of Eminent Domain, Rehabilitation and Resettlement Policies, National Thermal Power Corporation (NTPC), Coal India Limited (CIL)*

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INTRODUCTION

Land is a free gift to nature and a wonderful source of creation, nourishment and devastation for living beings and things that don't exist. It is the primary influence among the four development factors: property, labour, resources and company or business. Every country's success and development largely depends on the geography, quality, inherent worth and scale of its land. Land is a representation of social standing, the bigger the keeping of the land, the greater the social status that is universal reality. It is apparent that land is constrained by what is set in nature in its ultimate natural life when formulating

planet Earth. Its magnitude cannot be expanded horizontally either through artificial soil-completion methods or by actions of Nature, such as earthquakes, tsunamis, etc. This is naturally done. It is appropriate that the king or the governing authority (to a modern degree, state or government) is the true owner of all property[5] remaining under his regime, without an owner. There can be no land without an owner. During ancient times the king was often known as God's true representative. One of the unusual features of the land is the property which cannot be literally taken away because it is a real estate. The Land Acquisition Act represents a constitutional

declaration of the authority of the State to exert eminent jurisdiction over the land on its territories. It denies the individual from whom the property has been bought the ability to select whether or not to split the land as long as the purchase has been made public.[6] The theory of eminent fields is intricately related to creation and maintenance. In the context of classification, eminent domain is the state's right to seize private property for a public cause. The purpose of the compensation varies from appropriation to purchase. This doctrine is part of the Land Acquisition Act 1894 and has over the years established jurisprudence around the texts and use of legislation which privileges the power of the State while rendering it more or less prone to legal challenges.[7]

In human experience, cultures have sought to reconcile constitutional freedom with state control. The government's acquisition of land has risen with rising demand on land due to urbanisation, rapid economic growth, increasing infrastructure needs, etc in particular in a fast growing economy like India. The Indian government has confiscated the property of individuals for the "greatest good" and "development" reasons, which ensures that millions of citizens are displaced.[8] It is recognised as a breach of human rights at international level.

Ownership is a tension and a term. It can be used only by the holder of the property to the full exclusion of everyone. The concept of possession ranges from one legal framework to another. Ownership is often known as a trinity of rights, which in Latin implies "iusutendi," "fruendi," "abutendi," indicating the freedom to use or profit from land use. Not only can the owner of a matter use it for himself, however he can prohibit anyone from utilising it without his permission. "Profiting" implies to reap the fruits or income of the owner based on how the item is utilised, or using it up means that the owner of the thing may misuse, harm or ruin it. The most significant part of establishing possession is the ability of the owner to pass his or her land to another person whatever he or she wants to be by purchases, gifts or other goods.

The principal landowner is the monarch, or the elected government in the moderne context. The privilege to possession still resides with the king or the elected government, and despite the possibility that the land is sold by the king or government to persons or for their intent, ownership of the land still stays with the king or government, as the case may be. The appropriate authority can maintain and preserve some part of the land for collective defence during war or rebellion and may allow the legislative branch to do so for the public purposes in time of peace. What is actually called the eminent domain doctrine[9] "eminent domain" implies the ultimate authority of the King or government, in its general connotation, under which the king or the state can use the private property for its own use without

permission of the individual. Government more frequently utilizes eminent domain control where real estate acquisition is needed to complete public projects such as bridges, building of dams and irrigation canals, manufacturing and urbane growth, ignoring the reality that owners do not consent to agreements on the purchase price of the land.[10] The state's domain authority or sovereign power for compulsory land purchase is solely against private property and cannot be invoked in regard to crown land or government land.[11] The least industrialized nations across the planet freed themselves from imperial slavery more than 50 years ago. Economists began to deeply focus on the optimum direction of growth and would thereby launch a modern discipline called economic development. The biggest restriction was perceived to be the lack of resources. Prof. Levis defined growth as a phase of moving jobs from low productivity farming and other traditional occupations into modern productivity.[12] Economic growth is closely linked to the development of the roads, irrigation schemes, hydroelectric projects and mining projects by the State as far as the geographical situation is concerned.[13]

