

Land Acquisition Policy under Neo Liberal Regime: A Case Study of Lucknow, U.P.

THESIS

Submitted to
Babasaheb Bhimrao Ambedkar University
(A Central University)

BABASAHEB
BHIMRAO
AMBEDKAR
UNIVERSITY



•LUCKNOW•
प्रज्ञा शील करुणा
ESTABLISHED 1996

In fulfillment for the award of the degree of

Doctor of Philosophy

IN

POLITICAL SCIENCE

RESEARCH SUPERVISOR
PROF. SARTIK BAGH

RESEARCH SCHOLAR
DINESH KUMAR
ENROLLMENT NO. 1273/15

DEPARTMENT OF POLITICAL SCIENCE
SCHOOL FOR AMBEDKAR STUDIES
BABASAHEB BHIMRAO AMBEDKAR UNIVERSITY
(A CENTRAL UNIVERSITY)

Vidhya Vihar, Raebareli Road, Lucknow-226025 (U.P.), India

Year – 2021



**THIS THESIS IS DEDICATED TO
MY FAMILY AND TEACHERS**



CERTIFICATE

This is to certify that the Thesis entitled “**Land Acquisition Policy under Neo Liberal Regime: A Case Study of Lucknow, U.P.**” submitted by **Mr. Dinesh Kumar** is an original research work and has not been previously submitted in part or full for the award of any other degree or diploma to this or any other university.

The thesis submitted to Babasaheb Bhimrao Ambedkar University; Lucknow satisfies all the requirements as stipulated in the *Doctor of Philosophy Ph.D. Regulations-1999 as amended in 2013* and it is fit for submission and evaluation for the award of the degree of Doctor of Philosophy of the University.

Date: 17/02/2021

Place: B.B.A.U. Lucknow


Supervisor

Prof. Sartik Bagh
Research Supervisor
DPS/SAS/BBAU


Head of the Department

विभागाध्यक्ष
राजनीति विज्ञान विभाग
बी०बी०ए०यू, लखनऊ
Head
Deptt. of Political Science
B.B.A.U., Lucknow

CANDIDATES'S DECLARATION

I hereby, declare that this thesis entitled “**Land Acquisition Policy under Neo Liberal Regime: A Case Study of Lucknow, U.P.**” submitted to Babasaheb Bhimrao Ambedkar University, Lucknow in fulfillment for the award of Doctor of Philosophy in Political Science is the result of my original work. It has not been submitted in part or full for any other diploma or degree of any other University. The indebtedness of the candidate to others has been duly acknowledged at relevant places.

This study is carried out under the supervision of **Prof. Sartik Bagh**, Department of Political Science, Babasaheb Bhimrao Ambedkar University Lucknow, Uttar Pradesh, India. This is also to declared that the thesis is essentially free from all kinds of plagiarism.

Dinesh Kumar

Signature of candidate

Date: *17/02/2021*

Place: *B.B.A.U. Lucknow*

(DINESH KUMAR)

Research Scholar

Enrollment no. 1273/15

ACKNOWLEDGEMENT

*I would like to express my sincere gratitude to my supervisor **Prof. Sartik Bagh**, Department of Political Science, BBA University, Lucknow who has put his valuable experience, wisdom and knowledge for my thesis work. It has been a great enriching experience for me to work under his guidance. Without his guidance and persistent help this research would have not been possible. His calm and patient nature, punctuality, meticulous inspection and scientific temperament have helped me to accomplish this task. I express my heartfelt gratitude to our Head of Department, **Professor Shashikant Pandey Sir**, for taking keen interest in my research work. His valuable suggestions and relentless praise, motivation have enabled me to complete the thesis within the specified time frame. I would to like to express my thanks to other respected and intellectual faculty members of department **Prof. Ripu Sudan Singh, Dr. Siddharth Mukerji, Dr. Preeti Chaudhary and Miss Manjiri Oraon mam** for advising, motivating and supporting in countless ways.*

*I am indebted to my family members my father, **Doodhnath Ram**, mother **Imlawati Devi**, my uncles **Suryanath Ram, Harikesh Ram and Durbesh Ram**. My elder brother **Vinay Kumar, Vinod Kumar** and all relatives, all cousins, nephew and niece **Vijay Kumar, Abhinav Kumar and Beauty**. They all sacrifice for me and kept motivating all time to do best.*

*I thank to all the staff member of the University specially **Mr. Brijesh Tiwari, Mr. Swapnesh Mishra and Mr. Ashish Pandey** for their kind support and assistance during my study period. Finally, I acknowledge the support of library staff of Gutam Budhdha Library, Babasaheb Bhimrao Ambedkar University Lucknow.*

*Last but not the least are those people who been my lifeline throughout my work, **Mr. Anil Kumar, Upendra Kumar, Anand Singh, Abhay Singh, Rambachan Kumar, Prem Shankar Gond, Sandeep Kumar Aditya, Seema Kumari, Mehdi Ali, Santosh Kumar Pandey, Pramod Kumar Pandey, Avaneesh Kumar Gautam and Ramesh Kumar**. I also thanks to **Dr. Swadesh Kumar** who have greatly helped me to accomplish the thesis task.*

Sincere thanks to UGC, New Delhi for giving me financial support in the mode of UGC JRF Doctoral Fellowship. My research work wouldn't have been this much easy without their support.

A genuine apology if any of the well-wishers are missed out. I am very grateful to each and every one who has been motivating during my entire study.

Dinesh Kumar

Dinesh Kumar

TABLE OF CONTENTS

S. No.	DESCRIPTION	Page No.
	<i>Certificate</i>	<i>i</i>
	<i>Declaration</i>	<i>ii</i>
	<i>Acknowledgements</i>	<i>iii-iv</i>
	<i>Table of Contents</i>	<i>v-ix</i>
	<i>List of Tables</i>	<i>x-xi</i>
	<i>List of Figures</i>	<i>xii-xiii</i>
	<i>List of Abbreviations</i>	<i>xiv-xv</i>
I.	CHAPTER 1: INTRODUCTION	1-31
1.1	Introduction	1
1.2	History of land acquisition policy in India:	1
1.3	The Right to Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act 2013	3
1.4	Implications of neoliberalism in prominent countries	8
	• Chile	8
	• Germany	8
	• USA	9
	• Britain	11
1.5	Introduction of neoliberal economic policy in India	14
	• Liberalisation	15
	• Privatisation	15
	• Globalisation	16
1.6	Statement of the problem	16
1.7	Review of literature	18
1.8	Objectives	28
1.9	Hypothesis	28
1.10	Research Methodology	28
1.11	Universe of study	29

1.12	Chapter Plan	30
II.	CHAPTER 2: Neoliberalism And Development Paradigm: Theoretical Analysis	32-68
	The main focus point of Neo liberal state	37
	Development	38
	Poverty	41
	Inequality	43
	Unemployment	44
	Development discourse in India	45
	Historical emergence of Neoliberalism	48
	Theoretical analysis	50
	• Classical Economics	50
	• Neo classical Economics	51
	Contribution of Hayek, Nozick and Friedman	52
	• Friedrich Hayek	52
	• Robert Nozick	53
	• Milton Friedman	54
	Right to property	55
	Developmentalism	56
	Dependency theory	58
	Capabilities Approach	60
	Arvind Panagariya and Jagdish Bhagwati	61
	Amartya Sen's Critique of neoliberalism	63
	Critique of Neoliberalism	64
	Neoliberalism and land acquisition in India	66

III.	CHAPTER 3: Political Economy Of Land Acquisition Policy In India: Post Liberalisation Experience	69-142
	Classical political economy	41
	Liberal Political economy	72
	Marxist political economy	73
	Land and revenue administration before independence:	75
	Land tenure and taxation in Mughal India:-	76
	• Batai	77
	• Kankut	77
	• Zabti	78
	Land tenure system during Britishers and later	78
	• Mahalwari	79
	• Ryotwari Settlement	81
	Post liberalisation new initiative	82
	SEZ	82
	Efforts of government for export oriented model and development of SEZ-	82
	Export Processing Zone Regime	83
	• Beginning stage (1965-81)	83
	• Expansionary stage (1981-91)	83
	• Consolidating phase (1991-2000)	84
	The Intermediate phase (2000-6)	84
	SEZ Regime	85
	Land acquisition law passed by the Indian government at different point of time	85
	Differences in land acquisition Act, 2013, and land acquisition (Second Amendment) Bill, 2015	139

IV.	CHAPTER 4: Land Acquisition Drive In Uttar Pradesh Emerging Trends And Consequences	143-181
4.1	History of Uttar Pradesh	143
4.1.1	Pre-history of U.P.	144
4.1.2	U.P. in Indus Valley civilisation	145
4.1.3	U.P. in Delhi Sultanate 1208AD to 1526 AD	147
4.1.4	U.P. in Mughal Empire	148
4.1.5	Maratha Empire	149
4.2	U.P. during British Colonial period (1858-1947)	150
	• Company rule and Indian rebellion of 1857	150
	• Direct British rule (1858-1947)	150
	Post-Independence (1947 to present)	152
	Importance of Agriculture in U. P.	154
	Services	157
	Land Use Patterns	158
	Importance of land for various infrastructure expansions in India	162
	Some major land acquisition drive in Uttar Pradesh	164
	• Agra to Lucknow Expressway	164
	• Poorvanchal Expressway	166
	• Yamuna Expressway	167
	• Bundelkhand Expressway	169
	• Prayagraj Link and Ganga Expressway	171
	• Gorakhpur Link Expressway	172
	• UP Defence Corridor	173
	• Jewar International Airport	174
	• UP Awas Vikash and Housing Development Board	175
	• Land Acquisition for Lucknow Metro	176

	• Agra and Kanpur Metro	177
	Private players' active in UP for acquiring land	178
	Emerging Trends and Consequences	179
V.	CHAPTER 5: Land Acquisition And Its Socio Economic Implications: A Study Of Lucknow	182-220
	Derivation of term 'Lucknow'	183
	Lucknow in the past	184
	Administrative information	191
	Geography	191
	Climate	191
	Flora and fauna	192
	Economy	192
	Analysis and Observation	216
VI.	CHAPTER 6: CONCLUSION, SUMMARY AND RECOMMEDATIONS	221-228
	BIBLIOGRAPHY	229-237
	LIST OF PUBLICATIONS	-----
	APPENDICES	-----

LIST OF TABLES

TABLE NO.	DESCRIPTION	PAGE NO.
Table 3.1	Differences in land acquisition Act, 2013, and land acquisition (Second Amendment) Bill, 2015	139
Table 4.1	Land use patterns in Uttar Pradesh	158
Table 4.2	Percentage distribution of holdings by different sizes	159
Table 4.3	Districts as per Proposed Administrative Divisions of Uttar Pradesh	160
Table 4.4	Corridor Details	176
Table 5.1	Socio-Economic profile of Lucknow district	194
Table 5.2	Do you know about the land acquisition Act?	195
Table 5.3	Have your land been acquired by the state government/ private company for any purpose/projects?	196
Table 5.4	Did you voluntarily ready to give up your land?	196
Table 5.5	How your land was acquired?	197
Table 5.6	Were you informed while acquiring the land that for what purposes your land will be utilized?	198
Table 5.7	If yes, for what purpose it was told?	198
Table 5.8	Which type of your land has been acquired?	199
Table 5.9	When (year) your land was acquired?	200
Table 5.10	Did you have trees or garden on your land?	201
Table 5.11.	If yes, had the value of tree or garden was also included in compensation	201
Table 5.12	How these trees and garden were utilized after acquisition?	202
Table 5.13	How much your land has been acquired?	203
Table 5.14	Do you know about the compensation policy of	203

	government?	
Table 5.15	Can you say confidently that government/ company compensated you according to the compensation policy. Total	204
Table 5.16	Have you been provided with benefits/facilities mentioned in the land acquisition policy while giving your land to the government/private company?	205
Table 5.17	Do you think benefits/facilities provided by government in lieu of your land are enough to fulfill the requirement?	205
Table 5.18	Which types of compensation have been provided to you?	206
Table 5.19	Do you feel the need of rehabilitation after government acquired your land?	207
Table 5.21	Government used the term “public purpose” for acquiring the land from the landowner, for what purposes your land was acquired?	209
Table 5.23	Were socio economic impact after taking your land was estimated?	210
Table 5.24	What changes you experienced in your social status?	211
Table 5.26	What differences you find between previous and present Act?	213
Table 5.27	Do you know any shortcoming in land acquisition Act?	213
Table 5.28	What is now your source of livelihood after losing land?	214

LIST OF FIGURES

TABLE NO.	DESCRIPTION	PAGE NO.
Fig. 4.1	Map	161
Fig. 5.1	Map (Lucknow)	194
Fig.5.2	Awareness about land acquisition Act	195
Fig.5.3	Have your land been acquired by the government/ private company for any purpose/projects	196
Fig.5.4	Did you voluntarily ready to give up your land?	197
Fig.5.5	How your land was acquired?	197
Fig.5.6	Were you informed while acquiring the land?	198
Fig. 5.7	for what purpose it was told	199
Fig.5.8	Which type of your land has been acquired?	200
Fig.5. 9	When (year) your land waas acquired ?	200
Fig. 5. 10	Did you have trees or garden on your land ?	201
Fig. 5.11	If yes, had the value of tree or garden was also included in compensation	202
Fig. 5.12	How these trees/ garden were utilised after acquisition ?	202
Fig. 5.13	How much your land has been acquired?	203
Fig. 5.14	Do you know about the compensation policy of government?	204
Fig. 5.16	Have you been provided with benefit/facilities mentioned in land acquisition policy?	205
Fig. 5.17	Benefits/facilities provided in lieu of land	206
Fig.5.18	Which types of compensation have been provided to you?	207
Fig.5.19	Do you feel the need of rehabilitation after government acquired your land?	208
Fig.5.20	Are you satisfied with the compensation provided to you?	208
Fig. 5.21	For what purpose your land was acquired?	209
Fig. 5.22	How much time it took to start the proposed	210

	construction project?	
Fig. 5.23	Were socio economic impact after taking your land was estimated?	211
Fig. 5.24	What changes you experienced in your social status?	212
Fig. 5.25	What changes do you experience in your economic status?	212
Fig. 5.26	What differences you find between previous and present Act?	213
Fig. 5.27	Do you know any shortcoming in land acquisition Act?	214
Fig. 5.28	What is now your source of livelihood after losing land?	215
Fig. 5.29	Are you happy with the provision of land acquisition Act 2013?	215

LIST OF ABBREVIATIONS

LAA	Land Acquisition Act
RFCTLARR	Right to Fair Compensation Transparency and Land Acquisition Rehabilitation and Resettlement
BJP	Bharatiya Janata Party
UPA	United Progressive Alliance
UP	Uttar Pradesh
WB	West Bengal
LMRC	Lucknow Metro Rail Corporation
SEP	Socio Economic Profile
SIA	Social Impact Assessment
EIA	Environmental Impact Assessment
UPAVP	Uttar Pradesh Awas Vikas Parishad
UPEIDA	Uttar Pradesh Expressway and Industrial Development Authority
RC	Road Construction
AH	Affordable Housing
CII	Confederation of Indian Industry
EDII	Entrepreneurship Development Institute of India
HCL	Hindustan Corporation Limited
NOIDA	New Okhla Industrial Development Authority
NDDDB	National Dairy Developmental Board
AD	After Decade
BC	Before century
IT	Information Technology
SC	Schedule Caste

SC	Supreme Court
ST	Schedule Tribe
OBC	Other Backward Caste
GD	Group Discussion
POSCO	Pohang Iron and Steel Company Limited
SEZ	Special Economic Zone
LPG	Liberalisation Privatisation Globalisation
EPZ	Export Processing Zoen
UPSIDC	Uttar Pradesh State Industrial Development Committee
PAP	Project Affected People
PPP	Public Purpose Project
PAF	Project Affected Family
CA	Competent Authority
UPMRC	Uttar Pradesh Metro Railway Corporation
DPR	Detail Project Report
MRTC	Mass rapid transit System
PAC	Provincial Armed Constabulary
MoSPI	Ministry of Statistics and Programme Implementation



CHAPTER-1
INTRODUCTION



CHAPTER-1

INTRODUCTION

INTRODUCTION

Land is important and precious gift given by the nature all the human activities are associated with the land. Land cannot be either stretch or shrink it provide life line for almost every human in the world. Existence of living and non-living cannot be imagined without land. For development of human civilization utilize of land has played very crucial role, it is assumed that people has get sense of property right by the getting sense of ownership of land only.

In contemporary world when we living under the neoliberal form of economic system things are changing at very high pace importance of land has been increased manifold. Whether we want to establish factory for some production, or wanted to build basic infrastructure projects like roads, railways, highways, airports, government building or anything these can be done only on the land. All the necessity of human being are associated with the land, therefore with increasing population and development of modern technology new demands for infrastructure are increasing day by day. To avail this land from the farmer government has made various laws in different point of time.

History of land acquisition policy in India:- During British colonial period British government realized need to development of basic infrastructure for their own purposes to expand their trade and control. They felt the requirement of roads, railways, highways, factories and all other things for these purposes the acquisition of land was necessary therefore they enacted various Acts for easily access of land from the peasant and landowner.

The roots of land acquisition policy can be traced with the year of 1824 of Bengal Regulation 1 of 1824 Act which empowered the official of colonial era to acquire the land and other essential property from property owner after paying an appropriate

value for infrastructure building like roads, canals and other basic necessity of public purposes¹.

In 1850 British government passed the Act XLII of 1850 which empowered them to acquire the land for the requirement of railway. In 1839 Bombay (present Mumbai) passed the Building Act XXVII and Madras passed Act XX of 1852 to facilitate the land in the name of development of basic infrastructure.²

In 1857 British government enacted another new law which was applicable to the entire British India including provinces and presidencies. It was the Act of VI of 1857. In its preamble it was stated that the main objective of this Act is to make better provision for the acquisition of land that compulsory for the fulfilment of public purpose East India Company, further it adds that this Act will help in determination of fair compensation for land Acquisition³.

In due course of time this Act faced huge criticism and goes through two amendments first amendment in 1861 and Second in 1863 and was known as 1861 (Act II) and 1863 (Act XXII) respectively. Later this amendment was also criticized for many loopholes and it paved the way for enactment of Act X of 1870.

The 1870 law, It enshrined the collector with more power like addressing the issue of compensation. Despite this, litigation and cases related to land acquisition were pending in huge number therefore it was assumed that this law was not also enough competent to solve the problems related to land acquisition hence it succeeded the Land Acquisition Act 1894. Land Acquisition Act 1894 was applicable across the country excepting three princely states like Hyderabad, Mysore and Travancore. Because, these three princely states had already enacted their own law for regulating the land acquisition.⁴

After getting independence from the British government in 1947, Indian government adopted the old land acquisition Act of 1894 by the Indian Independence (Adaptations of Central Acts and Ordinances) order in 1948. Since then this old British era law was governing the land acquisition in India. First effort to amend the old laws was

¹ Ananth,V.(2015, May 22). <https://www.livemint.com/Politics/T2tN2OWzJIy9SuFgsGsmHN/The-evolution-of-the-Land-Acquisition-Act-from-1824-to-2015.html> retrieved on 27 November 2016

² Ibid

³ ibid

⁴ ibid

initiated only in the 1998 by the rural development ministry. After this unsuccessful effort was made by the Congress led UPA government that introduced a bill in the parliament in 2007 with intention to amend the existing laws but due to dissolve of 14th Lok Sabha and not having majority in Rajya Sabha bill get lapsed⁵.

