



## MANIFESTATIONS OF LAND ACQUISITION IN HARYANA

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### ABSTRACT

*The farmer is emotionally connected to the land as well as his livelihood; food security and housing are attached to the land. The governments both at the Centre and the States have been forcefully acquiring his land in the name of development. The compensation paid to him is not sufficient to purchase even a small piece of that acquired land and in many cases he is forced to become a landless labourer. The land acquired by the government in many cases is handed over to the private entities which raise doubts about the true intentions of the government and misutilization of the Land Acquisition Act. There is a positive side of the picture also. The land acquisition is essential for the development in the State. The benefits of land acquisition include development of infrastructure in the area and improved standards of life. The present paper gives an insight into these aspects.*

**KEYWORDS:** government and misutilization , acquired land , food security.

### INTRODUCTION

Manu, an acknowledged lawgiver in ancient India, states, "A field belongs to him who cleared away the thickest....(just as) a deer (belongs) to him who shot it." The corollary of this is that a farmer who reclaimed a tract of land could sell, pledge, gift or bequeath it to anyone he pleased. The farmer's land belonged to him absolutely. According to our epics, even kings could not lay a claim on the subject's land. Now, labour, land, capital and the state work in tandem. Sensitive handling is important because land acquisition can fuel insecurities and social unrest<sup>1</sup>.

Land acquisition is the process by which the government forcibly acquires private land for various infrastructure and economic growth initiatives. Be it for national security, urbanization, construction of roads, canals or dams, or the development of power plants or SEZs or setting up educational institutions or other public purposes, land acquisition is the first step in the activity. Being fixed in quantity despite the increasing demand for it by the increased population, makes it a scare factor and thus the most important resource amongst labour, capital and organization needed for production.

Land, the fundamental requisite for economic and social development is thus acquired for the progress of above mentioned activities. Such acquirement, by government/ government agency as authorized by law from individual land owners after paying government fixed compensation in lieu of the losses incurred due to surrendering the said land, is what defines land acquisition.

The surge of industrialization, while essential for transferring the agrarian economy into industrial power, faces resistance because large undeveloped land required for the development projects, almost non-essential near big cities, comes from the acquisition of rural and semi-urban areas – a place where the main occupation being agriculture, land is the main source of income.

<sup>1</sup>Harbans Singh (2015), "Before Acquiring Land, read Ancient Texts" The Tribune, 24 July, 2015

Before 1990, location of industries and other projects was decided at the time of grant of license for its setting up. One of the important factors for granting such license was the objective of maintaining regional balances. However, after 1990, the system of licensing has been considerably diluted and the entrepreneurs are free to set up their projects free of location constraints subject to environment clearances. Simultaneously, the States are offering lucrative incentive schemes to attract entrepreneurs. The entrepreneurs thus select the best locations along with the fiscal incentives for their projects irrespective of the socio-economic costs involved. This resulted in locating sites which could be approached easily and near to the sites/sources of raw material leading to loss of fertile lands, displacement of traditional rural agricultural families affecting them socially and culturally and also affecting the agricultural productivity<sup>2</sup>. Furthermore, due to poor human capital of the displaced people, they fail to get job and are a victim of several problems. Moreover, the Act provided for monetary compensation and did not include any commitment on rehabilitation of the displaced. This had led to protests against land acquisition and when they had shown muscles against land acquisition, promises were held out to oustees for rehabilitation. However, the government and the enterprises have been noticed going slow on rehabilitation process. It is also noticed in many cases that the acquired lands were just fenced and no industry was coming up there; there were instances then the acquired lands were passed on to other parties at a premium<sup>3</sup>. The state governments are turning into a bunch of property brokers – buying land cheap and selling it at higher prices<sup>4</sup>. All these factors caused resentment and distrust of the peasantry against the government and the industry.

Further, the political turmoil resulting from land acquisition for mining and industrial projects led the UPA government to undertake a wide-ranging overhaul of the Land Acquisition Act, 1894, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (LARR Act, 2013) was enacted. Important provisions in the Act relate to the steep enhancement of the scale of compensation to land-owners and other project affected persons, the requirement of consent of land-owners for acquisition on behalf of private companies and public-private-partnerships, the need to undertake a social impact assessment of the project for which the acquisition is being undertaken and limits on acquiring multi-cropped and other agricultural land. After the NDA government came to power in May 2014, it promulgated an ordinance in December, 2014 to amend the LARR Act, 2013<sup>5</sup>. Shri Nitin Gadkari, Union Minister of Road, Transport and Highways<sup>6</sup> in the BJP led NDA Government and Shri Shrikant Sharma, National Secretary, BJP<sup>7</sup> state that LARR Act, 2013 excluded 13 other Central Acts while the maximum land acquisition is done under these Acts. Thus, it necessitated amendments to the LARR Act, 2013 through an Ordinance brought in December, 2014 by the NDA Government to include the above Acts in the ambit of the Land Acquisition Act in the interest of farmers.