Independent India started with the vision of Nehru, that massive dams and mega infrastructure projects are a modern development temple. India has pursued rapid economic growth by expected growth during the post-independence era. This culminated in major developments in lakes, bridges, mines, power plants, industrial lands, new towns and other land acquisition ventures.[14] Since independence land was acquired from citizens, particularly farmers for expenses towns and cities through the conversion of agricultural land into non-agricultural land. In the name of industrialization a greater proportion of the land was bought by the citizens for "public" and "development" and consequently sold to private businesses.[15]

The creation of migration results in diverse responses from various sectors of society and also has a different effect on people's lives. Development efforts that may not render the majority of their population poorer and improve wellness, education and income may typically be known as participatory. But most construction initiatives move in the other way, as the bulk of the families impacted by the project have badly planned, poorly executed, insufficient and rehabilitative strategies. In the lack of state strategies and legislative processes, recovery and redeployment are getting more complicated for both. This applies in India where mandatory acquisitions of land for public purposes have exacerbated the current disparities, especially in public and private infrastructural and industrial projects, and are instrumental in separating citizens from their natural habitats during both pre-colonial and post-colonial times. Globalization and trade

liberalisation have brought the growing demand for land more momentum to citizens displaced from their homes and compelled them to give up their riches and livelihoods. Women are among the migrant persons most impacted because they are the otherwise most discriminated against and weak, and displacement contributes to their current miseries. Thus the planning phase posed the largest task of relocation and recovery of displaced people by development programmes. With a lengthy tradition of migration, complemented by a weak rehabilitation record, conservatives report show that nearly 21 million inhabitants were relocated to dams, mines, factories and wildlife sanctuaries from their areas between 1951 and 1991. Land had been purchased in India under the Land Acquisition Act (LAA), 1894 and no refurbishment and redistribution of displaced people was provided for under the Act. No state government or federal government has implemented laws or a re-establishment and resettlement programme for displaced people since 1985. Only in 1985, Karnataka in 1987, and Maharashtra in 1989, states such as Madhya Pradesh passed laws without adequately laying down rules and rehabilitating displaced persons in state-level assets projects was the legacy of the colonial government shattered. In 1993 and 1994, public sector corporations such as National Thermal Power Company (NTPC) and Coal India Limited (CIL). However these strategies were reportedly developed under World Bank.[16]

REHABILITATION AND RESETTLEMENT POLICY IN INDIA

There has never been a national recovery programme when looking at the rehabilitation policy.[17] The goal of every recovery and relocation programme to ensure that the concerns of the individual involved will not only be met, but strengthened.[18] Acquisition of almost 120 years under the Land Acquisition Act 1894, however the problem of reconstruction and relocation resulting from the displacement caused by construction was not discussed.[19] The displaced persons are given just reimbursement for the purchased property, which was not adequate to pay the displaced persons.[20] This notion became reality in the sense of projects like the Narmada Valley and Tehri Dam, by recovery policies and bundles. Few Indian princely countries had a very strong rehabilitation programme until the early 1950s. For eg, when the Nizamsagar dam was completed in Andhra Pradesh in the 1930s, the Nizam of Hyderabad at the time decreed that all the farmers displaced by it were re-established in a model city, land and houses and other amenities were to be provided to them in compliance with modern values.

However, reforms started in the 1960s. At first, "land for land" scheme was retained, though not mainly dry land was assigned to the common region, which was revised in the 1960s as well. Land distribution would

only extend to those who requested it, and the cash payout became the standard for displaced people by 1970.[21] by 1970. It was actually much simpler for the State to expel an individual from his property without any reward or resettlement until 1970.[22]

DEVELOPMENT OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS

The positions of protestors and farmers on land ownership have also experienced a dramatic transition over the years. At first the activists completely resisted any sort of acquisition of property. They then demanded monetary compensation and a sort of recovery. But growers, outcasts of many ventures and campaigners, who are acquainted with the importance of the land, claim compensation not just in terms of money, but also employment, land ownership and share in company revenues.[23] In the 1970s a few states initiated some positive reforms and once again adopted the concept of "land for land" for the Dam schemes, with just a law on restoration in two states (Maharashtra and Madhya Pradesh). It only relates to dams and can extend under the discretion of the State government to other schemes. It is not relevant to interstate ventures such as the Narmada Valley. There is still a restricted land policy in Orissa, even in Maharashtra and Gujarat, where the system has not been enforced.[24]