In 2007 proposed bill government had provisioned a mandatory social impact assessment study for large scale acquisition of land that causes huge displacement of people. This Act had provided a safeguard to the people who were depend on the land. In addition to this Act had provisioned for extra compensation for standing crops, trees and other valuable asset which were associated with the land.

The bill had also provisioned to setup the Land Acquisition compensation disputes settlement authority at Central as well as state level for fast addressing of disputes related to land acquisition and compensation. Further the bill also proposed that unused lands which have been vacant for five year or more shall be returned to the appropriate government.

After coming in the power for second term in 2009 with huge majority UPA government proposed a new bill in September 2011 titled as 'Land Acquisition rehabilitation and resettlement Bill 2011'⁶ later it passed in Lok Sabha on 29 August 2013 by majority of 216 votes out of 235 votes, 19 members casted votes against the bill⁷. After passing in the Rajya Sabha it get consent of president of India on 27 September 2013 and became new Act of land acquisition in India after replacing the colonial time made Land Acquisition Act 1984⁸. It came into effect from 1st January 2014. It specifies the mandatory consent of 70 percent of people.

The Right to Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act 2013:-

This Act was termed as more democratic in nature and more proactive towards the right of landowner. Its various sections reflects it farmer and landowner centric spirit. This Act claim that even the development is compulsory but it should not be based on

⁵ ibid

⁶<https://www.indiatoday.in/india/north/story/land-acquisition-bill-introduced-in-parliament-140596-2011-09-07> retrieved on 27 November 2016

⁷<https://www.jagranjosh.com/current-affairs/land-acquisition-rehabilitation-and-resettlement-bill-2011-passed-by-the-lok-sabha-1377846043-1> retrieved on 27 November 2016

⁸<https://www.ndtv.com/india-news/president-pranab-mukherjee-gives-nod-to-land-acquisition-bill-535928> retrieved on 27 November 2016

the cost of loss of poor landowner and peasants. It starting lines as clearly reflects its aims and objectives it reads as “This act favours humane, participative, informed and transparent process of land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of land and other affected families. It includes the provision for a just and fair compensation, rehabilitation and resettlement for the affected persons. In addition to this it has provisioned to include the project affected people in benefit sharing from the project, by which the socio economic status of project affected people can improved.”⁹

In May 2014 BJP led NDA government came into power with huge majority, and it had promised to development of many industrial projects before election so after coming into power it realised to fulfil their promises. Therefore for development of these industries and other basic infrastructure NDA government feels the requirement of land and realised that some provision of previous Land Acquisition Law becomes sometime hurdle for availing land in smooth way, hence they sought to amend the previous Right To Fair Compensation And Transparency In Land Acquisition And Rehabilitation And Resettlement Act 2013 and proposed ordinance for this cause.

BJP led NDA government after coming into power proposed some amendment in the existing Central Act Right to fair compensation and transparency in Land acquisition rehabilitation and resettlement Act 2013 but due to disruption in parliament it could not passed, therefore Government tried it to pass through President Ordinance, but again due to some reason it ordinance could not come into existence.

Therefore Government again introduced the RFCTLARR (Second Amendment) Bill 2015 in the Lok Sabha on May 11, 2015. Major amendments that government proposed in the provision of the bill are discussed below-

- (1) Section 1 of the proposed bill start with its commencement that “This Act may be called the Right To Fair Compensation And Transparency In Land Acquisition , Rehabilitation And Resettlement (Second Amendment) Act, 2015”¹⁰

⁹ <http://legislative.gov.in/sites/default/files/A2013-30.pdf> accessed on 28 November 2016

¹⁰Section 1 of the RFCTLARR (Second Amendment) Bill, 2015

- (2) In the said proposed amendment bill of Section 2 provided that In the Right To Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), for the words “private company” wherever they occur, the words “private entity” shall be substituted¹¹
- (3) In section 3 of the proposed amendment sought to amend the sub section (2) of Section 2 and said that following provision shall be inserted as “Provided also that the acquisition of land for the projects listed in sub section (1) of the section 10 A and the purposes specified therein shall be exempted from the provisions of the first provision to this sub-section”.¹²
- (4) In section 4 of the proposed the bill it provisioned that in section 3 of the principal Act under clause (j) in sub clause (i) the words and figures “the Companies Act 1956” the words and figures “ the Companies Act 2013” shall be substituted; and under subsection (y) of section 3 of principal Act following clause should be introduced as “private entity” means any entity other than a government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organisations or other entity under any law for the being in force”.
- (5) In section 5 of the proposed bill it provided that after chapter III in the principal Act a new chapter should be introduced as “ Chapter IIIA” titled as “Provisions of Chapter II and Chapter III not to apply to certain projects” in this chapter following projects are included (a) projects related to national security or defence of India (b) rural infrastructure including electrification (c) affordable housing and houses for the poor (d) Industrial corridor set up by the appropriate government and its undertaking (in which case the land shall be acquired up to one kilometre on both sides of designated railway line or roads for such industrial corridor) (e) Infrastructure projects including under public private partnership where the ownership of land continues to vest with the government.

¹¹Section 2 of the RFCTLARR (Second Amendment) Bill, 2015

¹² Section 3 of the RFCTLARR (second amendment) Bill, 2015

- (6) Under the section 6 of the proposed bill it provisioned to amend the sub section (2) of section 24 of the principal Act and it introduced the following provision as “ Provided further that in computing the period referred to in this sub section, any period or periods during which the proceedings for acquisition of land were held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in any designated account maintained for this purpose shall be excluded”
- (7) Under section 7 of the proposed bill it has provisioned to insert the words “compulsory employment to at least one member of such affected family of a farm labourer” after “affected families” words after clause (h) of the sub section of (2) the Section 31 of the principal act.
- (8) In section 8 of the proposed the bill it has mentioned that under sub section (6) of the section 46 the words “any person other than” shall be omitted.
- (9) Under section 9 of the proposed bill it has mentioned that after 67 section of the principal Act a new sub section will be add that will 67A which provisioned that all the hearing related to land acquisition should be held in the district where land acquisition has took place.
- (10) In section 10 of the proposed amendment bill it provisioned to amend the section 87 of the principal Act and mentioned that any person who is or was employed in the Central government or the state government if he commit any offence the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973¹³.
- (11) In section 11 of the proposed amendment bill it amends the section 101 of the principal Act and mentioned that word “a period of five years” shall be replaced by “a period specified for setting up of any project or for five years, whichever is later”.

¹³ RFCTLARRR (Second Amendment) Bill, 2015

- (12) In section 12 of the proposed amendment bill it replaced the subsection 3 of section 105 and include that determination of compensation, rehabilitation, resettlement and infrastructural amenities should come into effect from 1st January 2015.¹⁴
- (13) Under section 13 of the proposed amendment bill it provisioned to include the process of undertaking survey of waste and arid land and maintenance of these land's record in clause after (d) clause of sub section (2) of Section (109).
- (14) In this section of proposed bill it has mentioned to replace the words "the provisions of this part" to "provision of this Act" in sub section (i) and in (ii) sub section it mentioned to replace the words "a periods of two years" by "a period of five years" respectively.

After government sought to pass this bill through President Ordinance, this move was criticised by many stakeholders including peasant leaders, NGOs, and political leaders. Some major issues which were introduced in this bill and for which it was criticised are as follows-

- This bill empowers the government to relieve from the requirement like social impact assessment for five categories of projects, however these assessment were necessary under the previous UPA passed Act, these projects are (1) Defence (2) Rural infrastructure (3) Affordable housing (4) Industrial corridor and (5) Infrastructure including PPP when government owns the land.
- Previous Act has emphasised to acquire the barren and waste land and restricted to acquire irrigated land but this bill allows to do so.
- In the previous Act it was provisioned that if any crime is committed by the department then the head of the department will be prosecuted but the present bill nullify this and proposed that before prosecuting any government employee the pre consent from the government is needed.

¹⁴ ibid

- Unlike the previous Act where consent for every project was necessary this bill proposed that in certain cases even consent of landowner is not necessary. Government claims that due to this provision many essential and importance project sometimes stalled for many years. Therefore they proposed to not compulsory of taking consent in certain urgency cases.

Implications of neoliberalism in prominent countries:-

Neoliberalism term refers to the bunch of economic policies which get famous after late 1980s; these policies include more emphasis on privatisation, economic deregulation and reducing of huge taxation.

After late 1980s when neoliberalism gets popularity it replaced the modernisation theory from the authoritative approach of development. Neoliberalism concentrates on economic policies and organisations that were impeding the development process by restricting the free market. In 1989 prominent leader from the world met in Washington and agreed that neoliberal policies supported by the World Bank and IMF are finest policies to increase the development. This consensus was later known as Washington Consensus and it became the important tools to promote the neoliberal policies and idea.

Chile- Neoliberalism policies appeared very radical in Chile. When some group of students from Chile were called to pursue post graduate programme in economics in University of Chicago. These students were trained by the Milton Friedman and his prominent student Arnold Harberger. After being trained in Chicago they returned to Chile in 1960s and they started a combined attempt to disseminate the teaching and programme of the Chicago schools by intellectual organisation and media. Even at that time there was military dictatorship in Chile under the control of Pinochet, despite that these boys managed to implement these radical economic reform. After implementing these radical reforms Chile experienced fast and widespread privatisation, deregulation and decrease in trade barriers. In 1978 neoliberal policies in Chile implemented and it shrink the role of state promoted antagonism and individualism into health, pension, labour policy and education policy.

Germany- After World War II the Germany was totally devastated. Their economy was in very bad condition, to overcome to this situation West Germany adopted new

economic policies which was developed by Ludwig Erhard during 1930s and 1940s. It helped more to West Germany to bring their situation on right path.

USA- The rise of Neoliberalism in USA is associated with US President Ronald Reagan (1981-88). They showed great interest to put an end to Keynesian style 'big government'. President Regan is considered as a not only vocal of neoliberalism in theories but adopted it in their policies and programmes. Regan was even so firm about implementing these policies that he did not scare about their second president term, by such move this indicate that Regan was very deterministic about these policies to implement these policies Regan include loyal and credible secretaries and advisers who were interested in enforcing such policies. In the beginning they tried to amalgamate their economic policy with convention agendas therefore some analyst termed their policy identical to conservatism but it was overstated.

After declaring to adopt these policies prominent neoconservative scholar like Irving Kristol called many giant business entity and CEO of big companies to support many research institutes and intellectual body such as Cato Institute, Heritage foundation, American enterprise institute, and Business roundtable, citizens for a sound economy, Accuracy in Academia and the Manhattan institute for policy research.

President Reagan assumed office in 1981¹⁵ thereafter he announced to adopt neoliberal principles to fast economic recovery of USA by battling with inflation and joblessness in American society that was inherited from the Carter regime. In the initial time Regan emphasised more on to reducing marginal tax rates and more are spending on military and security purposes. However later it was considered as not consistent objective. Reagan launched many initiative that were indication of steering of policies towards neoliberalism in nature these reforms were-

- (1) Deregulation of the savings and loans industry- President Regan declared to deregulate the Saving and Loans industry which was earlier in the control of federal government, Due to this deregulation Saving and Loans industry started to asop9t unregulated benefit in vey less span of time therefore huge crowd for financing started many corporations get merged and invested money for great profits but due to smash of New York stock market money of the

¹⁵ Steger, M. B., and Roy, R. K. (2010). *Neoliberalism: A very short introduction*. Oxford: Oxford University Press, pp 24

investor get lost and because the government has already declared to deregulate the industry government could not take any step.

- (2) Deregulation of Airline by the Act of 1978:- Another major reform toward the neoliberalism in America was deregulation of Airlines, government removes its entire control from the Aeronautics Board consequently competition among Airline services increased manifold and it developed air traffic due to lack of enough and appropriate infrastructure to overcome this issue people from the Air Traffic Controller Association demanded the government to intervene but the Regan government rather hearing matter they freed the thousands of employees from the job.¹⁶
- (3) Privatisation of private land:- It was the very popular step government took towards the neoliberal reform Regan government proposed that some parts of Rocky mountains and some other lands that fall under the control of federal government should be transferred to the private entity. Regan government argued that these lands may be best utilized by the other private entity. Therefore those lands should be sold and what amount will be gain after selling it should be come into the use of tackling the public debts.
- (4) Reduction in public programme:- Another major step towards the neoliberal policies was reduction in government policies and programmes that were for the vulnerable section of society. Some important welfare programmes were transferred from the monetary and budget control of federal government to state government to reduce the burden of cost on federal government. Few government schemes were like Medicaid, school lunch programme and assistance to those families which children are adolescents and totally dependent on the family. However government keep supporting some of them schemes but with term and conditions. Government implemented the Medicare scheme by the lean voucher system with the help to decrease the public expenses and increase in the competition and competence in the Medicare delivery system.¹⁷

¹⁶ ibid

¹⁷ Steger, M. B. and Roy, R. K. (2010), op. cit., pp.35

(5) Trade policy:- Another steps taken towards adopting neoliberal policies was trade policy supported by the Regan government. However some scholars claimed that Regan was some extent protectionist toward the market policies in contrast to their successor president like Bill Clinton and George W. Bush¹⁸. But this claim was no authenticity because the Regan government actively participated in 1982 GATT negotiations which emphasised more on liberalising market in agriculture and services sector¹⁹. In addition to this the doubt of being protectionism can be removed by this fact that after playing important role in GATT (1982), president Regan again acted as a sole players in the setting the agenda for Uruguay Round (1986-94). This negotiation was done covering many issues like from agriculture services to intellectual property rights. Further this negotiation by the initiative and effort of president Regan created the ground for signing the Free Trade Agreement by Canada and more later in Mexico,

In such way President Regan contributed very much in expanding the neoliberal idea in United States of America in the decade of 1970-80s.

Britain:- Increasing discontent with huge investment on public welfare and its negative effect on the government Margaret Thatcher also introduced many reforms some of the important reforms taken by Thatcher government are discussed below:-

(1) Midterm financial strategy:- Prime Minister Margaret Thatcher's idea of prompting neoliberalism start with some initiative taken to institutionalise the monetary policy by implementing the Medium Term Financial Strategy (MTFS). The motive behind implementing this strategy was to change the emphasis of economic policy to extended term monetary scheme from the small duration tax and spend approach. Further MTFS adopted very wide ranging method to curb the national deficit by establishing the direct relation between increases in money supply and reducing in national deficit. However Margaret Thatcher was so ardent in reducing the national deficit that she elevate the rate of national tax and Implemented few fresh taxes on north sea

¹⁸ ibid

¹⁹ ibid

oil income she simultaneously backed the huge reductions in tax rate on rich people²⁰.

- (2) Abolishing local tax rates and replacing with poll tax:-Another major steps taken towards neoliberal reform was to replacing the local tax with poll tax, Margaret Thatcher was of the view that at Bottom level of governing authorities, office bearer were not competent enough and they do corruption with indirect support from the political parties, therefore she was not very much confident about the sharing of power to the bottom level. She highly showed dissatisfactions with the bottom level governance functioning. However due to facing fierce criticism from all around including their own party member Margaret Thatcher withdrawal their decision²¹.
- (3) Joining of European exchange rate mechanism:- In the early years of 1980s treasury department of Margaret Thatcher approve to implement the conversion rate and it reached to level of Germany. However after decrease starting in pound it decided to keep away itself from the conversion system. Although Margaret Thatcher was not in favour of implementing static conversion rate system but 1990 she hesitantly united with European Community's Exchange rate Mechanism and it finally reached the pound to the closer of target. But again owing to German reunification it increased the inflation and higher interest rates. This policy fiercely lost their strength²².
- (4) Privatisation drive:-Another major step towards neoliberalism was her privatisation drive at large scale. As a result of privatisation private entity empowers to buy important properties and resources from the government. Government enthusiastically sold many government controlled industries to private entity at the very minimum cost with expectation that private proprietor of these companies will run these companies with more efficiency and proficiency that could participate in world business. Privatisation in England was started with the beginning of 1980s with the selling of companies to private investor these companies were national freight corporation, British Aerospace, British Roll and allied British Ports. Further after years

²⁰ Steger, M. B. and Roy, R. K. (2010), op. cit.,pp.40

²¹ ibid

²² ibid

government also sold some very important companies like Rolls Royce Aircraft Engines, British Airports Authority, British Petroleum, British Steel and some other companies associated with water and power importance.²³

(5) Selling of vast amounts of housing Units:- In 1980s British government passed a Housing Act of 1980 that enables the long term rentier to purchase their own home at an affordable prices. However earlier selling and construction of home were under went but they were not appropriate fulfilling the standard legal procedures as was required for the tenants, therefore Margaret Thatcher passed the housing Act of 1980 to purchase the home to long term rentier with many essential rights. Nonetheless many rentiers could not buy the home in desired locality henceforth they were shifted with undesired citizen. Consequently it helps to increase in in equality between societies²⁴

(6) Shifting of responsibility of employment from state to individual:- During course of time unemployment increased in Britain due to decline in industrialisation, Thatcher left on the 'free market' to decide which jobs should be continued and which one to finished. Margaret Thatcher ordered to shut up the very important government companies like coal pits, mines and manufacturing plants when they realised that these companies were not performing well in comparison to private companies. Thatcher later apprehended that England's economic could achieve improvement in globalised new economy after it adopts open and talented employees. Consequently she imagined to impart the neoliberal training to non-government employee that will be much similar to the requirement of market rather than the learning. Prime minister claimed that highly competent would definitely manage to secure employment while old fashioned worker will left following. In this way government of Britain adopted such training scheme that reduced the function of government in providing the employment to people. Now to secure a job was ultimately on the people itself.

(7) Reducing the welfare programme and policies:- Prime minister Margaret Thatcher realised many welfare policies as the major hurdle for economic

²³ ibid

²⁴ Steger, M. B. and Roy, R. K. (2010), op. cit.,44

incompetence, she tried to review many schemes and plans which were running through the union assistance. In this series she revamps the child benefit provision that used to provide aid to the working women, she asked to made strict rule that such aid should be provided only to the really needed mothers.

Apart from this Prime minister also revamp the public pension scheme. She asked to not make this more rigid according to market requirement. She also asked to make personnel pension account moveable from one job to other that they can get best job without hurdle from the government.

Introduction of neoliberal economic policy in India:- After four decade of independence, India established a new milestone in 1991 in the history of trade and industry. It was the time Indian economics was facing huge crisis at many front behind this crisis many government controlled policies were responsible. Government identified that policies and to tackle them they embark on a new economic policies that was different from the earlier old economic policies of country. Government decided to restructure the economic system of India and pushed for the shift from socialist pattern economy to liberalisation, privatisation and globalisation sort of economy.

To bring these policies on the ground and to implement with enthusiasm the main role was played by the then union finance minister Dr. Manmohan Singh, Singh is considered as the pioneer of reshaping the economic structure of India. At the time of implementing the new economic policy in 1991, the then finance minister highlighted many points which were associated with the objective of implementing new policy. The important motive for introducing this economic policy can be read as-

- (1) To bring the Indian trade and industry in the domain of globalisation and give shape them according to the need of global market
- (2) National economic policy aimed to increase the foreign investment and fast growth rare in India.
- (3) New economic policy aimed to promote the contribution of many new non-government actors in Indian economy in various forms.

(4) It emphasised to easily exchange of resources, products, skill services employees etc. among the countries.