Subsequently, in March 2015, the Ordinance was replaced with a bill: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015. The Bill has been approved by the Lok Sabha but its passage has been blocked in the Rajya Sabha. There were doubts about its intentions and the benefit it would accrue in improving the investment scenario. Political opponents portrayed this bill as anti-farmer.

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<sup>2</sup>Sardana, M.M.K. (2010), "Land Acquisition Issues", ISID Discussion Note DN2010/01, August

<sup>3</sup>*Ibid*

<sup>4</sup>Kumar, Avinash (2011), "The Battle for Land: Unaddressed Issues", *Economic and Political Weekly*, Vol. XLVI, No. 25, pp. 20-23

<sup>5</sup>Anwarul Hoda (2018), "Land use and Land Acquisition laws in India", Indian Council for Research on International Economic Relations, July 2018 available at [http://icrier.org/pdf/Working\\_Paper\\_361.pdf](http://icrier.org/pdf/Working_Paper_361.pdf)

<sup>6</sup>Dainik Jagran, 12 March, 2015

<sup>7</sup>Dainik Jagran, 27 February, 2015

**The Bill dilutes the LARR Act, 2013 on the following provisions<sup>8</sup>: -**

- (1) Five types of projects exempted from consent and social impact assessment – defence, rural infrastructure, affordable housing, industrial corridors set up by government or PSUs, and infrastructure where government owns the land;
- (2) In the 2013 Act, irrigated multi-cropped land cannot be acquired beyond a limit specified by state government, but the proposed amendment bill, 2015 exempted five types of projects from that; and
- (3) Act 2013 mandates that land remaining unused for five years after possession should be returned, while the proposed amendment bill, 2015 set the limit as five years or any period specified at the time of setting up the project whichever is later.

Though the Bill has been approved by the Lok Sabha in 2015 but its passage has been blocked in the Rajya Sabha. Thus, land acquisition in India is governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR), except in Jammu and Kashmir where it is governed by the Jammu and Kashmir Land Acquisition Act, 1934. The LARR Act, 2013 replaces the colonial-era Land Acquisition Act, 1894. The main aim and objectives of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 are to ensure a kind, participative and transparent process for land acquisition for public purpose with least disturbance to the land owners and other affected families.

It is necessary to mention here that Article 254 (2) of the Indian Constitution permits Indian states to enact legislation on subjects in the concurrent list even if such legislation is at variance with an Act approved by Parliament and apply it in the state after obtaining presidential assent. Using this enabling provision, six states, viz., Andhra Pradesh, Gujarat, Haryana, Maharashtra, Tamil Nadu and Telangana, have made, or proposed to make, amendments in the LARR Act, 2013, exempting land acquisition in the respective states from consent and social impact assessment requirements. Some other states are reported to have sent similar amendments for presidential assent<sup>9</sup>.

**Land Acquisition Policies in Haryana**

Haryana with a population of 25 million people, living in 23 districts is having a total geographical area of approx. 44 thousand square kilometers, out of which about 25, 500 square kilometers area falls under 14 districts which comes under National Capital Region (NCR). It is one of the fastest growing economic sub-regions in India. Historically, Haryana has been predominantly agrarian economy and a small state with its locational advantage. It has, in the recent decades, has been a favourite destination for investment by private developers and industry. The State with just 1.34 per cent of country's geographical area and 2.09 per cent of country's total population is one of the few states with the highest per capita income (Rs. 107051 for year 2011-12) in the country. There is a high demand for land in the state from private sector for industrial model townships, industrial parks, technology cities and public private partnership projects. The main agencies involved in land acquisition in Haryana include the Haryana Shahari Vikas Pradhikaran (HSVP) (earlier known as Haryana Urban Development Authority) for development of residential sectors in urban areas, Haryana State Infrastructure and Industrial Development Corporation (HSIIDC) for development of industries and Haryana State Agricultural Marketing Board (HSAMB) for development of agribusiness infrastructure in the State. As per data collected from HSVP and HSIIDC, no land is acquired in Haryana either by HSVP or HSIIDC under LARR Act, 2013 due to the complex procedure of

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<sup>8</sup> Narendra Modi Government U-turn likely on Land Bill, BJP for changes in Parliamentary panel available at <https://www.financialexpress.com>

<sup>9</sup> Anwarul Hoda (2018), "Land use and Land Acquisition laws in India", Indian Council for Research on International Economic Relations, July 2018 available at [http://icrier.org/pdf/Working\\_Paper\\_361.pdf](http://icrier.org/pdf/Working_Paper_361.pdf)

land acquisition under LARR Act, 2013 i.e. complex rehabilitation and resettlement procedure, clause of consent of 70% to 80% of project affected people, etc<sup>10</sup>.