Since 1967 there is also a scheme of jobs per family of displaced people from industrial ventures, but this is of little benefit since the recently displaced are many rural, illiterate and are not equipped for work in the formal sector. Most of them therefore just get unskilled jobs, often regular salaries or contract jobs. In addition, in the name of the deceased ancestor, sometimes the land records are claimed by many families and there may occur disputes, who would get the job? These are all realistic scheme obstacles.[25] In the mid-1980s, a draught reconstruction proposal was introduced that would extend to all dam schemes, industrial, mining and other activities relevant projects, however the draught policy was extensively discussed and charged. Yet nothing meaningful materializes.[26]

In 1992, Indian government established a draught recovery and relocation programme and slept for well over 14 years. History informs us that evens the draught was a half-hearted effort, and just a preliminary move, which was also triggered by the World Bank insistence. While national legislation was not even considered, only 3 states in India (Maharashtra, Madhya Pradesh and Karnataka) had statutory legislation in place to introduce the concept of reconstruction and resettlement. The Karnataka government planned the reconstruction and relocation laws in order for the World Bank to conduct the Upper Krishnan project and never

enforced the law and rendered an indecent burial. Also, over time, opposition to displacement has increased by construction programmes on the part of the projects impacted by NGOs and other involved groups, primarily due to the inadequacy of the government's reconstruction and relocation packages. Such reluctance culminated in a pause in constructing several projects that the government might otherwise be involved in the timely completion of the projects. The conduct of the Government is on the other side, indicative of the absence of any responsibility to provide sufficient and adequate relocation and reconstruction in light of the reality, to follow a national strategy of regeneration and rehabilitation, both economically realistic and politically smart.[27] There has been substantial discussion over effective and sufficient relocation and recovery of citizens affected by construction projects. The following concepts are suggested as a potential justification for such policies.[28]

CASE OF SARDAR SAROVAR DAM ON THE NARMADA AND NATIONAL POLICY

The argument for a national strategy is greater than ever, considering the huge numbers that have already been impacted and the likelihood that they will rise in future. Displacement triggered by construction programmes is undermining and damaging the survival processes of the vulnerable. The first justification for a national strategy is the need to provide the displaced with a minimum quality of life and to defend them from preventable impoverishment. Another factor that is directly linked to the first is government transparency. A national strategy is the framework on which the government will be responsible if redeployment and recovery initiatives are not enforced satisfactorily and on schedule. It will provide the requisite legal authority which is binding on the government and lead to maintaining the political will and dedication to effective and sufficient recovery and rehabilitation.

For initiatives affecting more than one nation a third factor is the need for each state to prevent free movement. For such programmes each State has an opportunity to pursue the full profit whilst taking the relocation costs as little as practicable. The government has for example, haggled over their share of reconstruction costs with no respect to the condition of ousters in the case of Sardar Sarovar Dam on the River Narmada involving Gujarat Maharashtra and Madhya Pradesh

A fourth concern is the project failures and cost overruns owing to weak relocation. After the independence of 205 irrigation schemes, by 1979-80 only 29 were built and without minimum pause of 10 years, no scheme was completed. In India, the relocation and reconstruction expenditure noted by project officials usually accounted for a relatively limited percentage of overall project costs. On the opposite, better arrangements for restoration and

relocation can add benefits to the project by reducing time and overruns of costs and promoting smooth project execution.[29]

It is very limited and its requirements are very insufficient in the sense of the Land Development Act 1894. Displacement is increasingly understood as a multidimensional phenomenon which affects people's lives in the entire economic, social and cultural sphere. A considerable change to the Act was introduced in 1984 to enable the government to purchase property to resettle those affected by the building projects. Solarium and interest payments on property have also raised respectively to 30% and 12%. This amendment notes that it is understood that relocation and recovery are important to go beyond merely cash payments. However, the change is just a permissible clause without a binding recovery obligation. Since the key explanation for displacement is that land acquisition is possibly more land acquisition for refurbishment and relocation of displaced persons, and the reform on the other side has also encouraged the acquisition of land.[30] The alternative methods for acquisition such as land cash for land, job protection and alternative strategy are to pursue voluntary relocation centered on joint agreements between refugees and the State (or project authorities).[31]