(5) NEP aimed to reduce the rate of inflation and solve the disparities in payments.

New Economic policy was based on three major components which are (A) liberalisation (B) Privatisation (C) Globalisation

Liberalisation:- Under the liberalisation drive government took many new initiative which were different from the earlier one like government left it to the all commercial bank to fix their interest rate for lending however before the implementation of NEP it was mandatory for Reserve Bank of India to fix the rate of interest for commercial banks. Earlier mini producing houses were restricted to invest less than 1 crore rupees, but for the advance in the technology and expertise mini production houses were allowed to investment limit of rupees 1 crore. Now production houses were also allowed to purchase the advanced appliances and resources from other countries. Production houses got nod from the government to produce as much as they can according to the demand of market, however it is noticeable that before NEP the production houses and companies have been prohibited to cross the production limit set by the government. For non-government companies it was necessary to get license by the government to begin a fresh enterprise however by this new economic policy non-government sector was totally unrestricted excluding some sensitive companies like liquor, Cigarette, defence equipment, industrial explosive, drugs and Hazardous chemicals.

Privatisation:- Privatisation was the second major component of new economic policy adopted by the government. In a broader sense privatisation refers to the transferring of proprietorship from government controlled to individual ownership. Government implemented the privatisation drive vehemently because at that time political intervention in managing the business of government controlled companies was too much, they were unable to produce as per requirement therefore government realised to handover these government companies to private corporate houses. In order to execute privatisation, government sold shares of government companies to private companies and stopped investing in government undertaking; finally very few companies were left under the control of government.

Globalisation:- Third main component of NEP was globalisation, globalisation generally refers to the condition in which people and his activity directly links with the rest of the world without any boundary or limitation. In economic sense it means that one economic system was linked with rest of the economic system. To execute globalisation in India then government took many crucial steps like government announced to huge decrease in tariffs that were applicable earlier, government promoted open competition in trade and restrictions on overseas trade were scrapped off, to attract foreign institutional investment and foreign direct investment government allowed to conversion of Indian rupees into foreign currency at a fixed level.

Statement of the problem:- Land acquisition Act (1894) is a law that has survived generations, seen three centuries and thrived when India was a colony, and later through independence. It has been influenced by years of land reforms when the state performed, even if partially the radical task of land redistribution and vesting land in the tiller, having wrested it from feudal landlords. The legitimacy that this exercise in land reforms gave to the power of the state to expand its power of eminent domain has had an impact on the way the law has developed. It is now a core element in the acquisition of land to set up SEZs, which present a remarkable contrast to the agenda of land reforms, revealing wild swings to the meaning of public purpose. Apparently concerned with land acquisition from individuals who own land, or have interest in the land LAA 1894 has yet influenced and helped effect mass displacement to make way for projects that represent the priorities of the state.

Life and times of the LAA 1894 reveals that over the year, it has nudged the state uncomfortably close to being in possession of absolute power in relation to land, and consequently over the lives and livelihood of people dependent on land .the evolution, in practice of the eminent domain and the absence of a forum to challenge the state's understanding of what constitutes public purpose has encouraged it to presume and exercise power over land in its territory as if that power were absolute. The LAA 1894 is a significant element in effecting mass displacement. yet mass displacement is not acknowledge in the law .A language has developed around mass displacement, including addition to ousters ,project affected people or project affected families and even new significances attached to terms as encroachers.

Land acquisition in this current neo liberal era has become a source of instant money creator .one side people are flourishing leaps and bound other side people are going into deep of poverty .in this state is also playing as a actor. State is facilitating the acquisition process so smoothly that big corporates, industrialists, tycoons are grabbing the land from the small farmers and marginalized people, in the name of public purpose at a very minimal cost, but they are using these land more for their benefit, lesser for public purpose. Such land acquisition has become a cause for so many social problem.in this acquisition process state is playing as facilitator to industrialist comparators and tycoons, without concerning about the issue of land loser who are being more affected by such acquisition. India's rural economy which supports seven hundred million people is being garrotted. Farmers who produce too much are in distress, farmers who produce too little are in distress and landless agricultural labourers are out of work as big estate and farms lay off their workers. The recent report of CAG on SEZ make it very much clear that the private giant companies has acquired the land more their requirements. The government's attitude is filled up with the contradictions. One side the government has the National Food Security Act on other side it have a Land Acquisition Act, 2013 to grab the land from the poor people and tribal people. The conditions in the State like Uttar Pradesh are worst where it has almost all land as the multi-crop land. The persons from whom the land are being acquired they become from land owner to labourer class and live in more derogatory condition. In the Narmada Valley during Sardar Sarovar Project still people are waiting for the arrear of the compensation awarded and completion of rehabilitation and resettlement (R&R). The land owners are forced to live in the semi complete Rehabilitation and resettlement and more inhuman conditions. The conditions of the women are even more worst because the sanitation and new climate conditions are not as they had earlier. The loss of common property resources which is not being counted as the compensation able is a big loss for them. The definition of 'public purpose' in the new Land acquisition rehabilitation and resettlement Act is inclusive, which gives ample opportunity to the State to loot the land from poor persons in the name of the public purpose. The new PPP model for the development in the neo liberal is a new way to take away the land. The role of public i.e. State is only to make available the land at low price to the private enterprises. This is the actual public (State) and private partnership. The work on any industrial project the Environment Impact Assessment (EIA) report should be in the favour to set up an

industrial project. But even the EIA report is not in favour the government is giving green signals to the project. Such kind of act by the State is not against our environment but also against the future generations. The inhabitant of the area is being forced to go for the agitation against the projects. Sometimes it becomes violent due to non-hearing the objections raised by the agitators or force used by the State. The Niyamgiri project is the burning example where due to protest by the tribal the government has to shut up the Vedanta project in Niyamgiri. The recent Ordinance on the LARR Act, 2013 which later was lapsed due to protest of the opposition and the various organizations in different parts of the country was an evil intent attempt to facilitate the land to private companies. The neo liberal policy in India is becoming a horse without any rider.

Review of literature: -From the ancient times land has been a major reason for the upheaval in the society .conquest, invasions, wars, migrations riots, imperialism, colonialism, fascism all share one common goal to control or possess land that is in the possession of someone else. At the Centre of all this, the contentious issue by far is the acquisition of agricultural land, many scholar in their study have discussed about the acquisition of land process. The existing literature is accessed on this topic through which conclusion were extrude. The gaps which found in this analysis are as follows-

Sanjay Chakravorty in his work 'PRICE OF LAND Acquisition, conflict, consequences' (2013) have discussed the whole process of acquisition of land in India, from past perspective to till present era .In this work Chakravarty has tried to project the marketing scenario of land in three parts. Part 1 covers the present scenario of land acquisition process in which conflict, situation prices, agents and four major flashpoints like Nandi gram, Singur, Maha Mumbai and Vendetta are involved. In this section author has tried to analyse the information of protest held by people at different places. Author used the information from different media sources. They had tried to analyse the protest of different places as how on each places, different factor are playing role to stimulate protest. Part second, shed light on the glimpses of past of transformation of land market through the different state systems from Mughals, British to nationalist development and liberalization. There is some basic information on the pre- colonial period, more information on the colonial period and substantial detail on the post- independence period. In part three, there is theoretical analysis

described. There are two major areas of analysis. The first part focuses on urban and rural markets and prices. Chakravorty has tried to show how land scarcity and growth of income credit and inequality are shaping the contemporary land markets and prices.

Jairam Ramesh in his article 'Draft Land Acquisition and Rehabilitation and Resettlement bill 2011' (2011) covers approximately entire concerns related to land acquisition, rehabilitation and resettlement problems. In this article various solution has been suggested for solving the issues, which might be raise at the time of acquisition .this article tries to define affected families of land acquisition ,criteria for minimum compensation for land rehabilitation and resettlement entitlements, special provision for SCs/STs, infrastructural amenities under rehabilitation and resettlement, retrospective effect clause ,safeguard against indiscriminate acquisition ,rehabilitation and resettlement in case of private purchase of land ,compliance with other laws ,transparency provision ,penalties , special provision for states ,impact on existing legislation etc. Although it discusses some very important issues related to land acquisition and rehabilitation and resettlement, but it does not discuss about the environmental concerns which is also related to land acquisition, what steps government may take to ensure safeguard of environment protection and conservation.

Abhirup Sarkar in his article 'Development and Displacement: land acquisition in West Bengal' (2007) argues that the process through which agrarian land is acquired to build up infrastructure ,industries ,and various services, the people are displacing from their traditional occupation and livelihood .in the particular ,the focus is on the on the recent strife in west Bengal over such acquisition .In this article A. Sarkar argues that although 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 programmed. Which has so far been seriously lacking in the state? This article analyses the problem of land of west Bengal only it does not be totally applicable to Uttar Pradesh issue, its conclusion cannot be generalized.

Aradhana Agrawal in his book 'social and economic impact of SEZ in India' (2007) covers the comprehensive area of SEZ. It provides information related to evolution of SEZ, from historical experiences, and also gives the performance picture of SEZ in

twenty three developing countries. It gives a comparative scenario of SEZ in three economically developed countries like Korea Taiwan and china. It proposes a set of evolution criteria for SEZ in India further this book analyses the quantitative data available from the ministry of commerce and also analyses the data gain from survey study during 2004-9 period. This book provides critical and analytical information about the creation and performance of SEZ. This book explore the impact of SEZ on employment, trade, foreign exchange of earning, government revenues and technology transfers.it also examine the evidence of social effects of land acquisition, human development, regional inequalities and environmental protection .although this book discuss about the social and economic effect of SEZ in positive way, but also there are some negative effect on social and economy this book has remain unsuccessful to address these issue.

D. Warriner in her book ‘Land reform in Principle and practice’(1969) has discussed their experience of observation of land reform of which has caused for numerous investigation of reform all over the world. Miss Warriner has explained that there are more differences in the implementation of land reform in practice .while its principle is quite plausible, for small landowner and landless people. But laxity in implementing this has remained no more fruitful. Although this book is useful for study but it try to explain from broader perspective of land reform across the world .so for Indian context it gives a little idea.

Hari Mohan Mathur in his book ‘Development displacement and resettlement’ (2013) has argued that displacements are different while it occurs on the ground of development programme and on the ground of natural disaster. Peoples are displaced from their own land by government for development project, due to lack of inadequate resettlement and policy, life of displaced people became worsened, and although government has passed resettlement and rehabilitation policy .Often government fails to provide appropriate compensation. This literature has discussed theoretical and historical phenomenon of land acquisition. While these literature have remain explaining only the cases of land acquisition, resettlement and rehabilitation aspect. These literature does not provide a clear picture of how the government of different state under different governing ideology have perform as effective and ineffective .My study will try to solve these issues.

Iyer R.Ramaswamy in his article ‘towards a just displacement and rehabilitation policy’ (2007) demonstrates the antagonistic side of developmental policies in India especially after independence. Author argues that India has followed a progressive approach to development through developmental projects such as big dams, large industrial and mining projects, highways, flyovers and many similar things. These projects have caused displacement and improper resettlement and rehabilitation of millions of people. Developmental projects have necessitated the victimisation of many people for the public purpose. The author argues that there is need for the formulation of a just and equitable national displacement and rehabilitation policy in which displacement is not a taken for granted outcome of development policies. development projects need to embrace the goals of minimal displacement, adequate compensation and free ,informed and prior consent along with concern for social and environmental impacts .development projects requiring land acquisition should be permissible only for governmental projects like building schools ,hospitals and other public purpose utility, and should not be extended to include private or public sector organizations

Vandana Shiva in his book ‘The great land grab’(2011) have critically evaluated the acquisition of land, in this book major land acquisition have been critically discussed, which have created a great influence on peasants and labourers. These acquisitions have been in more limelight for protest by the local farmers and labourers in print media and television. In this book writer has treated the land as sacred asset for formers who sustain their lives in these land. SEZ evolution and its myth and reality have also been discussed, how it has affected the entire country in socially and economically has also been included. The writer has tried to expose the nexus between state and corporate. this book has reveal the truth of grabbing of some important land scam like commonwealth game ,Gurgaon DLF story ,Yamuna express way, Adarsh housing scam, Niyamgiri, POSCO project of Orissa, Gopalpur, Tata steel plant at Singur, Jaitpura and land acquisition for mining and minerals have also been discussed. Although this book has critically evaluated all the issue related to land acquisition but writer has discuss only one aspect of these development. Writer has mention only negative effect of these land acquisition, these development has contributed faster growth of economy of India.

Richard Peet and Elaine Hartwick in his work ‘Theories of development: Contentions, Argument and Alternative’ (2015) have discussed the development in very systematic and elaborative manner. They have discussed all the essential points that are associated with the definition of development; in the beginning of book they have discussed the meaning of development in terms of geographical sense and its meaning in various geographical regions. This book is divided in three different sections one is comprised of conventional theories of development in which beginning of political economy, classical and neoclassical economics from Keynesianism to neoliberalism, World Bank policy, Millennium development goals, debt relief etc. has been discussed. In part second non-conventional but critical theories of development like Marxism and its main variant and socialism its main variant has been discussed. In the part third writer has discussed the changing nature of production with changes in mode of production. Despite this some other theory related to development like dependency theory. World system theory and expansion of socialism in Cuba and Venezuela has been also discussed elaborately. In addition to this feminist perspective of development, post – structuralism, post colonialism and post developmentalism have been included.

‘The Road from Mont Pelerin: The making of neoliberal thought collective’ (2009) edited book by Philip Mirowski and Dieter Plehwe has eleven chapters and it is divided in the three sub parts first part discuss the origin of neoliberal from its roots to expansion in British, America and Germany. Second part deals with some important topics like neoliberalism and its confrontation with trade Unions, hegemony and role of corporates, emergence of Chicago Economics School further it analyses neoliberal economic development discourse and trade conservatives within the Mont Pelerin Society while third part discusses the implementation of Neoliberal ideas in countries like Cuba and Peru. In addition to this third part also tries to analyse the New International Economic Order project which has decided to create a code of conduct for multinational companies.

‘Legislating for justice’ (2015) is an effort of Jairam Ramesh the then union minister of rural development in UPA government during 2009-2014 and his OSD Muhammad Ali Khan. This book discusses the rationale behind amending the old land acquisition Act and some of its contentious provisions like procedure for land acquisition, meaning of public purpose, compensation policy and most contentious urgency

clause. The write discussed his justification and need to amend these provisions. Further he discussed his view and idea to fairly compensate the land loser. Writer has also discussed the need to incorporate some new provisions like importance of social impact assessment, authority for land acquisition, rehabilitation and resettlement.

In **Land acquisition and compensation in India** (2019) by Sattwick Dey Biswas has discussed about land acquisition and valuation of land in India. Writer has done great job in analysing the value system of land with conceptual framework. Writer has traced the mechanism of land valuation in classical economic theory. He has done very discerning expression for current urbanisation drive and developmental challenge of third world countries. Writer has analysed the valuation of land through various perspectives. Writer has discussed the ambiguities, epistemology and prevalent ideas of land valuation.

‘Land Acquisition and land Alienation in India’ (2016) by Vidya Bhushan Rawat is very brilliant works on land acquisition issue. In this book author has explained the some case studies of land acquisition project in which huge protest and agitation has occurred. Writer has described every case study with rich information and has given his insight. Writer has in the beginning started with the information of colonial land acquisition law of 1894 and has described the transition in the nature of land acquisition and protest who have been sometimes very brutal.

‘The Land question in India’(2017) edited by Anthony P. D’ Costa and Achin Chakraborty has discussed the importance of land in economic development of India. This book analyses the changing role of state in contemporary India. It describes the role of state as facilitator of capitalist development. This book tries to locate the significance of land through various theoretical understandings. This book is divided into three broader parts in which first part deals with the primitive and contemporary accumulation while second part explores the legal institutional dimensions of dispossession and last part analyses with regional perspectives.

In **‘India’s Tryst with Destiny’** (2012) Jagdish Bhagwati and Arvind Panagariya has analysed the economic development of India through various aspect which are essential for the economic growth of any country. Entire book have divided into three parts in which first part discuss the various issue regarding socialism, development strategy before economic reforms, after reforms impact on growth and poverty, health

and education. Second part discusses the reform in labour, land market and infrastructure like Air transport, highway construction, power, higher education and urban infrastructure. While third part to make growth and development more inclusive it shed light on need of reforms in employment scheme, health care, and education.

In '**The political economy of development in India**' (1984) by Pranab Bardhan is classic work to understand the political economy and development in India. Bardhan has done insightful analysis of economics and politics in relation with the overall development of India. Bardhan has shown the relation in growth in agriculture and deceleration in Industrial growth. Bardhan has traced the reason of slow economic growth because of huge state restriction in economic policy of India. Bardhan in this book has highlighted and analysed the role of dominant proprietary class and their role in mobilisation and management of capital and the way they influence the democratic process.

'The political economy of land acquisition in India' (2017) by Dhanmanjiri Sathe explains the case study of one land acquisition affected village of Maan of Pune, Maharashtra. This study analyse the various issues related with land acquisition. This study has shown that how a peaceful acquisition can be done by the government by satisfying the needs of land loser through providing not only enough monetary compensation but providing them alternative jobs and skill for their future sustenance and livelihood. This study argues that in future government can initiate the developmental projects without negatively affecting the sufferer. Dhanmanjiri Sathe has highly advocated the Maan village as model for further peaceful acquisition for the developmental and necessary projects.

'Neoliberalism: A very short Introduction' (2010) by Manfred B. Steger and Ravi K. Roy is classic work to understand the basics of neoliberalism. This book traces the origin of neoliberalism as an ideology, as a mode of governance and as a policy package. The entire book includes six chapters in which first chapter discuss the basic foundation of neoliberalism, difference between liberalism and neoliberalism with detail. Second chapter explores the first wave of neoliberalism during 80s decades and the role of Reagan and Thatcher in flourishing the neoliberalism. Third chapter explain the second wave of neoliberalism during the 90s decade and policy of Clinton and Blair in shaping the neoliberalism. Chapter four and five respectively discusses

the influence of neoliberalism in developing countries of Asia, Latin America and Africa. Last and six chapter of book explain the turning point and some adjustment in neoliberalism.

‘A brief history of Neoliberalism’ (2005) by David Harvey is much insightful work. He has analysed the neoliberalism with more critical points. He begins his analysis with background of neoliberalism and discusses the role of Chicago boys in helping towards the beginning of neoliberalism. He discussed the different meaning of freedom which adopted during the rise of neoliberal theory. Further he discussed about the neoliberal state functioning, he basically differentiated between the neoliberal states as theory and as practice and highlighted the crux of imbalanced expansion of development in different states and the way Chinese policies influence the neoliberalism.

‘Globalisation and its discontent’ (2002) by Joseph Stiglitz is very meticulous and lucid analysis of globalisation. It offers a great analysis of globalisation and neoliberal’s idea and its impact on the life of third world countries. Stiglitz has refuted the idea of globalisation and classical economics by explaining with examples from the third world countries. J. Stiglitz has voiced against the policies of international monetary agencies like IMF and World Bank. He has criticised the debt policy of IMF and World Bank for the developing countries. Joseph Stiglitz has claimed that globalisation and neoliberalism has been unsuccessful in dealing with the objective of equal development of each individual by fostering growth.

