

A STUDY ON THE LAND ACQUISITION WITH A REFERENCE OF LAND ACQUISITION ACT 2013

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ABSTRACT

Land acquisition means acquiring the land by the authority for some purposes. The authority pays compensation. The land is taken by the government and the government compensates the land owner. The government acquires land for projects, infrastructure facilities and industrialization and other purposes. The land is acquired for the development of the country because every project requires the land. Any project cannot be situated without the land. The land acquisition is the decision of the government for the development of the country.

The land owners are compensated by the government. The government gives the facility of the rehabilitation and the resettlement also. The compensation is according to the market value of the land and the government compensates all the damages done by land acquisition. The government acquires the land which is not fertile or less fertile. When the land acquisition is compulsory, the fertile land also acquired. It is the need of the development that the industries and government projects are situated in every region of the country so the land is acquired either fertile or non- fertile. The current paper highlights the land acquisition with a reference of land acquisition act 2013.

KEYWORDS:

Land, Acquisition, Fertile, Farmer

INTRODUCTION

The act 2013 come with a bundle of facilities for the owner as well as the peasant. The promise of the fair compensation is done by the government, the facility of rehabilitation and resettlement provides. The provision of the royalty is also made in this act. The damages to the land owners from the land acquisition policy is compensated by the government.

However, so many short-comings in this act is recorded. This act is in the favor of the land owners and ignores the necessities of the common people of the country. It does not in the favor of the poor people and ignores their need i.e. housing, hospitals, education and employment opportunities because if any land was acquired then not only the land owner was affected but so mainly other people also affected those were depended on the acquired land for the employment.

Many people depend on the land who are works in the fields and earn daily wages. There is not any provision of compensation or the work for such people. These laborers are completely workless. Now the question arises that where to go for the work. The government has acquired the land and where they worked and nutrition to the family but they have not any work after the land acquisition. The land acquisition act 2013 has not any facility for the daily wage earners from the fields.

The land acquisition act 2013 gives the rehabilitation and resettlement facility for those whose land was acquired but the people affected by this those were actually landless but depended to the land are workless and houseless, the act does not give any facility to them. The act does not properly define the word 'public purpose'. The land acquired for the public purpose and so many promises were made by the government but the question is that are these promises fulfill by the government? The word public purpose should be defined by the government.

Many time the government acquired the land for public purpose but the land is not used for the public purpose. The land is used at the name of welfare of the countrymen and the people could not understand the meaning of the public purpose.

The land acquisition act 2013 states that the act 1894 will be apply in some cases. The award of land is determined according to the land acquisition act 1894. The new change in land acquisition act 2013 is that the land can be acquired for the private hospitals and for private educational institutions.

The land acquired for the private entities and private entity is the entity other than government. It includes the private companies, the partnership corporations and the non-profit organizations. If any offence related to the land acquisition is committed by the government officials then the enquiry about the offence and prosecuted to the official cannot be without the sanction of the government. The local authority cannot take any action on this regard. It is the provision in this act that the government will take the action if the activity of offence happened by any official in the process of land acquisition.

No doubt the land acquisition act 2013 comes with many changes but it required many other improvements also. The government is working continuously on the land acquisition act for required changes. The act should be made for the welfare of the country not inspired by the politics. The politicians are interference for their personal benefits, so it is necessary that the act should be made without inspiration of the politics.

The land acquisition is very sensational issue and the government should take it seriously. Farmers are linked with the land from the heart. Every rule should mention for the welfare for the land owners, farmers and for the people depends on the land for their livelihood. There is a need of abolition of the compulsory land acquisition.

The priority is given to the acquisition of non-fertile land but the fertile land is also acquired if it is necessary to implement the project in that area. So it can be say that sometimes the government acquired the land forcibly. The decision of the forcibly acquisition of the land is only taken by the government when it is necessary for the project. Every project is not possible without the land, so the land acquisition is a compulsory condition for the development of the country. The land is acquired with the permission of farmers but sometimes land acquires forcibly when farmers are not willing to give their land but the government project must be planted in the area. The government pay compensation in both condition i.e. the land acquired with the willingness or land acquired forcibly.