### **Land Acquisition and Rehabilitation and Resettlement Policy – 2007 and 2010**

Haryana is one of the first States in the country to frame Rehabilitation and Resettlement Policy in 2005 and to further improve it in the interest of farmers; it was amended on December 07, 2007. The policy is applicable to all those lands where award of compensation was announced on or after March 05, 2005<sup>11</sup>. The policy has extended the benefits of minimum floor rate; royalty for 33 years over and above the usual land compensation with an annual hike of Rs. 500 every year; allotment of plots; creation of social infrastructure; and skill development for persons whose land has been acquired.

### **Rehabilitation and Resettlement Policy 2010:**

The Haryana Government has revised its Rehabilitation and Resettlement Policy, 2007 on November 09, 2010, to be effective from September 07, 2010<sup>12</sup>. The new land acquisition policy of the Haryana Government under implementation since September, 2010 has extended some fairly good compensation i.e. a high minimum floor rate (MFR) while keeping the doors open to pay for the acquired land at the market rates; allotment of residential or commercial plot in lieu of the acquired land or jobs which the land owners are entitled under the new policy; a provision of royalty for 33 years which will increase by Rs. 750/- ever year and also provides 'no litigation bonus' of 20% of the basic rate of land to those who do not litigate in the courts. However, still there are protests against land acquisition.

### **Haryana Land Pooling Scheme-2012**

The Government of Haryana vide its Urban Estates department notification no.10431, dated September 10, 2012, initiated Land Pooling Scheme, whereby the landowners are given an option to become partners in the development process. The land owners whose land is acquired for the development of residential sectors will have the option either to accept the compensation in monetary terms as available under the Land Acquisition Act along with non-statutory benefits under R & R policy or to seek the compensation in the form of developed plots as full and final settlement. The salient features of this Land Pooling Scheme are as follows:

- (i) The landowner opting for the Land Pooling Scheme will be provided developed residential site in the form of residential plots measuring 1000 square yards and commercial site measuring 100 square yards against each one acre of land acquired or in the same proportion for the land acquired in lieu of the "compensation package and all other benefits admissible under the R & R Policy" of the Government, at the time of first floatation of the residential sector for which land of the applicant has been acquired.
- (ii) The applicant can also claim the amount in lieu thereof for the entitled developed land at the allotment rates applicable at the time of first floatation of the residential sector.
- (iii) The landowner will also have the option to request for payment of a part amount upfront at the time of award as per floor rates as applicable to the area and seek developed plots as per entitlement.
- (iv) The landowner can opt the scheme in respect of part of his land and accept compensation package along with the R & R Benefits.

<sup>10</sup>"Land Acquisition for Urbanisation – Strategy and Alternatives (Partnership Model for Haryana)" (2017), available at <http://itpihrc.org.in>

<sup>11</sup> Revenue Department (2005), "Acquisition and Rehabilitation & Resettlement Policy-2007 and revision 2010", Government of Haryana

<sup>12</sup>HARYANA GOVT. GAZ. (EXTRA.), NOV. 9, 2010 (7570 KRTK. 18, 1932 SAKA)

### Draft Land Pooling Policy – 2017, Haryana

The policy is aimed at evolving a fair and transparent mechanism for pooling of land for development of a sector or part thereof by the Haryana Urban Development Authority (now renamed as Haryana Shahari Vikas Parishad) from the willing landowners. It is a stand-alone policy applicable in the Controlled Areas of the State of Haryana, notified by the competent authority. Objective of the policy is to procure/assemble land required for meeting the Development Plan objectives in an inclusive manner where the landowners willingly part with their land, rather than compulsory acquisition, making them partners in development process<sup>13</sup>. Salient features of the policy are as under: -

- (i) Applicability: - It is a stand-alone policy applicable in the Controlled Areas of the State of Haryana, notified by the competent authority.
- (ii) Scheme: - In case of residential sectors/schemes, the landowners opting for land pooling scheme will be provided developed residential/commercial sites in the form of residential plots measuring 1300 sq. m. in Hyper potential zone; 1200 sq. m. in High I/High II zones; 1100 sq. m. in medium potential zones and 1000 sq. m. in Low I/Low II zones, besides a commercial (Booth) site measuring 22.6875 sq. m. against each one acre (4047 sq. m.) of land acquired. In those cases, where the entitlement for residential plots works out to less than 40.50 sq. m. (standard size of 2 marla plot), the developed residential plot shall not be allotted and only the monetary benefit for the entitled area shall be given at first floatation rate of that sector/scheme.
- (iii) Subsistence Allowance: - The landowner shall be given subsistence allowance @ Rs.50,000/- per acre up to maximum 3 years or till the possession developed share of land is not handed over to him/her whichever is earlier.