‘Land Alienation and local communities: case studies in Hyderabad and Secunderabad’ (2007) written by VV Reddy and Suresh Reddy and published in Economic and Political weekly. In this article writer has explained the plight of land looser who were forcibly displaced from their own land by the government in the name of developing infrastructure, SEZ and for some other activities. Writer has discussed that due to poor compensation policy, inadequate planning and entry of real state corporates in the land acquisition drive living condition of land looser who have given their land for different development projects in Hyderabad and Secunderabad have become very vulnerable. Writer has argued that before taking of land from small poor peasants enough social security should be provided to these land losers and

government should ensure that these lands should be used as profit making for private entity.

‘Inefficiency and abuse of compulsory land acquisition: An enquiry into the way forward’ written by Ram Singh and published in Economic and Political weekly. In this article writer has discussed about misuse of some provisions like eminent domain and public purpose by the government of land acquisition Act. Writer has claimed that due to misuse of eminent domain and compensation provision there is huge number of cases pending in courts. Writer has studied only cases from Delhi additional judge court and Punjab and Haryana High Court. He has portrayed these cases as symbolic only but argued that, likewise across the country, poor people and peasants are running towards these courts for their land and appropriate compensation.

‘Land Acquisition and dispossession, private coal companies in Jharkhand’ written by Kuntala Lahiri Dutt, R Krishnan and Nesar Ahmad published in economic and political weekly. In this article writer has discussed about land dispossession of tribal land and Dalits people for the big companies. Writer has discussed that how the poor Dalits, tribal and peasants have been cheated by the big coal companies in the name of help to him after collecting data from the ground and interviewing many peasants. Writer has claimed that many times government and big companies have not took prior consent from poor Dalit and Adivasi’s land holder in order to provide benefit to these private coal companies in addition to this government has avoided to assess the environmental effect after surrendering these lands to the big coal companies in Jharkhand.

‘Guaranteeing future claims of farmers in land acquisition: An option pricing approach’ (2010) written by Sugata Marjit and published in economic and political weekly In this article writer has discussed about the major issues related to the pricing and compensation and has discussed about the major issues related to the pricing and compensation and has discussed that how the farmer incomes should be secured through the government initiative and land use. Writer has argued that with while acquiring the land poor land loser get very less amount of benefit but buyer of that land manage to secure more money with their skill therefore writer has suggested that government should enact such policies by which the future benefits of peasants could be secured.

‘Subverting the land acquisition Act 2013’ (2015) written by Santosh Verma and published in economic and political weekly. In this article scholar has commented on proposed ordinance and act related to land acquisition. Writer has commented that new proposed Act will benefit more to the corporate and big company’s houses and even it may be misused by the government to acquire the land from poor and helpless peasant. Writer has commented that subvert of land acquisition Act 2013 and implementation of new proposed bill by NDA government will create distress, conflicts, social disharmony and wide spread fighting in society.

‘Impossibility of just land acquisition’ (2011) written by Swagato Sarkar and published in economic and political weekly. In this article writer has argued that industrialization is compulsory for fast growing economy and development and for industrialization and other developmental projects. Land plays a very important role but due to making compulsory of taking consent of 80% and 70% people for private and PPP project it will hindrances the availability of land for these projects. Therefore writer has argued that for availing of more land corporate houses big companies and other will try to adopt some unfair measure to get the land. Hence it will intensify struggle and violence in society that will be not healthy for democratic country.

‘Land Acquisition in India: An Examination of the 2013 Act and Options’ (2016) written by Sukhpal Singh and published in Journal of Land and Rural Studies. Sukhpal singh highlights that land has been an important source of production and sustenance for the third world countries like India. Writer argues that due to implementation of New Economy Policy importance of land has increased for everyone whether poor peasants or big corporate house. He further highlights that new globalisation and liberalisation mode of policy big corporate houses has started global land rush that can be seen in the most Asian and African country but India is little better than most third world country. Further writer has highlighted the importance of new Land Acquisition Act and has critically discussed new provisions of Act.

Objective:

1. To investigate how the neo liberal economic policy is affecting the acquisition of land in Uttar Pradesh.
2. To know, whether under the neo liberal era after acquisition of land, land losers are being properly compensated.
3. To what extent the government welfare act for land losers, like right to fair compensation rehabilitation and resettlement act have been effective so far.
4. Which section of society is being more affected by such land acquisition?
5. To find out the ground reality of social impact assessment programme sponsored by the government, and to assess the condition of people who are being displaced by land acquisition.
6. To examine the land acquisition act, passed by government of India at different point of time.

Hypothesis: -

1. Under the neo liberal regime vulnerability of marginalized section increases manifold.
2. Due to land acquisition under the neo liberal era, environmental concerns like wild life conservation and protections are being neglected.
3. Uttar Pradesh government has remained successful to manage all the compensation issue in a proper way.

Research methodology:-The present study is analytical, empirical and descriptive in nature. It attempts qualitative and analytical approach of main characteristics of the subject under study. Primary and secondary, both types of data has been analysed in the study. Among the primary sources field survey, group discussion and interview related to various aspect of land acquisition and its policy have been included.

For theoretical aspect understanding pre-existing literature like books, articles, journals, materials available on the websites and in the library have been studied. The discussions with some learned people have been also included. Total 200 samples

have been chosen for the study from the different projects of Lucknow in which land has been taken by the government or private company. These respondents were selected by the random disproportionate stratified sampling method. These respondents were categorised as those who gave their land to Awas Vikas Parishad of Lucknow or Uttar Pradesh Expressway and Industrial Development Authority and who gave their land to any private company active in Lucknow who has acquired some large amount of land. Further these respondents were categorised on the basis of year. Those land loser who gave their land pre and post implementation of Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement (RFCTLARR) Act (2013). If we discuss about the social category of respondent we found that Out of 200 samples 45 respondents were from general category, 25 respondents were from minority groups, 90 respondents were from scheduled caste category and 40 respondents were from other backward class category.

In secondary sources census report of U.P., Statistics Division of U.P. government, Forest report of India, Lucknow Metro Rail Corporation final report, Ministry of Agriculture report and report available on Uttar Pradesh Expressway and Industry Development Authority and Uttar Pradesh Awas Vikas Parishad have been used. In addition to this Media information from the authentic agencies has been also included.

The field surveys have been conducted during the research that has strengthened the study.

Universe of study:-This study has been conducted in Lucknow, Which is the state capital of Uttar Pradesh. It is a major metropolitan city of India; Lucknow is the administrative headquarters of the eponymous District and Division. It is the 2nd largest city in north, east and central India after Delhi. It is also the largest city in Uttar Pradesh. The city stands at an elevation of approximately 123 meters (404 ft.) above sea level and covers an area of 2,528 square kilometres (976 sq. mi). The Lucknow city is situated in between 26o 52' North and 80o 56' East on the banks of river Gomati.

Various land acquisitions projects has been done to foster development in district like Agra –Lucknow Expressway, Purvanchal Expressway, Ring Road, Housing development by Awas Vikas and other private companies. Agra Lucknow express

project falls in Lucknow District at span of 9.6 kilometres stretch. For this government had acquired arable land of local peasant which were available at the right bank of Sharda canal. Government had faced little problem due to ongoing protest of farmer claiming very minimal compensation was provided in lieu of their land in comparison to similar acquisition in adjoining district for same project.

Lucknow development authority had set a target to acquire 1000 hectare land for developing housing project and increasing their land bank. LDA has identified land patches at three different places for acquiring are – Mohanlalganj, IIM road and Deva road. Farmer of these places is refusing to be a part of these projects, because of unfair compensation.

Chapter's plan-

Chapter first introduces the topic of research and locate the land acquisition policy in India from the colonial time. It gives a brief description of beginning of new economic policy experiment drive of other western countries then it explores the efforts of introduction of new economic policy in India. Further it discusses the intensive literature review related to research study. It includes further objective, statement of the problem, hypothesis, research methodology, sampling method etc.

Chapter second titled as 'Neo liberalism and development paradigm: A theoretical analysis' discusses various concept and issues related to development and various development paradigm exist in academia and administration. Further this chapter includes theoretical importance of classical theory, neoclassical theory and idea of Nozick, Friedman and Hayek. This chapter also includes the various ideas and opinion of many scholars who have opined against the idea of neoliberalism.

Chapter third titled as 'Political economy of land acquisition policy in India: Post liberalization experience' discusses the political economy and land acquisition policy in India. It explores the efforts of government which have inspired the government to embark on the new experiment for development of India through various initiatives like Export Processing Zone, Special Economic Zone. It also include the various taxation system related with land during Medieval and colonial India. Further this chapter includes the Act enacted by the government to govern the land acquisition in India.

Chapter fourth titled as ‘Land acquisition drive in Uttar Pradesh: Emerging trends and consequences’ begins with discussion of brief history of Uttar Pradesh in ancient, medieval and modern time. Further chapter explores some major ongoing land acquisition projects which have affected thousands of farmers and their agricultural land. In addition to this some information has been discussed about private companies who have acquired huge amount of land in the name of various modern projects.

Chapter fifth titled as ‘Land acquisition and its social economic implication: a study of Lucknow’ starts with discussion of basic profile of Lucknow district. Importance of Lucknow has been discussed with various perspective and further field surveys and data obtained from the ground has been discussed and analysed. More importantly observation details during the field visit have been also included.

Chapter sixth is ‘Conclusion and suggestion’ in which after rigorous study conclusion has been drawn and some relevant suggestions have been included to improve the life of sufferer without comprising the development.



CHAPTER-2

NEOLIBERALISM AND DEVELOPMENT PARADIGM: A THEORETICAL ANALYSIS



CHAPTER-2

NEOLIBERALISM AND DEVELOPMENT PARADIGM: A THEORETICAL ANALYSIS

Neoliberalism is the most influential theory of 20th century, it has many dimension to study the various phenomena of society. It has changed the discourse of many influential concept of society; development is also one among them. Neoliberalism emphasise on using the resources in such way that by investing little it can generate more profit. It do not support to involve the investment in that areas where profit cannot be made it encourage such activity where one can produce more profit with modest investment. Neoliberalism concentrate on individual right that will not be controlled by the state. Neoliberal modes of development considers the individual property right as a source of innovation which contribute in development of new innovation supporter of this model of development argued that if individual right will be restricted it will impede the progress of individual. They demands more incentive from the government for free market and claims that government should provide more freedom to the market. It favours to reduce the welfares measures provided to weaker section of society and claims that such benefit measures goes to non-deserving people and pose burdens on the government money therefore such benefit measures should be banned.

Before the acceptance of neoliberal idea development was seen as the holistic phenomena and responsibility of state which was guiding the development process in their respective states, earlier development was considered in very broad spectrum including the increasing in infrastructure facilities with special care to the marginal and vulnerable sections of society. Government were focussed not only establishing new projects but governments were also concerns with those people who were involved in contributing to establishment of new projects like workers who were contributing through their physical labour to managers who were contributing through their mental force. All these were included in the development and there interest were protected by the state, but after adaptation of neoliberal policies, development

discourse has taken new form, its concern of focus has been changed from holistic to specific basis.

India after independence adopted the model of development that was regulated by the government and it kept in operation till adoption of new economic policy. In this duration all the economic and trade activities were guided by the government. Government was entitled to decide policy, programmes for the entire nation such activities were being performed by the planning commission of India that was established on the idea of Russian model, and it formulated the policy with socialist point of view in many times.

It is worth considerable that any ideology or concept which have established and have got accepted by most of the scholar does not get its due in month or week but it takes years of years and even many decades to establish in stronger and profound condition. Same situation resemble with the development of neoliberalism. Neoliberalism have also followed very long path to establish itself. Neoliberalism have roots in classical liberalism and it has passed through positive liberalism and welfare state then it has arrived at this destination, We can say in other words that the path of neoliberalism has been like a circle, which ideas has been started by the tenets of classical liberalism which emphasised the function of state as only maintaining the law and order in society and leaving the individuals free from intervention of state in achieving their interest and again at this point, very similarly neo-liberalism promotes same idea while rejecting the working style of welfare state. Neoliberalism get full acceptance in world over after enthusiastically implementation and success in Britain and United States after 1970's and 1980's decade.

Swiss Economist Hans Hongger has mentioned the term 'neoliberalism' in his scholarly book titled as "Trends of economic ideas". In his work Honegger has recognised the theoretical neoliberalism as an idea that is grounded on scholarly job of Alfred Marshall, Engen Von Bohm Bawerk, Friedrich von Wieser, and some others.¹ After 1930s the word neoliberalism begins to look in various perspectives and rooted itself as the important term for many emerging scholarly movement.²

¹ Mirowski P. and Plehwe D. (2009) *The Road From Mont Pelerin: The making of the Neoliberal Thought Collective* : England, Harvard University Press, pp.9-10

² Ibid pp.12

Neoliberalism emphasized on flexible labour market where labour force will be available on easy cost and in more number, there will be no strict labour laws who prohibit the capitalist class to hire worker on very stringent condition of working hours, working condition, issue of minimum wages, and it tries to protect them from indulgence in social- behavioural conditions etc. Government used to reduce the welfare programme and scheme for the disadvantage (labourer) people. Government will use more resources to promote and safeguard the interest of market-oriented people. This notion has become predominant across the globe after 1980's.

Neoliberal model of development encourages the Washington consensus model that was devised by the John Williamson who was the senior fellow at Institute of International Economics. This model suggested many policies reform which was expected to be implemented by the third world countries and later these policy reforms were adopted by the international financial institutions like World Bank and International Monetary Fund to lend the Latin American and other third world newly independent countries. According to Williamson these policy reforms include following policy instruments³-

- A) Fiscal discipline:- According to Williamson government used to huge invest in public expenditure without assessing the available resources and it leads to the various type of problems for economics like inflation, balance of payment deficits money breakout and sometimes policy failure. Therefore government should must be conscious about fiscal discipline

- B) Reducing public expenditure:- Williamson has argued that government should shrink the huge investing of money on defense, public administration and other non-economic generating domains despite this it should invest in those areas which can increase the income and other fundamental necessities like basic education, crucial wellbeing system and other public purposes infrastructures. He further argued that government should shrink or abolish subsidies to those public enterprises which are not able to produce benefits.

³ Peet R. and Hartwick E. (2009) *Theories of development: Contentions, Arguments, Alternatives* : New York, The Guilford Press, pp.85

- C) Tax reform:- Williamson has recommended to extend the tax base and advancing in tax administration. He further said that for advancing the inducement peripheral taxes should be reduced.
- D) Interest rates:-Williamson has argued that there should be financial deregulation and these deregulation should developed the interest rates which should be decided by the market, there should be no role of state in deciding such interest and these interest rates should be enough capable to suppress the capital flight and can increase in capital saving.
- E) Competitive exchange rates:- Williamson has encouraged outward oriented economy that promotes competition for fast growth. It advanced competitive exchange rate to maintain balance of payment by more non-traditional export and less import.
- F) Trade liberalisation:- It has been argued that all the constraints should be removed from import including curb in tariff however to provide opportunity to flourish new born industries tariff can be allowed to 10-20%.⁴
- G) Encouraging foreign direct investment:- Williamson has favoured to attract more foreign investment because they argued that foreign investment provide required money, talents and technological expertise that helps the country for rapid development. Further he argued that all the restriction should be removed that create obstacle for foreign companies to come and invest. They argued that equal atmosphere should be developed for local and foreign companies where they can contend.
- H) Privatisation:- Williamson has suggested that if public enterprises does not work professionally and are not in condition to generate benefit they must be privatised. Government should not provide help in such condition to public firm. It will be best to transfer them in private hands.

⁴ Peet R. and Hartwick E. (2009) *Theories of development: Contentions, Arguments, Alternatives* : New York, The Guilford Press, pp.85

I) Securing property rights:- Williamson has recommended that who are involve in producing goods and contributing in development their property rights must be protected and distinguishable.

Neo liberal state is based on four grounds-

1. Economy guided by market:- Neoliberal state focusses more on the importance of market unlike the earlier welfare supported Keynesian principles. It believes that market is sufficient enough to deals with the issues which are emerging in economy. It encourages the ‘Laissez faire economics’ which assumes that state should not interfere in other matter except protection of people from misdeed and enemy attacks to the state. It claims that market is like ‘invisible hand’ which can address most of the problem in economy.
2. Champion of individual liberty:- Neoliberal state believes in promoting the individual liberty because it assumes that every individual is rational creature and he knows best how to maximise their interest therefore he should must be freed from state intervention. Therefore neoliberal demands of rolling back of state to protect the individual liberty.
3. Monetarism:- Neoliberalism state believes that unemployment is not major issue for state but it is the inflation which should be major concern for state. Therefore neoliberal claims that state should focus on how the inflation could be controlled. Hence neoliberal scholar asserts that by adopting some measures like regulating the circulation of money from the market inflation can be fixed.
4. Downgrading of the welfare state:- Neoliberal state believes in reducing the welfare measures for the poor and needy person, even it support in reducing the government intervention in health, education, and employment like most important issues.

The main focus point of Neo liberal state can be discussed in following manner-

1. Importance to individual liberty-

Scholars of neoliberal claim that like individual oblige to this principle that they should not force other individual to obey any particular rule or regulation which is harmful for their interest in the same way, state should also follow such rule which prohibit someone from exercising their individual liberty.

2. Focus on novelty -

Neoliberal scholars claim that more freedom to individual inspire them to indulge in more creative works and such atmosphere are proves very conducive for vital innovation and these innovation leads to progress and happiness of the people. But if state will impose restriction on freely use of means of production state will be deprived from great innovation and invention.

3. Support incentive-

For great innovation and invention state should provide incentive for such work and should encourage for larger benefit of society. But scholars argued that when state intervene it leads to the only apathy and restraint for such important requirement.

4. Weightage to free market-

Neoliberal scholar believes that free market not only promotes interest of all individual but also it promotes the social harmony in society. They argued that free markets are also helpful in fostering the social coordination and well-being in the society. They claim that free market grows naturally without any full-fledged arrangement which are observe in the controlled economy. Free market develops only by the competition among the huge players of the market which is responding to the price system in the market.

5. Emphasis on autonomy-

Unlike the totalitarian and planned or controlled systems neoliberal scholar claim more freedom to individual in all walks of life.

6. Social justice-

Neoliberal states distinguish social justice and welfare measures for vulnerable not similar what planned or controlled state view. They do not recognise any need to provide any extra assistance to the downtrodden people. They argue that what state provide welfare aid to the poor or marginal people is injustice to those who work hardly and manage to accumulate some money and their money goes to such unproductive peoples. Therefore neoliberal state does not favour to provide any welfare measures for downtrodden and other people who are on the low strata in society.

7. Consumer inclined perspective-

Neoliberal state do not favour any interest group or association, it gives open chance to everyone and every actor of the market who can provide services to consumer at best possible option hence it favour free market and fair competition among the player of the market. Neoliberal argues that fair competition and free market will provide more opportunity to consumer and competitor will be forced to provide services at optimum level. Hence for the sake of consumer neoliberal argues in favour of free market and fair compensation.

Development:-

Although 'Development' is old term but if traces the words in modern age it get much attention after the Second World War, when many new countries emerged after the end of colonialism in the world map. These countries were mostly from the Asia, Africa and Latin American continents. These countries were much cause of attention because these were newly independent from the various colonial powers and living conditions of citizens of these countries were very vulnerable. Therefore to study the condition of these people many new concept and programmes were developed.

Scholars from across the globe devise many concepts to identify the development and they described also but the scholars were not agreed on any certain principles.