LAND ACQUISITION ACT 2013

The land acquisition act 2013 came with accurate rules for compensation, rehabilitation and resettlement for the affected people

by the land acquisition policy. The government of India decided many new rules in this act related to these issues. The act 2013 has included all the facilities required by the farmers.

The act has the transparency about the process of land acquisition and the provision of fair compensation for the farmers. This act has the transparency that the land is acquired for what purpose i.e. for private company, for buildings, for infrastructural purpose, for the government project.

The purpose of the land acquisition is clearly told to the public. It's called a good step by of the government that the transparency is in act 2013. It is compulsory that the land owner have known about the purpose of the land acquisition. If the common man knew about the purpose of the land acquisition then the possibility of the protests against the acquisition will be low.

The land acquisition act 1894 is made by the British government in India because the British rule exists at the time of this act. The land acquisition act 2013 replaced the act 1894 that was made by British rule. The British's act is not in the favor of farmers. The land acquisition act 2013 was introduced in Lok Sabha in 2011 and passed in 2013 and comes in force from 2014.

The issue of land acquisition is highlighted in India so the Indian government changed the old land acquisition act 1894. The farmers are exploited from the old act because no fair compensation was given and not any provision for rehabilitation for those who have lost their livelihoods by the land acquisition.

It does not mean that there was not any provision of rehabilitation and resettlement in that act, the act 1894 has all provision of rehabilitation and resettlement but it was very weak and not give the

accurate facilities that was increase the welfare of the farmers and compensate fully for the damages.

The Indian government believed that it is a need of the time to balance between the land acquisition and the welfare of the land owners. The development is essential for the country but the welfare of the farmers cannot ignore by the government. The farmer's class is the biggest class of the country and any government cannot ignore the welfare of the biggest class. So the act comes with so many opportunities for the farmers as fair compensation, rehabilitation, employment etc., because the development projects are necessary for the country and the facilities are necessary for the farmers. The development must be done in the country but the welfare of all categories should be increase. The government should maintain balance between all the categories and development should be increase. The government should apply the balanced growth model.

According to this act the right for property is not the fundamental right but it is constitutional right and the remedy available for the people in the high court not in the Supreme Court. Any interested person can go in the high court if he/she has objection of the land acquisition by the government but the decision of the high court will be final decision. The other restriction is the no one can challenge any constitutional law. It is understood that the constitutional law cannot be challenge in any situation.

The state must pay the compensation of the acquired building and the structures according to the market value at the time of the land acquisition. The state changed the rule for the justice to the people and for improving efficiency because every rule is made for the welfare of the citizens. The rules are made for the common man and

when the government acquires the land the common man of the country affected always. So changing in the rules is not against the constitution. The main aims of the act are the make adequate rehabilitation and resettlement for the affected people. The fair compensation must be given to the affected farmers and the cumulative acquisition for the compulsory acquisition.

It is the duty of the government to resettle the people whose land was acquired and they have lost their land and work. The aim of the act is to establish a law on compulsory land acquisition and facilities to those who are directly affected by the land acquisition. The act applies when the government acquires the land for own use or control on the land or acquire for public purpose.

The act applies also when the government acquired the land and transfer it to private sector for any project and all compensation, rehabilitation rule will be same. All rules will be applied that was made for the public purpose. The act does not apply in special economic zone act, Atomic energy act and the Railway act.

The land acquires for the public purpose as above discussed mentions-

1. For the purpose relating to army
2. For the purpose of national security
3. For the project of water
4. For the housing projects.
5. Government administration
6. For the purpose of development project,
7. Project relating to sports

8. Project relating to health and education,
9. For residential purpose for the poor
10. Infrastructure facilities for the common people of the country
11. For the mining activities, infrastructure for the agriculture.

The person whose name recorded or announced by the court or entitled by the Patta right is the owner of the land according to this act. The compensation and other facilities will give to the owner announced by the court.