The NRR 1998 Policy

Plan preparation and implementation officials have a mandatory responsibility to include and engage stakeholders from the populations involved, including women and members of vulnerable groups, in all stages of the rehabilitation and reconstruction plan design, initiating and tracking. It is the responsibility of the government or project authority to carry the specifics to the door of the displaced community so that even illiterate citizens can have complete awareness of the resettlement programme.[32]

The NRR Strategy 1998 points out its intention to minimise the trauma of relocation due to mandatory land acquisition. The challenge, however is the legal and operational framework for enforcing these objectives. In other terms, it must have teeth with a bite policy. As we have stated, in India the Land Acquisition Act 1894 (LAA) which does not impose any legal duty on project authorities or on the State, over and above a restricted definition of appropriate compensation,' is national legislation on displacement. Next, it is appropriate to spend the limited concept of "compensation" in the Property Acquisition Act 1894 in order to add aspects of developmental recovery. This concept must also fall in accordance with the legitimate and enforceable responsibility for project officials to all adversely impacted by the project in different forms, including host communities. The relocation of the project impacted individuals (PAPs) must be

performed with minimal inconvenience and their relocation must be regarded as part of the project itself. If one segment of society is pauperized by it and more so if these citizens start with socially and economically poor, no development initiative can be justified. If citizens get alienated and become powerless and helpless in pursuit of livelihoods, whatever concepts of justice that one might invoke or add, then the project must be shown to have collapsed.[33]

REHABILITATION AND RESETTLEMENT BILL, 2002

There is no legislative obligation for State governments or project agencies to integrate thorough rehabilitation preparation in the part of a project in the absence of a Status Rehabilitation Legislation or even national legislation. In reality, it was noticed that it is not adequate to guarantee even the presence of State and project-specific policies. The project authorisations are specifically involved in the resettlement of project impacted individuals, rather than their long-term wellbeing, rather than their actual transfer from the submergency environment.

Indeed, as we can observe, it is only in recent years that the recovery burden has been embraced, mainly, by the people's movement, project organizations, state governments, and foreign funding organizations. It goes into the provision of cash reimbursement for expropriated land and availability of house locations. This lack of restoration assumes the most serious aspect when we look at old ventures, particularly in the first three decades after independence. However, it must be remembered that an absence of recovery programme contradicts Article 21 rights to life and Article 14 rights to freedom (interpreted as a right of arbitrariness) in the Indian Constitution.[34]

The Parliament and numerous committees deem Bills such as Reconstruction and Relocation Bill, 2002 and Property Acquisition (amendment), 2001 Bill. Due to the lack of political will the initiative that incorporated the responsibility for a social impact evaluation was not effective.[35] Prevailing utilitarian thinking has to be updated to recognize that even the minority is a big number in a very populous nation like India. The statement of the abuses of those rights runs contrary to the socialist values of Indian political figures like Nehru, "who saw large-scale development projects as temples of modern India." The redistribution of the least chosen few for the advancement of large-scale development programmes.

While the recovery and relocation strategies did not implement in several positive ways, the issue eventually vanished and was finally informed of the draught national rehabilitation strategy in 2003. This

policy was introduced in February 2004 when the National Recovery and Relocation Strategy for families impacted by the programme. However, the policy was heavily criticized owing to its inadequacy in certain ways. The National Consultative Council (NAC) was not pleased and submitted its own updated draught policy to the government. The government subsequently developed a variant of the 2003 strategy in 2006 which became the NRP in 2007.[36]

THE NATIONAL REHABILITATION AND RESETTLEMENT POLICY, 2007

From 30 October 2007, the National Recovery and Relocation Program 2007 came into effect. To fully enact the steps outlined in the strategy and to create an agency, the government created the 2007 Rehabilitation and Resettlement Bill. The new policy extends to those individuals and families whose ground, property or livelihoods are adversely impacted, for some other cause, by the land acquisition or by accidental relocation of a permanent nature. They may be landless, farm and non-agriculture employees, craftsmen and those who depend on land.

One of the policy's goals is to reduce displacement and to encourage alternatives which are not displaced or least eliminated. It further advises that only a minimal sufficient area of land suitable to the project should be taken, that cultivation should be held to a minimum for non-agricultural purposes and multi-crop land should be avoided and irrigated land kept to a minimum for those purposes. Works on wastelands or unirrigated fields should ideally be set up. In addition, the reward award shall take into consideration the economic valuation of the land purchased, including the position by the government of each State or UT Administration, of the minimum price per unit region (or to be fixed). The proposal provides for housing for homeless persons, also landless, 20% of compensation as a share of the planned scheme, which may go as high as 50%. An extra annual pension is also given for needy sections.