**Other Important Conditions:** - The Haryana Urban Development Authority shall execute conveyance deeds of the residential/commercial plots in favour of the land owners opting for Land Pooling Policy as per their entitlements/ allotment of developed plot for which no Stamp Duty and Registration Fee shall be payable.

### Impacts of Land Acquisition in Haryana

#### Negative impacts:

- (i) The tenant cultivators, agricultural labourers, artisans and other sections of population did not get compensation.
- (ii) Haryana is one of the major contributors to the central food grain pool on account of increase in its productivity of major crops during the Green Revolution period besides the fertile and irrigated land. Land acquisition of the fertile, irrigated and multi-crop land in the State will affect adversely the food security of the nation.
- (iii) In many cases, when the land was acquired the landowners / farmers were assured of employment generation for their kith and kin, but they did not get any job as they were neither skilled for the job nor qualified for the same.
- (iv) The farmers have also been cheated in the name of land acquisition for public purpose. The farmers do not get the market price for their land due to the under rated sale deeds. The government acts as the broker/ agent for the private players.
- (v) The compensation received by the landowners/farmers from the government does not provide any monetary benefit to them, as the money received is either wasted or spent unwisely in most of the cases reducing them to landless /unemployed individuals. From a respectable and a dignified landowner, the person now becomes a landless rogue because he has no skills apart from farming. Moreover, there is no agency to counsel these farmers/ landowners for proper use or long term investment or management of the money.

<sup>13</sup>“Land Acquisition for Urbanisation – Strategy and Alternatives (Partnership Model for Haryana)” (2017), available at <http://itpihrc.org.in>

(vi) In a number of cases, the land acquired for the public purpose is either transferred to the private parties or it remains lying unutilized defeating the very purpose of land acquisition.

(vii) There is increase in the alcoholism and addiction among the youth.

Land acquisition in rural areas, thus, results in not just loss of livelihood, disruption of economic activities, displacement from fertile agricultural land that has been cultural and social heritage for generations but also loss of traditional means of employment, marginalization, land related disputes, delayed or inadequate compensation and for many farmers no income stream to support themselves and no job skills to compete in urban job markets.

#### POSITIVE IMPACTS:

Haryana is one of the most developed states in the country in terms of industrialization, electrification, infrastructure development like roads and transport, hospitals etc. The development of the state is not possible without this infrastructure development. It is understood that the land is required for all these infrastructure developments. These activities are not possible without the land and, thus, the land acquisition is essential for the development activity. So the land acquisition is not always harmful.

The benefits of land acquisition, consequent upon industrialization of the area also include increased accessibility for investment and development for increased employment, trade and other business services, development of rural roads and streets, improved water facilities, improved life standards.

An instance of the same is the case of village Chandawali whose land, along with the land of four other villages, was acquired in 2008 for the Industrial Model Township (IMT) set up in Faridabad district. The land acquired was fertile and multi-cropped. Almost all of the agricultural land of the village was acquired rendering the farmers landless individuals. They did not get any employment either in the project or elsewhere as they do not possess the requisite skill and qualification for the same. The youth from the high castes do not prefer to get employed in low rank and low paid jobs resulting in unemployment. Food security has been affected. Income from livestock has also been lost. The compensation money received was in some cases was wasted on buying extravagant cars and constructing big houses. The other side of the picture is that some farmers have purchased agricultural land in other districts and states; others have also invested in business etc. There is also development of infrastructure in the village like the roads, streets, etc.

#### CONCLUSION

The forced and improper land acquisitions have resulted in widening the divide between urban and rural, propagating disguised unemployment, threatening environment, coupled with a problematic law to govern the acquisition which does not ensure adequate compensation to farmers for their lost assets and allows State to favour companies at the expense of farmer's rights. The land already available with the government departments needs to be utilised first before going for fresh acquisition to ensure legitimate use of land. Only the essential and minimal of land required should be considered for acquisition. The need of a modern growing and developing India is a balanced approach. Development and justice to the land owner must coexist. One cannot be done at the cost of the other.

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