The multi-crop area will not acquire according to this act because it is assumed that the multi-cropping area is heavy fertile and very important for the agriculture. If this type land acquires by the government then it affects negatively to the agriculture's production. So the multi-cropping will not acquire according to the land acquisition act 2013. The compensation will be decided according to the market value of the needed land.

The rehabilitation and resettlement for the affected person- subsistence allowance of Rs.38000 for the first year and Rs.24000 per year for 20 years. The job to the member of affected family will be given. The compensation of Rs.50000 for the transportation and Rs.50000 for the resettlement allowance is provided according to this act.

All these compensation criteria are better than the land acquisition act 1894. The cash compensation is greater than the compensation was given according to the previous act. The policy of rehabilitation is mentioned and the provision of the job for the member of affected family is included in the land acquisition act 2013. The authority will give the compensation of other damages also those were happened

due to the land acquisition. The all criteria in the land acquisition 2013 are better than the previous land acquisition act. All intellectual persons welcomed the land acquisition act 2013.

The government provides the house according to the resettlement policy if any person has lost his/her house in the land acquisition. If the acquired land is not used for the development project and resold by the government then the share will be given to the person whose land was acquired. The purpose of the land acquisition is told to the land owners at the time of the land acquisition. If the land is not used for the same purpose and resold by the government then the land owner can be demand for the share. It is also a change in new act.

The present research is the beginning to find out the socio-economic impacts on the farmers of Haryana due to land acquisition. To find out the impact on socio- economic conditions, it is checked that what effect on standard of living of the farmers?, what effects on the occupation of the farmers, what effect on the education of the farmers family's children, what effect on the economic status of the farmers and What effects on the social status of the farmers?

DATA ANALYSIS AND INTERPRETATION

The present research is based on the primary data. So the result of the research is based on the analysis of the data. This chapter is related to the analysis of the data. The data are collected with the help of the questionnaires.

Table-1 Occupation of the people before the land acquisition

Districts	Agriculture	Industry	Service	Total	%of Agriculture	% of Industry	%of Service
Panipat	220	14	6	240	92	5.8	2.5
Hisar	245	5	10	260	94	2	4
Total	465	19	16	500	93	3.8	3.2

Source: Field Survey.

Table 1 shows that high majority of respondent's occupation in Panipat district was agriculture before the land acquisition, and 14 and 6 Respondents are employed in industry and employed in service sector respectively before acquisition of their land. In district Hisar 245 respondents was employed in agriculture, 5 respondents in industry and 10 respondents in service sector. 465 respondents were employed in agriculture, 19 were in industry and 16 were in service sector.

It concludes that 93 percent of people of both of district were employed in agriculture before land acquisition. Only few respondents were working in the industrial sector and the service sector. The land was the source of the livelihood of the respondents. The main reason of engaged in the agriculture was that they were illiterate and could not get any job in other sector.

Table-2 Level of the satisfaction with previous occupation

Districts	Satisfied	Not Satisfied	Total	% of Satisfied	% of Not Satisfied
Panipat	226	14	240	94	6
Hisar	236	24	260	91	9
Total	462	38	500	94	8

Source: Field Survey.

Table 2 shows that when the question asked to the respondents that

were they satisfied from the previous occupation that was agriculture. Here 226 respondents of district Panipat were feel satisfied and 14 wre not satisfied with previous occupation on the other side 236 respondents of district Hisar were satisfied and 24 respondents were not satisfied.

The table reveals that most of the respondents were satisfied with their occupation. They were not wanted to change in their pattern of life. The main reason of the satisfaction of the farmers from their occupation was the good production by the land. All needs were met from the land and make happy with the present occupation.

Table-3 Occurrence of good changes in farmers life or not after land acquisition

Districts	Good changes occurred	No changes	Total	% of good changes occurred	% of No changes
Panipat	147	93	240	61	39
Hisar	34	226	260	13	87
Total	181	319	500	36	64

Source: Field Survey.

According the table 3, the 147 respondents of district Panipat were answered that good changes are come in their life and 93 respondents given the answer that not any good changes came. The only 34 respondents of the district Hisar feel good change in their life and 226 respondents are given the answer that not any good changes came. It is pertinent to mention that 64 percent of the sample respondents were not feels any good change in their life due to land acquisition.