Where a land purchase project includes on behalf of the claimant body, disputes relating to the compensation of the land or any property obtained shall be disposed of in compliance with the terms of the Land Acquisition Act, 1894, or any other Act of the European Union or any State in effect for the acquisition of land and shall be beyond the remit of functi. The NPRR provides a range of requirements which would strengthen the programme, execution and control of uncommitted resettlement for construction projects. Main Strengths of 2003-National Resettlement and Rehabilitation (NPRR) Policy on the NPRR.[37] The policy's primary strengths include:

- (i) Strong regulations pertaining to meetings with and dissemination of sensitive details to project impacted people at different levels of relocation planning;
- (ii) Identification, while specific provisions for how this will be applied are missing, of project-affected individuals without legal rights;
- (iii) Recognizing adult sons and daughters as different households, which is considerably greater than the criteria of the donor's relocation programme (iii);
- (iv) Regulations authorizing the acquisition through open-market sales of private property for the relocation of project impacted persons;
- (v) Clauses clarifying the relocation expenses could be included in the expense of the project;
- (vi) Appreciation of the need to schedule, updated and approved relocation proposals which shall be conveyed in draught form to the project affected persons;
- (vii) Attempts at national and State level to identify and create an institutional structure for the preparation, execution and supervision of resettlement.

KEY FEATURES OF NATIONAL REHABILITATION AND RESETTLEMENT POLICY, 2007[38]

- 1. Consultation in compliance with the Panchayats (Extension to Scheduled Area) Act of 1966 with the Gram Sabha or Panchayats concerned at a stage specific to their scheduled area in accordance with Schedule V of the Constitution. Each affected Schedule Tribal family, followed by Scheduled Caste, shall be granted land allocation for land where government land is accessible in the resettlement area.
- 2. If property is bought from the representatives of the Scheduled Tribes, at least a third of the amount of compensation shall be received in the first payment and rests until the land is in custody.
- 3. Additional one-time financial help for deprivation of traditional privileges or use of a forest method equal to a minimum of five hundred days in agriculture.
- 4. Scheduled tribes to obtain free of charge to the society and religious meeting, as determined by the relevant government.

- 5. Scheduled tribes impacted families moved from the region to earn 20 five hundred greater monetary rewards.
- 6. Scheduled Tribes and Scheduled Castes involved families for the granting of fishing privileges in irrigation or hydro-project reservoir regions.
- 7. Scheduled Tribes and Scheduled Castes Families with reservation benefits in the areas impacted shall be candidates for reservation benefits in resettlement areas.

DISPLACED PERSONS RIGHT OF REHABILITATION AND RESETTLEMENT

Forced land acquisition, including development programmes, for public reasons displaces residents, compelling them to give up their houses, properties, and livelihoods. Apart from their loss of their property, their livelihood and their relocation have other traumatic psychological and socio-cultural implications. Both parties interested in land development, refurbishment and reconstruction initiatives are well aware that the NRRP of 2007 was the first move towards a holistic national redeployment strategy for project-affected residents, even though this never developed into a statute. Before the NRRP in 2007, separate States have their own policy or relocation policies at the project level where appropriate. The Forced Relocation Strategy of the financing agencies concerned shall be implemented in accordance with other policies/legislations in place of the government or State by all ventures supported by Asian Development Bank (ADB), World Bank, JBIC etc. In the 2011 draught national land purchase, relocation and reconstruction bill, the Ministry of Rural Development (MoRD) has released a range of clauses, which form part of the 2007 NRRP. The 2001 bill, though, blends property purchase with reconstruction and redistribution (R and R).[39] Again, amended Bill before Parliament on 29 August 2013, titled the Right to Equal Value and Fairness in property purchase, reconstruction and resettlement Act, 2013. On 26 December 2013, it obtained President's approval and came into effect on 1 January 2014.