Development is very intricate and vague concept and it has been defined by many scholars in different ways sometimes people sees development and growth as synonyms of each other but it is much more than this. There is more confusion among scholars that growth and development considers same issues but this is not true. Growth and development can be differentiated and there are many points on which this can be explained. **First** growth is concerned with the increase in GNP of country assuming as the average income of people associated with the country however these growth do not consider about the variation in income of people are relatively similar contributing to GNP⁵ while development denotes wide facet in income of rich and poor people contributing GNP. **Second** growth concentrates only on those things which contribute in enhancement in economic system or wealth and it avoids the other issues like environmental concern while development focuses on other associated aspect which contribute in economic growth including structural development⁶. **Third** since GNP denotes the growth but prices of different commodities produced in country may vary in various countries therefore it does not reflect the real picture of development however development is static it can observed by anyone. **Fourth** development emphasise more on developing capabilities of individuals but growth denotes only changes in income of people.

Some definitions of development given by scholars are mentioned below-

Gunnar Myrdal treats development as an upward movement of the whole social system by providing better living conditions, namely adequate food, better housing, improved facilities for health, education, training and the general improvement of cultural facilities, which are all desirable.⁷

According to Amit Bhaduri “The development process that we must strive for is not simply a higher growth rate; nor should it mean simply an elaborate bureaucratic

⁵ Sen, A. (1988), “concept of development” In Hoollis Chenery & T.N. Srinivasan (Eds.), *Handbook of Development Economics* (9th edition pp.12). Amsterdam, Netherland: ELSEVIER NORTH HOLLAND

⁶ Ibid p.14

⁷ Singh, A.P. and Murari , K.(2018). *Governance Issues and Challenges* : Noida, Pearson India Education Services Pvt. Ltd, p. 72

mechanism for income transfer to improve the distribution of income in favour of the poor. It has to be viewed from a different perspective altogether in which growth and distribution are integrated into the very same process, while breaking systematically the social barriers of discrimination and prejudices based on gender, caste, language, religion, or ethnicity. This is what development with dignity must mean for us in India”⁸

According to Bernstein (1973) “Development embodies a value judgement as it encompasses the desirability for overcoming malnutrition, poverty, and disease which are the most immediate and widespread aspect of human suffering. In positive terms it advocates a commitment to development that transcends the limiting term of economic growth to embrace such feature as social justice, equality of opportunity, full employment, equitable distribution of income, and basic political freedom”.⁹

The International Labour Organisation (ILO, 1976) insists on incorporating the basic needs strategy in the development plans for developing countries. First a plan should include the minimum requirements of a family for private consumption: adequate food, shelter and clothing, and the necessary household equipment and furniture. Second, it would include essential services provided by and for, the community, such as safe drinking water, sanitation, and public transport health and education facilities.¹⁰

According to Seers, (1979) the three additional requirements for the use of the term development are a decrease in poverty and malnutrition, a decline in inequality and improvement in the employment situation.¹¹

According to Mahbub ul Haq (founder of Human Development Report) “The basic purpose of development is to enlarge people’s choice can be infinite and can change over time. People often value achievement that don’t show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and

⁸ Bhaduri, A. (2005). *Development with dignity: A case for full employment*. New Delhi: National Book Trust, p. 11

⁹ Bernstein, H. (1973), *Underdevelopment and development*. London: Penguin Book

¹⁰ ILO (1976), *Employment Growth and Basic Needs, One World Problem*, International Labour Organization, Geneva

¹¹ Seers, D. (1997) *Forty years in development: The search for social justice* , Volume 40, No. 1

physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.”¹²

According to Meir (1995), “Development means growth plus change there are essential quality dimension in the development process that extend beyond the growth or expansion of an economy through a simple widening process.”¹³

According to Tadaro and Smith, “Development is both a physical reality and a state of mind in which society has, through some combination of social, economic and institutional processes, secured the means for obtaining a better life.”¹⁴

According to Amartya Sen (1999) “a country can grow rapidly but still do badly in terms of literacy, health and life expectancy. Sen interprets development as a process that expands what he terms the entitlements and capabilities of the people. He opined that instead of concentrating on national product or aggregate income, development economists should concentrate on the entitlements of people and the capabilities these entitlements generate.”¹⁵

In developing countries like India when we discuss about development basically we refers to address some very special issues which are rooted in the third world countries and all these issues are likely to be very similar and interconnected. These issues are mainly Poverty, inequality illiteracy and unemployment.

Poverty:- In the colonial time ruling colonial powers exploited the resources of their colonies for their own benefit in very harsh manner. They left their subjects countries in extreme paucity. India was also exploited in same manner. But after the Second World War many new independent countries emerges in the world community. They all have same bitter experiences of slave country; they planned to embark on the development process and focuses on the increase in GDP and earning of their people. They adopted various model of governance and development however some of the countries manage to attain their target (like China, South Korea and Japan) and

¹² Haq, Mahbub ul. (2008). The human development paradigm. In Giorgio Secondi (ed.), The development economics reader, London: and New York: Routledge. P. 29

¹³ Meir, G.M. (1995) Leading issue in Economic Development, Oxford University Press Sixth addition

¹⁴ Todaro, M.P. and Smith, S.C. (2008). Economic Development, New Delhi: Pearson Education, p. 56

¹⁵ Sen, A.(2000), Development as freedom, New York: Anchor Books, pp. 1-11

fulfilment of required conditions but many are still lagging behind and problem of discrimination, impoverishment and joblessness are still prevalent.

Chauhan and Singh said that Poverty is not new words to Indian ears. Indian literature of all genres is full of plots woven around dehumanising existence of misery and poor.¹⁶ In Hindi literature famous writer Munshi Premchand has written so many stories which depict extreme poverty in India. Premchand's 'Godan' and 'Kafan' is most appreciated novel which narrate the story of families which were in extreme poverty. Poverty is such phenomena which affect the capacity of people in many ways even people can very hardly get to manage their basic necessities. Ajit and Raj said "Poverty is defined as a lack of income to acquire minimum necessities of life, per capita income; per capita consumption expenditure intake and availability of the size of land holding are the main indicators of poverty in different definitions¹⁷. The challenge of poverty is not limited only to the India but it confronts many part of world, various countries that got independence from the colonial powers are still facing poverty in this countries from the Latin America, South Africa and South Asia are considerable. Our neighbour countries Pakistan and Bangladesh are also facing huge poverty.

Poverty has different notion in different geographical territory when we talk about poverty of western countries we are generally considering about the poverty in comparative terms in other words we can say that we generally compare the wealth or property of an individual with the wealth or property of other people but when we talk about poverty in developing countries here notion of poverty changes and our concern becomes the absolute poverty. In absolute poverty scholar considers the ability of individual to fulfilment of their basic necessity for life.

In India debate related to the poverty was started by the Indian scholar Dada Bhai Naoroji in the late 19th and early 20th century. Dada Bhai Naoroji propounded this theory in his book 'Poverty and UnBritish Rule in India' that was published in 1901. In this theory they pointed out that there is huge poverty in India because Britishers

¹⁶Chauhan, S.S.S. & Singh, S. (2005). Poverty and Interstate Disparities in Development. In K. Nageswara Rao(Eds.), *Poverty in India Global and Regional Dimensions*: New Delhi, Deep & Deep Publication pp.121

¹⁷ Sinha, A.K. & Sen, R.K.,(2001), *Economics of Amartya Sen*, : New Delhi, Deep & Deep Publications, pp.232

have extracted our resources in very harsh manner and supplied it to their home countries and Indians are deprived of benefits of their own resources.

Inequality:- Economic growth can be achieved by addressing the two evil that is poverty and inequality, these two are so much associated with each other that they cannot be alienated. Studies have proved it that where is more poverty; there is more inequality in society. In India inequalities are found on my many bases like social, political, economic and regional and all these have been major hurdles for development of country.

In India there has been long tradition of social inequality in Hindu society. It was much contributed by hierarchical nature of society; people born in low caste family were considered as inferior and while born in upper caste family were considered as superior. However literature teaches that in early periods of Vedic era these inequalities were not in practice, but during course of time especially in late Vedic period social inequality enters into the society and it remained prevalent from then to present India. This has contributed very much to spread disharmony in society and restrain people to come together.

In India inequalities are found on many grounds like caste, creed, religion, gender etc. but inequality in terms of gender is also in more practice like other developing countries. After 70 years of Independence the representation of women in all walks of life are very miserable however through government initiative, education and awareness in women numbers of women are increasing nonetheless situation are not very appreciable according to a report published by the Inter parliamentary Union (IPU) and UN women India ranks 148 globally in terms of representation of women in executive government and parliament.¹⁸ When we look at the list of ministers we found that there is only five (18.5%) women member of the parliament with the charge of minister and rest are male minister with portfolio. However this situation is better than the other countries of Asia which constitute only 11% women lawmaker

¹⁸ Sengupta, D. (2017). India ranks 148 in women representation in government retrieved from <http://www.newindianexpress.com/states/tamil-nadu/2017/mar/17/india-ranks-148-in-representation-of-women-in-government-1582359.html>

but not appreciable than European countries where women lawmaker participation is about 22.5%.¹⁹

In terms of economy there is wide inequality between rich and poor. According to a report published by New World Wealth, a prosperity research organisation from Johannesburg indicates that India has huge imbalance in income distribution in the world after Russia.²⁰ One reason for wide inequality is because of the controlling of huge money by a few people due to that inequality between people have increased manifold and it has not stopped even it is increasing day by day. Report further demonstrates that 54% of capital of country is contained by only some tycoons²¹. However India keeps a position in top ten big economies of the world but the plight of average people is not very good.

Unemployment:- Poverty, inequality and unemployment are very much associated with each other, because unemployment leads to poverty and other all social evil. Poverty and inequalities are found huge in those countries where there is little employment. Such scenes are very much found in developing countries from South Asian, Latin American countries to African countries.

Notion and meaning of unemployment varies from developing countries to developed countries. In India employment and unemployment figures are mostly published by the NSSO which is the part of ministry of statistics of Indian government. NSSO categorizes the working individual into three statuses and according to that identifies the individuals that whether they are under employed or unemployed²². First status is Usual status second is Current weekly status and third is current daily status²³. The 'usual status' refers to the kind of unemployment in which an individual was unable to find any employment in given year of survey. However it is very impractical to consider this status as genuine or authentic but NSSO keeps it. Second current weekly status refers to the kind of employment in which an individual was unable to get even single hour of employment in week before the survey date, while third current daily

¹⁹ ibid

²⁰ ibid

²¹ ibid

²² NSSO Survey on unemployment in India. Retrieved from <https://iasscore.in/economy/-nssso-survey-on-unemployment-in-india>

²³ ibid

status refers to the employment or unemployment in which an individual was able to avail daily employment in last week before the survey.

According to Raj Krishna to measure the employment and unemployment we can assess the situation on four major criteria²⁴ that are on the basis of (i) time (ii) Income (iii) willingness and (iv) Productivity. He states that on the criteria of time a person can be called unemployed if he was engaged in economic activity throughout the year for less than number of hours or days as marked as full employment hours or days²⁵ he further says on the criteria of income a person can be termed as unemployed if he fails to earn an income as desirable minimum, on the willingness criteria if a person fails to get the work to whom he is capable of is also termed as unemployed and last if a person is detached from his present employment in the sense that his contribution to output is less than some normal productivity and therefore his removal would not reduce output if the productivity of the remaining workers is normalised with minor changes in technique or organisation.²⁶

Development discourse in India:-

Some important development paradigms are as follows:

1. Less consumerism and more welfarism paradigm

This type of paradigm emphasise more on the welfare of poor people. Such paradigm encourages government to invest more and more for health, education, and employment of their people. This type of paradigm endorses the government for availability of services and resources to the common people at subsidised rates and it follow mostly the socialist pattern of development and it highly restrict the private players involvement in crucial production and distribution.

2. Human development paradigm

Human development is very vague term. Pakistani scholar Mahbub-ul-Huq has introduced the concept of human development in 1990. Dr. Haq has

²⁴ Krishna, R. (1973), 'Unemployment In India' : Economic and Political Weekly, Vol.8, No.9 (March 3, 1973),pp.475-484

²⁵ ibid

²⁶ ibid

explained human development as sort of development that enlarges people's choices and improves their lives securing their rights and freedoms. Thus human development paradigm deals with the enlargement of human capability, protection of human rights and freedom that are essential for the living healthy, long and decent life.

3. Basic needs paradigm

Basic needs paradigm start with the aim of facilitating opportunities for the fulfilment of physical, mental and social development of human being. It focuses on the abolishing of problem by addressing the requirement of society rather than providing money or income. It highly emphasised on providing the social services and resources to the poor and downtrodden society that needs most.

4. Social development paradigm

Social development paradigm emphasise on the holistic development of society in which all the components of society must be nourished and flourished. Therefore this paradigm concerned about the vulnerable part of society like women and children. This paradigm stressed on the special care and attention to the women and children.

5. Agriculture Industry interface paradigm

Agriculture industry interface paradigm encourages the interconnectedness between the agriculture and industry. Because in developing countries agriculture contributes very minimal in national GDP while Industry sector contributes better than agriculture, many times agriculture proved only as a source of sustenance or livelihood and not helps in improving the well-being of dependent on agriculture. Agricultural workers are generally unskilled and Industry demands skilled and non-skilled worker both. When peoples involved more in industrial activity although employment and per capita income increases but people are reduced in agricultural sector so agricultural products faces burden because of less worker Therefore for better development of society countries supports agriculture and industry interface paradigm that

emphasise on balanced development and they argue that both agriculture and industry must be interdependent and each should help one another for their mutual advancement.

6. Decentralisation and development paradigm

Decentralisation and development paradigm focuses on devolution of power among top to bottom functionaries for better development of each and every section of society. This paradigm has been approved by many of the countries as the best model of development and involvement of common masses in government decision making systems. Implementation of Panchayati Raj Institutions in India is the concrete example of people participation in decision making and development process.

7. Inclusive development paradigm

Developing countries across the world need more inclusive development approach because societies in developing countries are based on highly discriminatory practices. Women and other marginalised sections like transgender, child are not adequately treated in society. Discrimination on the basis of rural, urban, poor, rich is also common in such society. Therefore this paradigm is now gaining more acceptances in developing countries. Because due to expansion of knowledge and interaction with rest of the world society of developing countries are now changing and they are providing space to all human irrespective of caste, gender, region and place of birth. This paradigm emphasise heavily on providing benefit to each individuals that everyone feels involved in the development.

8. The development with human face paradigm

Development with a human face stressed on the abolition of impoverishment, starvation, child labour, human illnesses, ignorance, inequality of opportunity, communicable diseases and some other problems from the society. It further emphasised that the rich should invest their resources for the wellbeing of the poorest of the poor, many termed it as benevolent capitalism. It encourages government for pro-poor policies, laws and regulations.

9. The sustainable development paradigm

The sustainable development paradigm endorses such development which tries to meet the needs of today without comprising the resources of future²⁷. This paradigm target to achieve wide areas of social, economic and environmental issues. United Nations has declared 17 sustainable goals which are applicable to each country of globe to achieve till 2030. Some major goals are-

- Eradicate poverty and hunger, guaranteeing a healthy life
- Universalize access to basic services such as water, sanitation and sustainable energy
- Support the generation of development opportunities through inclusive education and decent work
- Foster innovation and resilient infrastructure, creating communities and cities able to produce and consume sustainably
- Reduce inequality in the world, especially that concerning gender
- Care for the environmental integrity through combatting climate change and protecting the oceans and land ecosystems
- Promote collaboration between different social agents to create an environment of peace and ensure responsible consumption and production.

Historical emergence of Neoliberalism:- .

The emergence of neoliberalism can be attributed to the failure of Keynesian economics after the Second World War. Keynesian economics refers to the policy of John Maynard Keynes which gets popularity during the 19th – 20th century after publishing the scholarly work “The General theory of Employment, Interest and Money”. This scholarly work has provided the solution of present situation when Capitalist countries were facing huge problem, worker became jobless after

²⁷ Brundtland Commission report (1987) ‘Our Common Future’ Oxford University Press, London

industrialist rejected to hire worker in case of over production then Keynes propounded new theory to solve the issue of wage and unemployment.²⁸

Under the influence of Keynesian economics control of union government was increased. In accordance with Keynesian policies government launched the New Deal programme which favoured the social protection and welfare programme and it also promotes the policy of more wages and more employment due to which production was increased in the market but due to not consumption in appropriate level products were stagnant in the market which again led to the unemployment among worker. There was some reason which leads to emergence of neoliberalism-

- (1) Ideological differences among Keynesianism and its failure to evolve any mechanism to apprehend the situation of economy which could help in contend the idea of free market evolve by neoliberals.²⁹
- (2) Keynesian promotes the idea that worker should have right to organise and form the Unions while the government passed the Taft Harley Act(1947) which abolishes those rights from the worker. Conservative spread this idea that by promoting Union rights Keynes wants to increase the demand of less working hours to worker which will affect the production and wage capacity among worker³⁰.
- (3) For resumption of neoliberalism cultural and economic factor of America worked in great manner. In terms of economy there linkage between worker and corporate built the outlook that their sole issue of income distribution and unemployment to a large number has been addressed. Therefore rule, regulation, policies and institutions for safeguarding the interest of worker are now not required.
- (4) In terms of culture or psychological factor that leads to resumption of neoliberalism is that American citizens enjoys individual radicalism that refused the concept of collective economic plan which promote and protect the interest of poor and they denies the restrain to market capitalism. Further

²⁸ Philho, Johnson: 2009 pp. 21

²⁹ ibid

³⁰ ibid

cold war disseminate the idea of natural free market which occur without the role of government curb the welfare mechanism for poor and needed people.³¹

Theoretical analysis:-

Classical Economics

Classical economics prospered in England century later after demise of physiocracy. Adam Smith, Thomas Robert Malthus and David Ricardo are considered as main contributor who laid the foundation of classical economics. Among these Adam Smith has been considered as the father of English classical economics and leader among Adam Smith, David Ricardo, Malthus, J.S. Mill and Senior.³²

General philosophy of the classical economist-

Classical economic theory was arisen just after the beginning of the capitalism in western world. It got impetus with the success of industrial revolution in Europe. Scholars who were associated with the classical economics tried to explain the modus operandi of capitalism in western world. Initial classical scholars elaborated the basic theory of value, price, supply, demand, production, distribution and exchange. Almost every classical economist scholars advocated for the minimal interference of government in market affair. They advocated for laissez-fair policy for the government. In this regard works of Adam Smith 'Wealth of Nations' keeps high importance.

Classical theory believes that economy is self-regulating. It can achieve its expected level of output when all the economic means are used. Classical economist believed that when situation goes against the market and it decline to their worst condition some mechanism like self-adjustment mechanism are activated and makes effort to bring the economy in their natural level of output.

The classical school believes that market system works great when they are free and there is no other entity that intervenes in market system. For running the market free, there is demand of less government, where government plays very little role. This

³¹ Palley (1998) pp.31-38

³² Raghavan, V. P. (2009). History of economic thought. New Delhi: Kunal Books.

approach firmly believes in laissez-faire, where government use to abstain itself from the interference in the market. This classical school trusts in the efficiency of market, which tends to increase their economic benefit in condition of being free from interference by the government. The classical economist argued that price system works as 'invisible hand' for market. Price governs and regulates the markets therefore market should be left free.