The decision of the land acquisition has not positively affect the standard of living of the farmers on the other hand 36 percent's were

feel good only by the compensation money received from the government. Land has the only resource of the farmers for the livelihood and the government has acquired the land, so the respondents were not felt any good changes in case of Hisar, but majoring of Panipat respondents were feel happy by the decision of land acquisition.

Table-4 To purchase any vehicle after land acquisition

Districts	Purchased vehicle	Not purchased	Total	% of purchased vehicle	% of Not purchased vehicle
Panipat	164	76	240	68	32
Hisar	20	240	260	8	92
Total	184	316	500	37	63

Source: Field Survey.

Table 4 shows that the 164 respondents of district Panipat were purchased vehicles and 73 respondents not to purchase any new vehicle from the and acquired money. In district Hisar 20 respondents have purchased the vehicles and 240 respondents have not purchased any vehicle. Overall 37 percent respondents from the total sample have purchased vehicles and 63 percent have not. It concludes that the majority of the people have not purchased any vehicle after the land acquisition. They gave the simple reason is that the amount of compensation was not so enough that they could purchase any vehicle.

The compensation amount given by the government has spent on the agriculture land and for met the other household needs.

Table-5 Have good economic condition after land acquisition.

Districts	Good	Not good	Total	% of Good	% of Not good
Panipat	155	85	240	65	35
Hisar	33	227	260	13	87
Total	188	312	500	38	62

Source: Field Survey.

Table 5 depicts that good majority of respondents of district Panipat felt that there is improvement in their economic condition and less respond that no changes occurred. Very less respondents of district Hisar have responded that good changes occurred and high majority of respondent answered that not any good changes occurred. The 188 respondents out of 500 respond that there are good changes in their situation after the land acquisition and 312 respond that not any good changes occurred after the land acquisition.

The data shows that many farmers are in good condition after the land acquisition. But the majority of the respondents have responded that they feel not any good changes after the land acquisition. The respondents have in good condition responded that the government has given good compensation amount and they use the amount of compensation for fulfilled their needs and invested it into the income resources i. e. land. So they are in good condition after the land acquisition. Their way of life is as usual as before the land acquisition. The majority of the respondents have responded that the land acquisition not the changed their life standard in the positive way. They have lives as usual before the land acquisition. Their standard of living has not changed. Most of the respondents are in not in good condition after the land acquisition. The table shows that

the land acquisition affected to the people in both way positively and negatively. The farmers are not in good condition means they feels not good about their standard of living after the land acquisition.

DISCUSSION

The land acquisition is the biggest issue at present in Haryana. The economy of the Haryana is growing very fast and the development work is continuously increasing. The infrastructure facilities are very important for the development. The industries are growing and the government implementing many development projects.

The projects for infrastructure, the projects for housing of the poor people, the projects for the public facilities, responsibility for all of their rest on the government. It is understood that the land is a basic requirements for all these projects and facilities. Any activity is not possible without the land, so the land is acquired by the government for the welfare of the state.

It is understand that the land is only resource of the livelihood of the farmers and they called the land 'Maa'. So it is very painful for farmer that his land is taken by the government. Many changes occurred after the land acquisition. It is possible that the farmer's condition will be better than ever before. It is also possible that the condition of the farmer will be worse. He can purchase new land for the agriculture purpose but it is not possible to purchase new land with lesser compensation.

It may be possible that the farmer's standard of living is increase but it can't expect that the living is possible without the land. It is

possible that the education and social status increase and it is also possible that these are not affected by the land acquisition. To check all these possibilities, the present research with five dimensions will be done.

CONCLUSION

The land acquisition act 2013 is expected that the land owners and the people whose livelihood comes from the agriculture both are affected by the land acquisition, so the law was made for both. The act is compensating to those people also whose livelihood comes from agriculture. The compensation will be given to the land owners and other affected people i.e. tenants, peasants. So the land acquisition act 2013 is better than the British land acquisition act 1894.

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