The Act is a landmark in the area of land purchase legislation. The 1894 Post-colonial Land Acquisition Act controlled the land acquisition and hence the nature of the control of its influential domain. The Act notes that it has the primary objective of fixing the failures of the 1894 archaic land acquisition Act on the compulsory acquisition of land (private property). The Right to Equal Compensation and Accountability in the Property Acquisition, Reconstruction and Relocation Act, 2013 attempts to render land transition smoother for the citizens impacted by it, thus safeguarding interest. The Act strongly meets the guidelines of

the National Advisory Council Working Group (NAC 2011). The most critical advancement in the Act is the incorporation of relocation and recovery in the procurement phase of the legislation itself. This is a major departure from recent procedures, such as the 2007 Recovery and Resettlement Bill (separate legislative attempts), and different rehabilitation and resettlement strategies that did not possess authority and compliance capacities.

According to the Right to Equal Compensation and Accountability in the Property Acquisition, Reconstruction, and Relocation Act, rehabilitation and resettlement schemes must be planned at the notice itself and a specific framework for rehabilitation and resettlement has been created for rehabilitation and redevelopment in the process outside the European Union. The legislation states in depth, when the government provides a notice to procure property, reconstruction and relocation systems (including the recollect or, freshly named administrator, the Commissioner, draught scheme issue, grant, award timetable, etc), that no adjustments will occur in land use u. The Right to Equal Compensation and Accountability in Land Acquisition, Reconstruction and Relocation Act provides for the creation of a National Oversight Committee with full powers, like a Civil Court, and a Land Acquisition and Rehabilitation Authority for overseas conflicts.

Land acquisition and rehab and redeployment shall apply when the government acquires land for its own usage, holding or power, or for the purpose of transfers to private firms for public purposes, like PPP ventures but not for highways, or at the behest of private companies for direct and declared use for public purposes. Also, for private sales of land, restoration and re-location can be enforced through private agreements, until the floor is 100 acres in rural areas, or 50 acres in urban areas. This 100/50-hectare cause appears to be true in all transactions independent of the 'public interest' condition and eminent domain control. This will direct businesses below the trigger laid down in the Act. The proxy acquisition approaches (through another business or joint partnership, etc will contribute to a convoluted legal discussion. The alternative choice for private companies to remain away from the recovery and relocation provisions is to utilize and amend other laws and rules for procurement, such as the SEZ Act. Private corporations would be dissatisfied with this Legislation even though they exceed the cap laid down in the Law to rehabilitate and redeploy private acquisitions.

Transparency Provisions[40]

Gram Sabha shall be contacted and informed in a review of the SIA, the draught notification and the SIA paper accessible for public inspection during the social effect evaluation

- (i) Overview of the recovery and resettlement scheme informed along with the draught statement to be made officially accessible for analysis
- (ii) individual prizes have been given and
- (iii) Public disclosure of all records which are necessary for public and web-site access.

The other laws circumvent the right to equal compensation and accountability in the Land Acquisition, Reconstruction and Relocation Act and specifically state that the Act may not extend to certain important land acquisition laws, unless the Central Government decides by notification (for the implementation of compensation and rehabilitation and re-location rules), and we;

- (a) The Special Economic Zones Act, 2005
- (b) The Cantonments Act, 2006
- (c) The Land Acquisition (mines) Act, 1885
- (d) The Metro Railways (construction of works) Act, 1978
- (e) The National Highway's Act, 1956
- (f) The Petroleum and Minerals Pipelines Act, 1962
- (g) Resettlement of Displaced persons (Land Acquisition) Act, 1948
- (h) The Coal Bearing Areas Act, 2003
- (i) The Electricity Act, 2003
- (j) The Railways Act, 1989
- (k) The Damodar Valley Corporation Act, 1948
- (l) The Ancient Monuments and Archaeological sites and Remains Act, 1950
- (m) The Indian Tramways Act, 1886

However, when the purchased property is offered to a third party at a higher amount, 40% of the benefit or benefit appreciated would be split with the initial purchaser. In the Property Purchase, Reconstruction and Relocation Act, the right to equal compensation and accountability offers compensation for the survivors depending on the land. For the restoration and re-location measure, the concept of 'family impacted' shall involve types of work, owners, shareholders and custodians in the areas three years before the purchase. In order to transpose regulations, the land acquisition,

reconstruction and relocation authority shall be created.