According to VV Reddy "Although Smith opposed to state intervention in the economy he welcomed state investment in infrastructure like transport and communications, education and health services." He further argued that "A network of transport and communications will help the formation of a national market, cutting across the regional barriers. Investment in education and training will supply literate and trained work force to industry. Therefore, the state can initiate development by developing socio-economic infrastructure in the underdeveloped countries." ³³

Neoclassical economics-

Neoclassical economics is a term widely used as approach to the study of economics concentrating on the determination of prices of goods, outputs and revenue circulations in market through supply and demand. Classical economics developed in the 18th and 19th centuries with a development of value theory and distribution theory simultaneously. This word was first used by the Thorstein Veblen in his work published in 1900 titled as *Preconceptions of Economic Science*, to differentiate the marginalists from the Austrian school in Alfred Marshall tradition.³⁴ During course of time, John Hicks, George Stigler and some others to include the work of Carl Menger, William Stanley Jevons, Leon Walrus, John Bates Clark and many others, also used it.

Neo classical school has imagined a strong economy in which social class and state like things not exist. They argue that suppose if there is state it will not have role to play in the economy. Neoclassicals have deemed in the fundamental strength of the capitalist system and in its capability for self- correction.

³³ Reddy, VV (2009). 'History of Economic Thought: Ancient Times to Modern Times' New Century Publications, New Delhi, India

³⁴ Singh, C. K. (2014). *Basics of economics*. London, UK: Koros Press Limited.(pp.104)

Neoclassical economics is based on the following assumptions:-

- Consumers try to maximize utility.
- Producers try to maximize profits.
- Value or price is based on marginal utility.
- Factors of production are rewarded according to their marginal productivity.
- There are constant returns to scale.
- There is full employment in the economy.
- The economy is governed by perfect competition.
- Marginal utility progressively decreases with the consumption of additional units of a commodity.

Contribution of Hayek, Nozick and Friedman in establishing of neoliberalism

Hayek-

Hayek was against the modernisation and he harshly criticised the planning and collectivism in his most famous work 'The Road to Serfdom'. Hayek's work is focussed on some important notions and these can be discussed as-

(i) Rejection of planning

Hayek harshly criticised the planning because he was of the opinion that planning is politically dangerous and economically ineffective. Because he argued that when government follows centralised economic planning it leads to restriction in individual and group liberty and it makes more powerful to government official and these official arbitrarily took decision which not only destroy the political institutions but it also weaken the rule of law.

(ii) Support of social imbalances

Hayek was against the belief that government should provide any extra affirmative scheme to the least advantage people. He argued that any security or welfare measures for the downtrodden class will damage the spontaneous order of society which has been created by nature. He claimed that what cleavage we found in society are not made by men but it is the system of nature and we government will address this by special security measures it will not be good for society as whole.

(iii) Precedence of the Market

Hayek emphasis on the role of market and argued that market is sufficient to react the requirement of individuals and there is no need of government intervention. Because he claimed that freely interaction among buyer and sellers will solve the issue of fixing of value of any resources and services.

(iv) Limited role of state to maintain law and order

Hayek argued for an important socio-economic framework which would be based on neoliberal concept. He argued that state had very important role but it has limitation. He said that state should exist only to maintain the law and order situation in society and it should strive to create conducive atmosphere for market functioning.

Robert Nozick-

Robert Nozick is considered as the most leading philosopher and intellectual of the 20th century from America. He wrote several important books during his lifetime. Some of his works are Anarchy, State and Utopia (1974), Philosophical Explanations (1981), The Examined life (1989), The nature of rationality (1993), Socratic Puzzles (1997), Invariances (2001). But his two works Anarchy, state and Utopia and Philosophical Explanations got more attention and importance in public life. These books gave a new philosophical impetus to the Right movement of America society. Nozick was greatly influenced by the idea of Lock and Kant but he differs at some points. Nozick supported the idea of John Lock's right to property but with some modification. Robert Nozick get highlighted after bitter criticizing the idea of John Rawls's who was his colleague in Harvard University and was much known for his

philosophy supporting the welfare and bureaucratic model of state. Rawls in his book 'A Theory of Justice' (1971) explained about measure the state should be adopted like to redistribute the resources or wealth to improve the condition of least advantage people.

Nozick in contrast made his opinion against the redistribution of wealth to benefit the poor in his work Anarchy, State and Utopia. Nozick emphasis on the curtailing the role of state and endorses the libertarian idea. Nozick argued that state should only perform like night-watchman. State should ensure law and order situation, it should focus on to upholding and maintaining the law, and it should work to execute the contract what have done between people, if someone is breaching the contract it should come in between to uphold the justice. Robert Nozick refuted the role of state to redistribute the wealth or transferring of wealth or resources to poor people. He argued that without consent of resource owner no wealth should be distributed to those who have no role in creating that resource or wealth. State should not interfere in resource distribution in the name of welfare of poor people. It is important to mention here that due to such interesting idea discussed in his work 'Anarchy, State and Utopia' it got huge publicity during 70s decade and had won the some Award also.

In brief we can say Nozick endorses the minimal state in which role of state is very limited, he argued that state should not go beyond to protection of life and enforcing the contract between people. He prohibits the distribution of resources or any affirmative measures to least advantage people. He argued that it will lead to burden of tax payer who are earning with hard effort. He endorses entitlement theory of justice according to which property gain by owns effort or by the consent of its owner is only valid. In other words he said only free exchange treat everyone equals without any discrimination in which every individual is end in itself.

Milton Friedman-

Milton Friedman is a big name in economic history. He is credited for the revival of economy of United States after great depression. He harshly criticised the economic idea of Keynes that was unable to tackle the challenge erupted due to great depression. He was awarded the Noble Prize for his idea discussed in his most famous

work 'Free to choose' that was published during the 80s decade. Milton Friedman proved his idea that how the economic policy based on the excessive expenditure for poor people have led to destruction of economic system of United State and other western countries. Earlier for few years the economic policy of western countries including United States were guided by the idea of John Maynard Keynes. Keynes discussed his ideas in his book 'The General Theory of Employment'. In this work Keynes has vested huge responsibility to the government. Keynes endorsed the role of state in individual's life from born to the last breathe of individual in others words he emphasise the role of state from providing employment to subsidy in range of services. This led to huge loss of revenue to the government. Therefore Milton Freidman propounded new views which limited the role of state to few certain functions like bordering the nation state, ensuring the safety of its citizens and property against each other, implementing the contracts between citizens.

Milton Friedman strongly advocated the idea of free market economy. He backed the benefit of low taxes. He encouraged the policy of privatisation in every sector whether it is industry or government service. Milton Friedman observed any kind of welfare to least advantage people as hurdle to market economy. Therefore he suggested limited role of state in market economy. He strongly advocated capitalism. He argued for the freely exchange of goods and services between provider and consumer without interfere of state. He argued for relieving of state from economic activities state will enjoy more political freedom and people will be free to choose services from market without comprising the quality.

Right to property:-

The English philosopher John Locke (1632-1704) developed the ideas of property, civil and political rights in his scholarly work 'Second Treatise on Civil Government' (1689). Lock proclaimed that "everyone has a property in his person; thus nobody has a right to but himself. The labour of his body and the work of his hand, we may say are properly his"³⁵. He argued that property ownership derives from one's labour, though those who do not own property and only have their labour to sell should not be given the same political power as those who owned property. Labourers, small scale property owners and large scale property owner should have civil and political rights

³⁵ Locke, J. (1689) 'Second Treatise on Civil Government' p. 27

in proportion to the property they owned. According to Locke, the right to property and the right to life were inalienable rights and that it was the duty of the state to secure these rights for individuals. Locke argued that the safeguarding of natural rights, such as the right to property along with the separation of powers and other checks and balances would help to curtail political abuses by the state.³⁶

French revolutionaries recognised property rights in Article 17 of the Declaration of the Rights of Man and of the citizen (1791), which stated that no one “may be deprived of property rights unless a legally established public necessity required it and upon condition of a just and previous indemnity”. Article 3 and 6 declared the “all citizens have the right to contribute personally or through their representatives” in the political system and that “all citizens being equal before the law are equally admissible to all public offices, positions and employment according to their capacity and without other distinction than that of virtues and talents”. However, in practice the French revolutionaries did not extend civil and political rights to all, although the property qualification required for such rights was lower than that established by the American revolutionaries.³⁷

Developmentalism:-

Inspired by arguments that critiqued basic neoclassical assumptions, the post Great depression era of the Twentieth century has been characterised by developmentalism, or theories and practices that have been based on governmental control and manipulation of the economy as a driver of national development. Keynesianism, for example, rejected the neoclassical assumption that free markets maximised everybody’s well-being and instead advocated for various forms of governmental intervention that later influenced the social democratic policy orientation of post-world War ii western European countries³⁸.

Many active Academicians and policy practitioner from the Western Europe, Latin America and Asia has also advocated these economic policies, which necessarily assumed a need for government intervention. Some macroeconomic scholars from

³⁶ Ishay, M. (2008), *The History of Human rights: From Ancient Times to The Globalised Era*, University of California Press, pp.91-94

³⁷ *Ibid.* p.94-97

³⁸ Peet, R. and Elaine H. *Theories of Development: Contentions, Arguments, Alternatives*. The Guilford Press: New York, 2009

Western European are known as the original developmentalist are largely the inspiration for a contemporary industrial policy focussed movement called New Developmentalism³⁹. In the 1920's John Maynard Keynes began to contradict systematically various neoclassical arguments especially that free markets achieve optimal levels of production and employment⁴⁰. Keynes argued that government intervention in various ways, such as Central Bank interest rate drops to promote investment and deficit spending to boost demand, is necessary for economic growth⁴¹.

Developmentalism as an economic theory originated and flourished in Post-world war II Western Europe, as a policy oriented and developing country focussed resolution between neoclassical and Keynesian government. The originators of this theory referred to as the developmentalist pioneers, emphasised industrialisation based economic growth similar to structuralists⁴². However developmentalism essentially argued that neoclassical economics could apply to developing countries if extended in various ways to account for important factors. Developmentalism is distinguished from traditional neoclassical economics by including technology, institutions and entrepreneurship as important economic factors and by emphasising the need for markets to be superseded by governmental planning⁴³.

New developmentalism is a developmental theory that emerged as a challenge to the currently dominant development narrative espoused by international agencies such as the World Bank and the International Monetary Fund. The pragmatism, policy orientation and emphasis on industrial policy are key indicators of its developmentalist influences⁴⁴. An example of new developmentalism's challenge of the dominant narrative can be seen in the deductive approach used to explain the success of the East and South East Asian countries, rather than free market policies

³⁹ Rafi Khan, S. (2011) "Towards New Developmentalism: Context, Program, and Constraints" in Rafi Khan, Shahrukh; Christiansen, Jens (eds.) Towards New Developmentalism: Markets as Means rather than Master. Routledge Press: New York, Abingdon,

⁴⁰ Peet, R. and Elaine H. Op.cit.

⁴¹ ibid

⁴² Rafi Khan, S. (2011) "Towards New Developmentalism: Context, Program, and Constraints" in Rafi Khan, Shahrukh; Christiansen, Jens (eds) Towards New Developmentalism: Markets as Means rather than Master. Routledge Press: New York, Abingdon

⁴³ Peet, R. and Elaine H. Op.cit.

⁴⁴ Rafi Khan & Christianen, 2011 op.cit.

due to the simultaneous state provision of internal and protection from external competition⁴⁵

Dependency theory

The essential idea behind dependency theory is that United States and European development resulted from their imperialist subordination of less developed countries and the resulting unequal economic relationships. Dependency theory's origin lie in the writings of North American Neo Marxists and Latin American critics of the ideas set forth by the United Nations Commission for Latin America (ECLA)⁴⁶. In the United States, writers like Paul Baran and Paul Sweezy argued and later some dependency theorists had as well, that less developed countries must break away from capitalism because this system has created unequal structural economic relationships. In fact supporter of dependency theory in general believe that the differences between first and third world countries did not stem from their respective differences in innovation or institutional quality, but the active and destructive process of imperialism⁴⁷.

Both Baran and Sweezy advocated socialism as a form of resistance to imperial subordination. Their Neo Marxist orientation is reflected in the fact that they used the concept of class to analyse intergroup dynamics within economies. In general dependency theorists used the term centre or core to refer to imperialist developed countries and periphery or satellite to refer to imperialist colonised countries. In Latin America a similar concern with class dynamics was reflected in several writers' critiques of ECLA inspired economic policies, such as domestic industry protection via tariff remedies. By focussing on class from a Marxist perspective, these critical writers argued that these policies had the potential of benefitting the entrepreneurial class to the detriment of workers, because the excessively high tariffs for imported goods would negatively affect the consumer.⁴⁸

Among these critical theorists was Teontonio Dos Santos, who conceptualised dependent countries as those whose socioeconomic conditions were out of their own

⁴⁵ ibid

⁴⁶ Peet, R. and Elaine H. Op.cit.

⁴⁷ ibid

⁴⁸ ibid

control and relied or depended on economic trends in more developed countries. Dos Santos argued that the entrepreneurial class in Latin America had been co-opted by European countries after the latter colonised the former. This transformation resulted in the formation of an economic structural relationship that was geared towards satisfying the demands of the centre instead of the needs of the periphery.⁴⁹ As a result, the social structure in the periphery reflected a small and rich elite class and a large and poor working class.

German American sociologist Andre Gunder Frank promoted dependency theory by conceptualising the relationship between core and peripheral countries as a “chandelier” of progressive underdevelopment⁵⁰. The imagery of the chandelier refers to the idea that developed countries engage in direct subordinating relationships with peripheral countries that, in turn subordinate less developed countries in a chandelier like chain. In this regard, Gunder Frank borrowed from Karl Marx to argue that the unequal character of these relationships laid in the fact that surplus value or capital surplus was extracted from each level of the chandelier⁵¹. As a result, peripheral countries could not use that surplus to maximise their production levels, nor invest in their economics, and thus were underdeveloped or operating below their potential.

The policy implications of dependency theory revolve around the separation of the periphery from the international capitalist system. Because this international relationship is seen as fundamentally exploitative, a revolution is needed as the only way to achieve social welfare. In this way the co-opted state could fall, giving rise to a new political class that would advance the fundamental ideal of self-sufficiency instead of economic growth⁵². This revolutionary policy stands in clear defiance of international free market trade, since implied is that such trade caused core peripheral dependency in the first place. As Peet argues, dependency theory implies that the debts of first and third world countries should be forgiven, since the first World owes them their surplus value⁵³.

⁴⁹ *ibid*

⁵⁰ Kelly, Robert E. (2008).*op.cit.*

⁵¹ Peet, R. and Elaine H. *Op.cit.*

⁵² *ibid*

⁵³ Peet, R. and Elaine H. *Op.cit.*

The rise of several East Asian states once members of the periphery, led dependency theorists to modify their structural model of core peripheral relationship to give room for a semi periphery⁵⁴. Kelly has argued that the core's monopoly on heavy industry prevents any outsiders from gaining access to this technology. However, the East Asian States successful development, which began in the early 1970's suggested to dependency theorists that there was a possibility for dependent development: moving up in the peripheral production (and therefore, value) chain. Therefore dependency theorists revoked their advocacy of revolution and began to accept the bureaucratic authoritarian industrialising regime (BAIR). As Kelly argues BAIR was very similar, if not identical, to the authoritarian and state centric policies implied by East Asian developmentalism⁵⁵.

Capabilities Approach

Amartya Sen is noted philosopher and has won Nobel Prize for development economics. He laid out idea of development that assesses the role of government interference as the constituent of development. Sen tried to redefine the development in his work 'Development as Freedom' as the expansion of people's capacity to choose what they want to live. By theorizing development in terms of how many "freedoms" or capabilities persons should have, Sen brings in new factors which have been neglected earlier such as 'Does everyone have a long and healthful life, does everyone have adequate education and does everyone has involvement in political decision- making along with other social sensitivities.

Although Sen strongly advocated his evaluative idea, he also criticises the one of the most important component of neoclassical idea of development that was utility. He argued that idea of utility of neoclassical economics is not suitable to measure the well-being of peoples. Because there is no similarity regarding the utility maximisation in various scholars and well-being is connected with subjective happiness or with desire satisfaction⁵⁶. Although neoclassical economists claimed that supply and demand would enable people to maximise their utility, and it is being understood as happiness, Sen argues that this opinion have no any weightage with

⁵⁴ Kelly, Robert E. (2008).op.cit.

⁵⁵ ibid

⁵⁶ Sen, Amartya K. (1987), 'The Standard of Living: The Tanner Lectures', Cambridge: Cambridge University Press.

improving people's material or physical well-being. In other words for instance people living in extreme poverty and having an inadequate nutritional intake would never make effort if he assumed that their effort will be useless to bring changes in his conditions⁵⁷.

The "capabilities approach" to evaluating well-being has been adopted by various scholars as the theoretical base for the assessment of variables, such as access to education' and possession of basic goods, included in studies like the United Nations Development Program's Human Development Reports⁵⁸. The capabilities approach of Sen also serves as the theoretical base of his definition of development: the expansion of the "freedom:" or "Capabilities", those citizens can enjoy and are deeply interrelated⁵⁹. An important aspect of development such as "expansion of freedoms" is that freedom is seen as both the ability of persons to participate in various social spheres and determine capabilities according to their own values and criteria⁶⁰. Thus freedom for Sen depends not only on whether they have "civil voice", for example, in the political sphere, but on whether the choices that are made in that realm reflect the interests (values and criteria) of those who are affected by economic policies.

Arvind Panagariya and Jagdish Bhagwati

Arvind Panagariya is an Indian origin American economist. He teaches economics at Columbia University. Arvind Panagariya has good record of academia he has worked in several international economic agency in different capacity. He was worked in Asian Development Bank, World Bank, World Trade Organisation and International Monetary Fund. He has served as first vice- chairman of NITI Ayog which is think tank of government of India and new form of earlier planning commission. Arvind Panagariya is known for his advocacy of neoliberal idea and structural reform of economy.

Jagdish Bhagwati is also Indian origin American economist, he teaches political economy at Columbia University. Jagdish Bhagwati and Arvind Panagariya have common view on economy and policy. Some books they have written together like

⁵⁷ ibid

⁵⁸ Otano (2014)

⁵⁹ Sen, Amartya K. (1999), *Development As Freedom*, Oxford: Oxford University Press.

⁶⁰ ibid

‘Why Growth Matters: How Economic Growth in India Reduced Poverty Lessons for other Developing Countries’ and India’s Trust with Destiny: Debunking Myths that Undermine Progress and Addressing New Challenges’ Both have endorsed the free market economy and capitalism. Arvind Panagariya’s book with Jagdish Bhagwati has been described by The Economist magazine as “a manifesto for policymakers and analysts” in 2012 Mr. Panagariya has been honoured with Padma Bhushan.⁶¹

Arvind Panagariya and Jagdish Bhagwati in his book ‘India’s Trust with Destiny: Debunking Myths that Undermine Progress and Addressing New Challenges’ has claimed Indian may be a model of growth for other developing countries because of its feature of successful democracy and growth over time. Bhagwati and Panagariya have divided the reform agenda in two terms ‘Track I’ and ‘Track II’.

In ‘Track I’ reforms they endorsed such reforms which lead to sustained rapid growth in a way that creates large employment opportunities for low skilled workers and in Track II reforms they promoted such reforms that enhance the efficiency of social spending made possible by the growth enhancing Track I reforms.

As he refers to them in his book Trust with Destiny “aimed at accelerating and sustaining growth” are a mix of deregulation and vigorous investment in general infrastructure. The central rationale behind this is that regulation shall allow for better business sentiment and thus more private investment from both foreign and domestic capital. Whereas infrastructural improvements would generally cut costs and improve productivity. The deregulation drive is centred on two areas of policy- labour and land law. The labour laws which Panagariya single handily blames for weak manufacturing in India- are famously cumbersome. There is the Trade Unions Act of 1927, which allows the formation of unions for seven or more workers, thus denying small business “labour market flexibility”. And the much derided industrial Disputes Act of 1947, which forbids entrepreneurs the power to fire if they employ more than 100 workers. As a critic of the preferential trade agreements and a consistent believer in the power of the market to guarantee efficiency,

⁶¹ Ten things to know about Arvind Panagariya available at <https://www.ndtv.com/business/10-things-to-know-about-arvind-panagariya-722829> accessed 18/12/2020

Panagariya is committed to liberalised capital and goods movements across the globe. This suggests that he is largely in agreement with aggressive slashing of foreign investment hurdles initiated by the Modi government. Moreover, at a time of a severely uncompetitive manufacturing base, Panagariya has supported calls to even further decrease the current tariff thresholds.⁶²

By the early 1980s, a number of distinguished economists had amassed compelling evidence that outward –oriented trade policies were far more likely than protectionism to lead to economic growth. The evidences was contained in two multi-country research projects one at the organisation for economic cooperation and development (OECD), led by Ian Little and others, and the other at the National Bureau of Economic Research directed by Jagdish Bhagwati and Anne Kruegger and in a series of studies at the world Bank.

When developing countries, convinced by these findings, began to embrace outward-oriented policies, pro free trade economists believed they had scored a decisive victory over protectionist and turned their attention to other problems related to development. But the protectionists were not so easily defeated. Over the next few decades, they regrouped, building a new case for protectionism based on examples of countries that had apparently opened up but failed to grow rapidly or had suffered financial crises. They also forged new alliances with certain nongovernmental organisations (NGOs) dedicated to preserving the environment and improving labour standards. By the late 1990’s the protectionists now rechristened “anti-globalisers” to reflect the expanded scope of their agenda-seemed to have recovered some of their lost ground. Their Newfoundland vocalism made headlines during the World Trade Organisation (WTO) ministerial meeting in Seattle in 1999.

Amartya Sen’s Critique of neoliberalism

Robert Nozick has been considered as the pioneer in neoliberal ideology his works Anarchy, state and utopia has contributed to advancement of neoliberal philosophy. We will discuss some views of Nozick to whom Amartya Sen has criticised and which has played a crucial role for the stronger foundation in neoliberal ideology.

⁶² Khandelwal, A. (2017, January 03). What economist Arvind Panagariya really believes. Retrieved April 30, 2018, from <https://scroll.in/article/700420/what-economist-arvind-panagariya-really-believes>

Amartya Sen in *Inequality re-examined* writes that Nozick's approach is a lucid and elegant example of the strategy of "justifying inequality through equality"⁶³. Sen further argued that Nozick has remained silent on the issue of managing the situation when rights and freedom become mutually interdependent. From his earlier research on famine and poverty, Sen has tried to confirm that Nozick's consequence independent approach is misleading. Further Sen argued that such societies might also face hunger and famine, which are fulfilling the basic criteria as discussed by the Nozick in their theory, and if such situation emerges then moral justification of right's system must be questioned. Further Sen has criticised the libertarian theory of Neoliberalism in which libertarianism argues that the open market society provides more freedom to its citizens in comparison to any other existing social system. Sen has termed it as falls claim made by libertarians he argued that libertarian has tried to disgrace the fundamental freedom with some less compulsory freedom. Sen further pointed out that libertarian has made freedom more restrictive than ever further he many times pointed out that Smith was not dogmatic free market advocate he could think of accepting limitations of freedom.

Sen further said that it is important to dispute the common description of Adam Smith as a single minded prophet of self-interest. Sen has suggested that in judgements of welfare greater attention should be paid to positive freedom (capacity to reach sought for goals) than negative freedom (Non-existence of external restrictions)

Sen's concept of freedoms is quite different to the neo liberal. Superficially Sen's avowal of freedom as a foundational ethical premise may be reminiscent of libertarianism's strong dedication to unrestrained "freedom" but they are in fact completely different animals. To Sen freedom involves both a process aspect and an opportunity aspect, while libertarians most often confine freedom to the first aspect and do not care if disadvantaged people suffer from systematic deprivation of substantive opportunities or nor.

Critique of Neoliberalism

Neoliberalism has been appreciated as well as it has also observed criticism by the many renowned scholars. Even the success of Neoliberalism and its fruits cannot be

⁶³ Sen, A. (1992), *Inequality Re-examined*, Oxford: Clarendon Press

avoided but its negative aspect also cannot be hidden from the scholarly discourse therefore some important criticism of neoliberalism is discussed below-

After reading many scholars we find that neoliberalism is founded on an assumption about the inherent nature of human beings as it was considered by Von Mises as “egotistic and self-interested” and Friedman sees it as “imbued with freedom”. This notion was further explained that social phenomena are spontaneous, unplanned outcomes of choices made by rational, freedom loving, and self-interested individuals. Neoliberal scholars claim that markets can harmonize selfish choices and markets and prices systems are not conscious inventions but arise spontaneously. Karl Polanyi (1944) argues against this notion and said that there was nothing natural or spontaneous about the ‘free markets’. “The road to the free market was paved with continuous political manipulation, whether the state was involved in removing old restrictive regulations...or building new political administrative bodies.”⁶⁴ Joseph Stiglitz has also criticised the idea of ‘Free market’ supported by the neoliberals as natural mechanism to solve the problem of market. Joseph Stiglitz has claimed that free market has been unsuccessful in fulfilling the said promises.⁶⁵ Richard Peet says that Markets are social and institutional constructions that require rules and regulations to function effectively. Further he says that the assumption of egotism made in neoliberal thought is pure make believe. Karl Polanayi says “There was nothing natural about laissez-faire; free markets could never have come into being merely by allowing things to take their course...Laissez-faire itself was enforced by the state”⁶⁶.

Richard Peet further says that the notion of free individuals meeting freely in market is not only factually incorrect, but it misunderstands the market relation. Marx has criticised in his passage in Grundrisse of supposed elevation of competitive selfishness into a higher order of the common interest.

The strongest claim made by neoliberal theory is that the price system synchronises individual knowledge into a higher competitive economic order, producing development, in effect. But prices act as signals only for a limited part of the content

⁶⁴ Polanayi, K. (1944) ‘The Great Transformation’, Boston: Beacon Press

⁶⁵ Stiglitz, J. (2002). ‘Globalisation and its Discontent’ New Delhi : Penguin Books

⁶⁶ *ibid*

of commodities, labour content and capital investment. Prices don't represent these very well because markets hide more than they reveal. And prices do not represent social and environmental costs and long term consequences at all.

Neoliberal economics assumes that privatisation, markets and the right prices can solve all problems. Theories like this can be built only by excluding from consideration most real world institutions and social processes. Yet theoretical exclusion of most of reality from model building has to be conducted carefully. Policy statements derived from partial models must be cast in terms of probabilities rather than certainties.

Neoliberalism and land acquisition in India

After going through the literatures and above discussed theories it clears that neoliberalism is at larger extent very much similar and revitalization of idea of liberalism that insisted on bringing down the role of state and emphasise on greater role of private sector in comparison to the state power. Neoliberalism is sort of philosophy which endorses to shifting of control of economy from public to private actors and it encourages economic liberalisation, unrestricted trade and commerce. Basically neoliberalism believes that deregulation of economy will help in improving the efficiency of government and economic condition of nations. Therefore it advocates to curb the huge taxation system on import-export and to reduce the restrictions on companies for producing, exporting and investing in public sectors. It focuses more on the economic growth irrespective of welfare and affirmative plan for weaker sections.

India adopted New Economy Policy in 1991 and begins the process of opening of its economy for various activities to private players. Earlier many sectors were restricted for private companies to enter and expansion of their business and only few companies under control of government were allowed in those restricted areas, but now when government allowed liberalisation, privatisation and globalisation many private players get chance to involve them in various capacities to foster the growth and development. Many new initiatives were launched by the government also. These initiatives were realised across country in several forms. Many new companies and multi-national corporate houses involved themselves in extracting the natural

resources in the name of development. Many big companies started mining and quarrying in resource rich regions basically in the tribal belts. The aim of these companies was to harness more wealth from the extraction of these resources. Government gave them free hand in extracting the resources in the name of development of those regions. Many times role of government has appeared as facilitator of these big corporate houses. Government also helps these MNCs and big corporate in the name of bringing development to the nation. But these developmental programmes of government with the help of MNCs and big companies have proved very trouble for the poor and tribal people of those regions. Many states like Chhattisgarh, Jharkhand, Madhya Pradesh, and Orissa have witnessed huge protest against the private companies.

Likewise government allowed private companies, multi-national companies, big corporate houses to invest in country for set up of industries, factories and other developmental projects. For setting up these industries or factories the land was essential part. Therefore they tried to acquire huge amount of land from the peasants and tribal. These developmental projects have caused huge land loss, displacement of the people many people have been uprooted from the places where their generations in the past have lived for many years. These developmental projects have cause the feeling of insecurity and discontentment among the land loser and have face huge resistance from the peasants, tribal and marginal section of society. Merriam Webster's online dictionary defines marginal as "to relegate to an unimportant or powerless position within a society or group" in a broader sense marginal section constitutes of Dalits, tribal, women, child and socio-economical weaker sections.

The resistance and agitation of farmers of West Bengal of Singur, Nandigram and Salboni are well known for everyone. Because here the West Bengal government under the Chief Ministership of Budhaddeb Bhattacharjee initiated to establish factory in state after acquiring the peasant's multi crop land and displacing thousands of people from their ancestral home. Peasants have violently protested against these projects because they consider their land as their holy mother and they were not ready to give up their fertile land in lieu of some meagre cash compensation. Similar incidents were reported across the country because government were allowing the private and big corporate houses to install their factories in the fertile and agricultural

land of farmers. Due to implementation of SEZ, many new industrial set up were establishing across the country. In the name of establishment of factory and development of country many peasants lost their land.

Similar case was reported from Uttar Pradesh also, when a developmental project of Yamuna expressway got into trouble after the protest of farmers whose land has been identified for this project. Farmers were agitating because their agricultural land was being taken after giving them very insufficient amount as compensation. Farmers protested, agitated and stopped the acquiring agency from taking possession of land. Such protest and agitation turned violent and some villagers lost their life also.

These developmental projects and protest against such infrastructural plans have begun a new discourse among the academicians, social activists, policy makers and professional to rethink about such development plans in which people are losing their land and livelihood, customs and tradition after displacing from earlier one. To pacify and satisfy the land loser government was forced to amend the old draconian and colonial law land acquisition 1894 Act and UPA led government came with a new Act Right to Fair Compensation Land Acquisition Rehabilitation and Resettlement Act 2013. We will discuss this Act in detail in next chapter.



CHAPTER-3
POLITICAL ECONOMY OF LAND
ACQUISITION POLICY IN INDIA:
POST LIBERALIZATION
EXPERIENCE



CHAPTER-3

POLITICAL ECONOMY OF LAND ACQUISITION

POLICY IN INDIA: POST LIBERALIZATION

EXPERIENCE

Land acquisition has great association with politics and economics, because land is an immovable property and it keeps its importance in society; it holds value and it is used to sell and buy in the market. It's become a matter of pride for Indian households to have more quantity of piece of land and in most of the cases it is the only source of income, sustenance and livelihood for peasants. Most of Indian households even after seven decades depend upon the only source of income from their land. In rural areas land has been a source of local economic system, poor peasants used to sell and mortgage their land in their bad times. They treat their land as mother, in worst situation only they think of to sell their land and gain some money. Hence importance of land becomes of huge importance for rural people of Indian society.

Before going further to discuss the topic it is necessary to understand the term political economy. According to English Collins dictionary 'political economy is the study of way in which a government influences or organises a nation's wealth, by this meaning it becomes clear that economic activity which is associated with the government becomes the part of political economy. According to Pranab Bardhan "Political economy refers to the distribution of political and economy power in a given society and how that influences the directions of development and policies that bear on them."¹ Frieden and Lake argued that many scholars have different views about the political economy they say that "For some, it (political economy) refers primarily to the study of the political basis of economic actions, the way in which government policies affect market operations. For others, the principal preoccupation

¹ <https://eml.berkeley.edu/~webfac/bardhan/papers/BardhanPoliticalEconomy.pdf>

is the economic basis of political, the ways in which economic forces mould government policies.”²

In contemporary time various types of economy are prevalent among the economist but sometimes people get confused with the political economy and market economy therefore it is necessary to make distinction among them. Political economy studies that structure of politics and economics which covers wide areas in comparison to traditional economics. Traditional economics emphasise to study the component of market and considers the society as cluster of human being who have reason and tries to increase their profit, in other words traditional economy consider the market as important player who has potential to address the issues related to economist, these issues may be of relating the production, exchange, distribution and growth etc. However political economy also deals with the production, exchange, distribution and growth but it analyses all these things in different form.

Political economy considers individuals as a member of society and these societies interact with economy in some certain form as employee, employer, peasants and bureaucrats etc. Political economy views the share of power among the society and its effect on state policies as the vital for political economist. Political economy argued that behaviour of individuals is shaped by the society in which he/she lives. Scholars of political economy argued that economy and markets are important component of state. Feature and working of market are very much influence by the historical, social and political forces. According to Caporasa and Levien “Political economy gave considerable impetus to the shift of focus away from politics in understanding the forces that account for the large historical movements that mould the social world.”³

The idea of political economy was started in deliberate with the effort of the prominent classical economist in between the century of 17th and 18th and these scholars were James Stuart, David Hume, Francois Quesnay, David Ricardo and Adam Smith. They contributed to the development of political economy as a scholarly discipline.

² Frieden, J.A. and Lake, D.A. (2003). *International Political Economy: Perspectives on Global Power Wealth*. (Eds.) Fourth Edition. New York: St. Martin’s Press pp 1

³ Caporasa, J. A. & Levine, D.(1992), *Theories of Political Economy*, New York: Cambridge University Press, p. 34

Renowned economist of 19th century and father of James Stuart Mill, James Mill in his scholarly work says that science of political economy involves itself into the analysis of two important elements that are production and consumption⁴. He further added that political economy also tries to analyse four major things which include (1) laws which regulate the production of commodities (2) laws according to which the commodities produced by the labour of the community are distributed (3) the laws according to which the commodities are exchanged for one another and last (4) the laws which regulate consumption.⁵

There are many approaches that discuss the political economy and supports to understand clearly political economy in social sciences such as approaches are-

Classical political economy:- In the beginning the tenets of classical political economy was based on the view that economics and politics are two different things and they described the concept of political economy in words of multidimensional collaboration with political, economic, technological, social and natural factors.

Classical approach explain the premises of political economy with some new ideas, primarily they said that political economy consist of two very important ideas, in which first describe about the separation of economics with politics while latter describe about the superiority of economic domain.

Scholars of classical political economist claimed that economy should not be political. In the classical political economy approach the word political economy denotes a method of private want satisfaction which comprises of independent private agents. Coporaso and Levien said in his works that at the time of classical political economy many words were used for these private want satisfactions which include civil society, market economy, bourgeois society, capitalism and others⁶. They further argued that these words reflect the dominance and shifting nature of society from political to economic however earlier they were political in nature but after dominance of economics they exhibit economical charm. Some important classical idea which shows that how the nature of these institutions shifted from political to economic

⁴ Mill, J. (1821), *Elements of Political Economy*, London: C. Baldwin, Printer, New Bridge Street pp.3

⁵ Ibid.pp4

⁶ Caporasa, J. A. & Levine, D.(1992), *Theories of Political Economy*, New York: Cambridge University Press, p. 36

relations. These ideas are civil society, self-regulating market, private interest and public good, the state and society, etc.

Liberal Political economy:- Liberal political economy emphasis more on the freedom. It enforces freedom not only for the human but also in the sphere of market. Liberal political economy urges that freedom is the sole requirement for the enhancement of individual's interest. If individual's interests are fulfilled it also fulfilled the interest of those who are associated with the society, in other words, freedom of individual and markets leads to betterment of society at large. Adam Smith is considered as the chief scholar of liberal political economy who discusses their views in their renowned book "An enquiry into the nature and causes of wealth of nations" that was published in 1776. After Adam Smith some other enthusiastic scholars like David Ricardo and Thomas Malthus hugely contributed into it. David Ricardo's work "The principles of political economy and Taxation" that published in 1817, keeps great importance in flourishing the liberal political economy.

Frieden and Lake said that "Liberal argument emphasises how both the market and politics are environments in which all parties can benefit by entering into voluntary exchanges with others, If there are no impediments to trade among individuals, liberals reason, everyone can be made as well off as possible, given the existing stocks of goods and services. All the participants in the market in other words, will be at their highest possible level of utility."⁷

Liberal political economist argued that because the benefits of individual not restricted to only individual but it also goes to the society, therefore freedom ultimately favours the betterment of whole society, where maximum number of people will be benefitted. Political economist argues that because of freedom in the market system it promotes competition in the trade and many new players came into that system, therefore it leads to the very minimum or nominal chances of hegemony of any particular group, society or productive units. Because according to liberal political economist every individual is rational and he knows very well about their wellness therefore every individual tries to maximise their benefit and this process of

⁷ Frieden, Jeffrey A. and David A. Lake.(2003). International Political Economy: Perspectives on Global Power Wealth. (Eds.) Fourth Edition. New York: St.Martin's Press pp. 10

maximising their profit leads to the better understanding of mutual interest and these fulfilment of interest will lead to the welfare of maximum society.

Liberal political economist argued that state should not interfere in the domain of economic system to whom they termed the as the 'Laissez-faire', they claimed that without the state market will able to manage the evils erupting in economic sphere. They argued that state should restrict itself to only maintain the law and order situation and to provide the encouraging atmosphere for healthy competition in the market system. Liberal political economist argued that there is an abstract 'invisible hand' mechanism to solve the issue in market system, these systems not only regulate the market but also create grounds for fair competition in the market.

Marxist political economy:- The history of Marxist political economy goes back to origin of theories of Karl Marx which gives a new idea to study the society, history and economics with some innovative knowledge which was not thought ever. Marx criticized the idea of capitalism which was growing with fast pace in throughout the world. Marx observed the harsh reality in society at the time of liberalised economy in which working class was worst sufferer of capitalism and bourgeois was gaining wealth at the cost of working class. Therefore Karl Marx studied the all these phenomenon in scientific way and his teaching becomes the ground for Marxist political economy.

Analysis of history and sociology by Karl Marx is the important aspect of Marxist political economy. S. T. Akindele et al says that to understand the theories of political economy of Marx it is necessary to know about the history and sociology from Marxist's view.⁸ They further said that "dialectical method" of Marxist political economy sprout and prosper from Marx's dialectical and historical materialism⁹.

To better understand the Marxist political economy it is necessary to understand the associated theories of Karl Marx. Marx started his analysis with the concept of 'dialectical process' in which he argues that for any development it goes through three different stages in which first stage is 'thesis' by thesis it means that anything which comes into existence in first form is thesis, but after some time a new thing emerges

⁸ S.T. Akindele, A.S. Obiyan, O.R. Olaopa & T.O. Asaolu (2003). A Theoretical Examination of the Perspective on Political Economy, Journal of Social Sciences Volume 7 Issue 3 p. 242

⁹ *ibid*

in contrast to 'thesis' which claims against the first form or 'thesis' to whom Marx termed as 'anti thesis' which is second form or process in development. But again after some time a new thing emerges which refute the earlier two forms of thesis and antithesis and produces new one that is 'syntheses'. However 'synthesis' is not totally new idea but it is composite of earlier thesis and anti-thesis.