Rehabilitation and Resettlement[41] Entitlements

The rehabilitation and resettlement entitlements are given in Schedule II. These are:

For Land Owners

1. Subsistence allowance: 12 months Rs 3,000/month/family
2. Annuity: 20-year Rs. 2000/month/family, with a satisfactory inflation index
3. Plinth house developed area: 150 sq.mt. house location or 50 sq.mt in agricultural areas. Subdivision of metropolitan regions
4. Any family in the command area shall have 1 acre of land if land is purchased for an irrigation project
5. For transport Rs. 50,000
6. Land purchased for urbanization: in relation to the land acquired and the aggregate compensation received for the land acquired it would be allocated for and given to landowners 20% of built land.
7. Compulsory employment of one person per family or Rs 2 lakhs if jobs are not provided
8. Offering up to 25 percent of the amount of compensation

FOR LIVELIHOOD LOSERS (INCLUDING LANDLESS)

1. Subsistence allowance of Rs 3,000 a month for 12 months per household
2. Rs. 2000 a month per family for 20 years as an annuity with acceptable inflation index
3. If homeless, a building (plinth area) of 150 sq.mt is installed. house location or 50 sq. in agricultural areas. Mt. in metropolitan city, free of charge
4. A one-time Rs 50,000 'Resettlement Allowance;'
5. For transport Rs. 50,000
6. Compulsory job for one person per family or Rs 2 lakhs

The financing organizations that finance the initiatives would benefit the citizens whose life is impacted. However, property obtained under the

present Act, restoration and relocation subsistence extended not only to the individual having interest in land, but the person impacted by the programme, with no title in land acquired as farm labor, is acquired under this Act.

CONCLUSION

Rehabilitation and resettlement are a long operation. When individuals are moved, they lose negotiation control. There is no sense of shared responsibility among them. The State has exerted its prerogative of eminent domain in the general interest of the country. In wide programmes, policymakers generally have adopted a growing approach to the displacement of displaced persons. The inhabitants were displaced and relocated according to the building and submergence programme. Few governments have reconstruction and relocation programmes (Karnataka, Andhra Pradesh, Orissa). Some such as Karnataka, tend not to follow the strategy. Haryana is the only nation to have integrated a programme of reconstruction and redistribution into its own land procurement process.

The Land Acquisition Act amending bill therefore allows it necessary, in particular, to resettle and to rehabilitate the homeless, and to internalize and include them in the acquisition phase. While the relocation and recovery programme is in fact no statute, it should be pointed out that it is not enforceable by its own power. There is no particular legislation to deal with the recovery and resettlement problem. A draught bill on reconstruction and relocation was presented in parliament in 2007 – primarily as a result of land-related agitation of the past decade. It was postponed due to political reasons, including the Property Acquisition Reform Measure. This is the first move in the correct direction if it is passed. His opponents view the statute as a whitewash; it does not grant the State a warrant to behave but merely implies. However, its supporters see a defective statute as better than no law. The parliamentarians may not seem rushed to make a call so this calls for a far more thorough debate. The matter of displacement and resettlement of residents and societies affected by the schemes has been a source of considerable contention ever after the state first exercised its right to purchase property for public and private construction and industrial projects. The right to equal compensation and accountability, in the Acquisition of Lands Restoration and Relocation Act, 2013, came into effect on 1 January 2014, which was a replacement for the old Land Acquisition Act, 1894. The government's ambition is to ensure equal and open land acquisition and relocation and reconstruction of families impacted by land acquisition. This Act ensures that the cruel and social distress induced by forced displacement is avoided by minimizing the migration of people displaced and eliminating

detrimental effects on individuals and their homes. The idea is to guarantee that only restitution and care and rehabilitation plan is given for project impacted persons/families. And the introduction of a participatory, educated, advisory and open mechanism and above all, ensure that the overall effect of the compulsory procurement is that the individuals concerned are development collaborators. The statute recognizes that property purchase, reconstruction and relocation must be done at the same period. In any case, recovery and relocation must often follow before land is purchased. The new Act aims to reconcile the obligation to encourage the purchase of property, thus addressing the interests of farmers and other individuals who's wellbeing also depends on the land acquired. The question of who acquires land is less relevant than the land purchase, land repayment and rehabilitation and resettlement phase, bundle and conditions.

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