However it is noticeable that Marx borrows the idea of 'dialectical process' from the Hegel who emphasise on the role of 'idea' or 'consciousness' as central point of discussion in their study while Marx emphasize on the importance of 'matter' in their analysis and considered 'idea' as secondary in comparison to idea like Hegel.

Another view produced by Karl Marx is historical materialism. It provides important clues for Marxist analysis and societal changes in history. S.T. Akindele says that "For Marx the moving force in a society consists of the forces and relations of production: any explanation of historical changes must focus on the changes in the means of production and changes in there relation between men as they are involved in the means of production."¹⁰ Marx analysed the economic system and opined that modes of production in any society decide the sub structure and super structure of society, he analysed the mode of production of different time period and said that with changes in sub structure super structure also get changed because these two are inter related with each other. In Marx own words-"In the social production of their life men enter into definite relation that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitute the economic structure of society the real foundation on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men that determines their being but on the contrary, their social being that determines their consciousness."¹¹

¹⁰ ibid

¹¹ Marx, K. (1979). Marx, *Engels Pre-capitalist Socio-Economic Formation*. Moscow: Progress Publisher. pp.137-138

Analysis of class is also important in Marxist political economy. Marx divides the society into two different classes. One is dominant class (bourgeois) and another is dominated class (proletariat). Bourgeois class are few in number but they have captured the upper echelon of producing system. Marx claimed that these classes are found in all types of society whether it is primitive society, slave society, feudal society or capitalist society. While dominated class are more in numbers and they earned their livelihood by their physical work, dominant class used to exploit the dominated class and manage to collect surplus from the hardship of dominated class. Marx observed such type of political totally contradictory to each other and refuted the assumption of liberal political economy that promotion of individual interest and freedom leads to the social harmony and enhancement of welfare in the society.

When we are discussing about the political economy of land acquisition policy it is necessary to have some basic knowledge about the relation between the ruler and peasant at different point of time in India. Because the association between peasant, landowner and the king had shaped the new structure and it gives importance to land in society.

Land and revenue administration before independence:-

There is not unanimous view regarding the ownership of land in ancient India. Some scholars claim that in ancient time ownership of land was rested with the state while some scholars keeps its contradictory view and assert that ownership of land was rested with those who clears the forest and claim on the land. However some scholars assert that in the Vedic era land was not considered as a property of any particular individual, but it was belongs to the whole community. Some other scripture claim that in later Vedic era kings were obtaining some parts of produce from the peasants and property owner.

Land has been source of income and revenue generation in India from ancient time to medieval and colonial time. Peasants and landowner used to deposit some parts of produce obtained from the land to their king or ruler as a tax to protect them from any misdeed and to establish peace in society. There has been much literature that deals about land and its linkage with revenue administration in India like ‘Arthashashtra’

written by Kautilya and some other Hindu scripture also explains about the land and its association with the ruler in India.

Land has been the source of not only revenue as well as profits of the ruler and king from ancient time and its owner have been paying various kinds of tax to their ruler for enhancement of welfare of their state. There has been a huge source from ancient history that explains the nature and attachment of land with the state. Many Hindu literatures explain about the ownerships of land and its association with king in ancient period, there has been notion of profits associated with land therefore king at that time used to pay heed on land revenues in comparison to other sources and peasant or landowner used to contribute some parts of their produce in treasury of state or king. And those king or ruler used to assure them to protect them from thieves, frauds and other unfortunate happening which were controllable by the ruler.

However these literatures reveal that revenues were not similar like today's revenue. There was huge variation in revenues in various states, sometimes states used to levy from eight to thirteen percent of produce. This was so because numbers of states were huge and there was not uniformity in rule and regulation. Variation in charges were on different basis like quality of land and sometimes when ruler used to went for war or ruler wanted to increase their territory at that time they used to impose higher level of taxation. In 'Arthashastra' written by Kautilya and some other Greek scholar claimed that during Mauryan regime one fourth of agricultural incomes was collected as tax. Literatures also explained that ruler not only increase the rate of taxes but in some difficult or unfavourable situation the tax rate imposes on land owner were also decreased, like if there was natural disaster and crops could not produce at expected level the kings ordered for collecting taxes at low level.

Land tenure and taxation in Mughal India:-

Mughal came to India in the 16th century and they inherited old taxation system from their previous ruler. However some scholars claimed before Mughal emperor some little changes were introduced by Sher Shah Suri in land taxation system in their regime in new way with some modification in existing land taxation system. Scholars claimed that these new changes adopted by Sher Shah were adopted by their

successor Mughal emperor who implemented some innovative land tax assessment and revenue system.

Kings during Mughal era generated income from many new sources. They generated money by using new different taxes on people of their state. They imposed taxes on many irrational things which were common for all people. They imposed taxes on the religion basis also to appease different religion. Scholars assert that during Mughal period *Jajiya* like taxes were collected from non-Muslim people to increase their treasury. Mughal king introduced new system of land revenue assessment that was *Batai*, *Kankut*, and *Zabt*. These were proved as very significant in assessing land revenue from the peasant as well these taxes leads to the increment of Mughal king treasury. These tax assessment should be discuss in some detail-

Batai

This was system of crop-sharing in Mughal era. Irfan Habib said that crop sharing is known in various languages in Persian word we recognise it as ‘Ghallabakshi’ and in Hindi it is known as ‘Batai’ and ‘Bhaoli’. Irfan Habib discusses three types of sharing. In the first it includes the distribution of the yield at the threshing floor according to agreement, in presence of both people. In the second kind of sharing they termed it as the ‘Khet Batai’ in this, fields was divided with standing crops and in the third kind of sharing they termed it as ‘lang batai’ in which crops were hoarded in heaps after cutting and these heaps were divided.¹²

Kankut

Kankut was another method of revenue assessment in Mughal era. In this method one person was assigned to estimate the crop rate on the basis of crop yield on per unit of land. For estimating he used to measure the crop standing on that particular part of land. If they failed to estimate the crop per unit of land they were expected to take samples of land in three different categories from the same land. These three

¹² Habib,I. (1999), *The Agrarian system of Mughal India1556-1707*, New Delhi: Oxford University Press p. 237

categories were good, moderate and poor land from the same land. According to these two methods land revenue in the form of Kankut was being assessed.¹³

Zabti:-Irfan Habib said that ‘Zabt’ has gained a narrow connotation in Indian revenue texts and except Indian revenue texts it cannot be found anyone else.¹⁴ They further claim that Zabt is similar to the Jarib, which is a means of measurement of land. Irfan Habib gives credit to Sher Shah and Islam Shah who introduced the Zabt in Hindustan. And he further adds that it was Sher Shah who decided to crop rate for Polaj (it was a kind of land that was regularly cultivated) and Parauti (a kind of land which sometimes kept fallow). These crop rates were being decided on the quality of production like good, moderate and low.¹⁵ Irfan Habib claims that Akbar at the beginning of their rule adopted these crop rates as revenue from all their subordinate rulers.¹⁶

Land tenure system during Britishers and later:-

Britishers invaded India in 1757 A.D. and laid the foundation of East India Company by help of Robert Clive. In India the new land tenure system was introduced by Lord Cornwallis. He is considered as main source who push for the Permanent Settlement in India. Lord Cornwallis announced the introduction of Permanent Settlement on 22nd March of 1793. And it was applicable in the provinces of Bengal, Bihar and Orissa.¹⁷ Permanent Settlement leads to the increase in the rate of land revenue to be collected by landlords. Because there was no time limit decided for tax collection. Therefore land lords hike in the rate of revenue.

Permanent Settlement provides the ownership right to the landlords and now they were able to transfer the ownership of land to the next generation. In addition to this they were able to sell and mortgage the land from their own control. However these rights were limited in some circumstances like if landlords were failed to deposit the certain amount of revenue to government treasury, all those above mentioned rights were to be curtailed. Permanent Settlement empowers the landlords to provide ‘pattas’

¹³ Ibid.p.239

¹⁴ Ibid.p.240

¹⁵ Ibid.241

¹⁶ ibid

¹⁷ Chopra,P.N., Puri, B.N.& Das M.N. (1974) A Social, Cultural And Economic History Of India Volume III New Delhi: Macmillan Indian LTD. p. 179

to their tenants of landlords. And the holding control and its revenue to be paid were unchanged.¹⁸

Permanent Settlement was something different from other efforts ever made by East India Company. It created two opposite groups in society one is landlord and another is tenants. Landlords were entrusted by the government to collect rent from the tenants. However the rates were fixed by the government, landlords emerged as middlemen between government and tenants to collect and deposit the taxes in government treasury. Therefore East India Company did not realise the need of any officer from the government to fix and collect the revenue from peasant because now the responsibility has been given to the landlords.

In the early years of implementation of permanent settlement everyone was partially satisfied with this effort. But after passage of time landlords started misusing their responsibility and rights that was given those by the government. They started collecting more rent than was fixed by the government. Therefore dissatisfaction among peasant was started growing and the socio economic condition of peasant started to worsen day by day. It is worth noting that almost tenants were at that time extremely poor, illiterate and vulnerable and situations for marginal peasant become sometime severe. In such situation they did not have any mechanism to approach the government against the landlords and condition of tenant due to that become very pitiful.

Mahalwari:-

As we discuss above the 'Permanent Settlement was implemented in Bengal including Bihar and Orissa likewise Mahalwari which was also known as 'village settlement' was implemented in Uttar Pradesh, Punjab and Madhya Pradesh.¹⁹ Unlike the permanent settlement which settled the revenue for infinite time and gives responsibility to landlords, the situation under 'Mahalwari settlement' was different. In Mahalwari system the rate of revenue were settled for certain times and these rates were not same for all places even where 'Mahalwari' was introduced. According Chopra et al some places revenue was settled for thirty years while in some different

¹⁸ ibid

¹⁹ Ibid p. 179

location it was only for twenty years. Again it is worth noting that unlike the permanent settlement, 'Mahalwari' settlement was not done with individual landlords but it was with resident of village collectively. In other words under 'Mahalwari' settlement criteria of revenue collection was on the village basis not on individual basis to the government. In this manner 'Mahalwari' was different with the permanent settlement.

Villagers used to pay the rent to a landowner according to the size of their land holding and until tenants used to pay the rent they were titleholder of that particular land. At that time there was 'lambardar' and he was chief of the village he was the person who bargain with government to fix revenue from peasant side.

However estimation of revenue was done by the competent authority selected by the government after discussing with the chief of village and other stalwarts from the village. Villagers kept their essentials documents related to the land along with and they used it while estimating. Government fixed the revenue after examining the various dimension of lands like size of the soil, nature of crop produced on the land. It is important to explain that because under 'Mahalwari settlement' revenue rate were estimated intermittently and it were applicable before further estimation.

Like 'permanent settlement' there were also many flaws in the 'Mahalwari settlement'. Many scholars claimed that because lambardar which was the chief of village made contract with the government therefore there social position was different with the rest of villagers and he many times misused their position and controlled large areas of cultivable land himself, they paid rents very nominal but extorted more rents from the marginal and small peasants.

Although Mahalwari system was practiced in Uttar Pradesh, a new kind of land system was prevalent in Oudh region that was recognised as 'Taluqdari' system. Many villagers were under control of 'Taluqdar'. These Taluqdar signed agreement with the government for collecting revenue for the time of three decades. These Taluqdar were collected revenue on behalf of government and used to deposit to the

government treasury. For collecting these revenues they were paid by the government²⁰

Ryotwari Settlement:- Sir Thomas Munro first announced the Ryotwari settlement in Madras in 1820 and later it was implemented in Madras, Bombay and Sind.²¹ Ryotwari settlement was unique from other land systems that were introduced in colonial India. There were no intermediaries between the government and tenants under Ryotwari settlement like the other two mentions above. In Ryotwari settlement, government had direct approached to the tenants for collecting revenue by their officials. Before collecting revenue government was conducting a detailed scrutiny through their appointed officials. And officials were asked to prepared detail document with the name of every tenant describing their land holding, successor of landowner and some other essential information for the particular land. For identifying the land officials were assigning the land with special mark indicating the owner name.

According to the quality of land and the kind of crop production, authorities' categories the soil and they estimated the rent on the basis of production from the soil in particular time. After production the value of crop was calculated and after excluding the cost of crop cultivation from net income, one half of the income from crop was paid to the government.

As other land system prevalent in other different regions of India were later proved as exploitative and abusive, these settlement was also not very fair and peasant friendly. Because occasionally officers of the government were went and collected incorrect and higher rents from the poor peasants. Therefore agitations among Ryots or tenants were gradually increasing and many times they were protested and get face off with the government official.

One most highlighted negative aspect of Ryotwari settlement was that until peasants were paying the rent they were owner of that particular cultivating land but due to any reason whether natural calamity or not expected production from the crop, peasants were failed to deposit the revenue government directly took that particular of land into

²⁰ Ibid p.180

²¹ Ibid P.181

their custody. Therefore this law was also proved very vicious and insulting for Indian peasants.

Post liberalisation new initiative

SEZ:-

In 1999, India's commerce and Industry minister Murosolli Maran made a trip to China there he saw the working and role of Chinese Special Economic Zones and their contribution in Chinese economy. He got very influenced and realised that such schemes may be very important and fruitful in the growth of Indian economy. Therefore after returning from China during an annual appraisal of EXIM policy they announced the 'SEZ policy' in April 2000. And declared the aim of this policy as to boost and facilitate the foundation of Special Economic Zone in private Sector.²²

However India was pioneer in laying the stone for special economic zones in among the Asian countries. In 1965 central government launched a new programme to foster the manufacturing and export in India from the Kandla city of Gujrat. This scheme was later known as 'Export Processing Zone' thereafter Indian government emphasis more on manufacturing and exporting materials to abroad. After 1965 government established many new zones, in 1980 government founded five new zones and in 1994 again seven fresh zones were created.

After announcement of special economic zones in the year of 2000 earlier export processing zones scheme was blended with this policy and government come up with the new bill that was passed by the parliament in May 2005 and it was known as 'Special Economic Zone Act'. This Act was signed by president on 23 June 2005 and it came into force from 10 February 2006.

Efforts of government for export oriented model and development of SEZ-

Three different stages can be identified in the process of development of Special economic zone in India-

- (i) Establishment of Export Processing Zone regime (1965-2000)

²² Aggrawal, A. (2012) Social and Economic Impact of SEZs in India: New Delhi Oxford University Press p.03

- (ii) Intermediate phase (2000-05)
- (iii) Special Economic Zone regime

Export Processing Zone Regime

The Export processing zone regime has also witnessed three different stage in which first is beginning stage that covers from 1965 to 1982. Second is expansionary phase that extends from 1981 to 1991 and last is consolidating phase that extends from 1991 to 2000.

(A) **Beginning stage (1965-81):-** The first Export processing zone policy was implemented during the socialist pattern of economy in 1965 when market was totally regulated and controlled by the state. Two zones were started during the beginning phase. One was Kandla Export Processing Zone that was established in 1965 and second was Santa Cruz Export Processing Zone of Mumbai region, it was started in 1974. After sometimes government realised to assess the functioning of these two zones and appointed many committees to study the zones. These committees in their study came to the conclusion that these zones are not performing well and not getting to the expected level²³.

(B) **Expansionary stage (1981-91):-** After 1970's the trade balance of India was not going well India faces many losses and in the decade of 1980's it became severe. To overcome these situations India focuses more on to export oriented activity, therefore government planned to boost EPZ scheme as well. Therefore government initiated a fresh programme of 100% export oriented Units (EOU) that kicks started in 1981. These export oriented units were under control of an officer of Export processing zones that was designated as development commissioner in EPZ. Ministry of Commerce had defined the control level of development commissioner of EOU and for establishing the EOU it is considerable that no any fix area was mentioned. Later on in the early 1980's decade government on the recommendation of Tondan Committee that was formed in 1982 for the study of free trade zones and export oriented units some

²³ Ibid p.64

new EPZ were established in which Noida, Falta, Cochin and Chennai are important name.²⁴

(C) Consolidating phase (1991-2000):- After adopting new economic policy in 1991, government launched many reform initiatives and focuses on maximum export policy. However earlier in the mixed economic model government was not very serious in promoting export activities but after New economic policy government working style was shifted towards export incentivising programme and government launches many new scheme and programme in this direction and initiative reform like government has given some powers to the EPZ official to create favourable conditions by creating laws and policy for them by which they can grow more and more.

In the information technology and electronic sector government too started new programme that were not recognised yet. Ministry of Information technology started two new programme of establishing park in 1991 it established a software technology parks and in 1993 electronic hardware technology park, the objective behind establishing these parks were to boost exports of computer software and electronic hardware.

The Intermediate phase (2000-6):- From the year of 2000, India entered into a new system of export based model that give impetus to export oriented system in India. Getting influence by the success of Chinese special economic zone, government of India step in towards establishing special economic zone. However there was already system of EPZ and EOU, that were promoting export outside but they were not proved successful as much was expected. Therefore during the annual review of EXIM policy in 2000, government planned to launch special economic zone with some new characteristics that were not included in the EPZ and these characteristics make SEZ more versatile than ever.

The idea of establishing the SEZ was motivated by the hope that it will help India to drag foreign direct investment form the other foreign countries. With this view, in the starting only Tamilnadu and Gujrat were identified for establishing SEZ while sanctions for 13 SEZ were issued for different states. However it is considerable that

²⁴ Ibid p.65

it was time when export processing zone and special economic zone were working but after late months of year 2000 government started converting of EPZ into SEZ. According to Aggarwal on 1 November 2000, government converted various EPZ which were working under the Central government were converted from EPZ to SEZ. These EPZ were working in Mumbai, Kandla and Kochin. After 2003 remaining EPZ like Noida, Chennai, Falta and Vishakhapatnam were converted into SEZs. Hence it was intermediate phase when many EPZ were converted from EPZ to SEZ.

SEZ Regime:-

Government initiated a new SEZ policy in 2000 with new characteristics and features in comparison with earlier export promoting programmes because earlier programmes were not successful in attracting the money as was expected from the private players, therefore government planned to launch SEZ policy which will envisage all the essential component that will be helpful in chasing the target of government to export more and attract more FDI as well. Therefore government draft SEZ bill 2004 which was passed by the parliament in May 2005 and after getting assent from president it became Act after 23 June 2005. It is considerable that SEZ Act travelled a long journey after conceptualised by the minister of Commerce and Industry and finally it born as strong pillar for the further guidance of export based industrialisation in India. This Act usher India into a new regime which was promoting domestic industrialisation with the help of private investor and were being helpful in increasing the export of domestic goods and services in other foreign countries.

Land acquisition law passed by the Indian government at different point of time:-

India inherited an old land acquisition Act 1894 which was in practice till 2013. However at different point of time in the past government has proposed some amendment with minor modification. But they were not very different from the colonial law in nature in other words old law was reflecting the exploitative character of law in which farmer were with no more secure towards their land and the provision of compensation mentioned in the Act. Government had powers to acquire any private property only in the name of eminent domain and public purpose. There was no any provision of consent taking from farmers. Once land has identified by government

landowner had to give up their land. Government was offering very meagre amount in lieu of acquired land. Hence, it was very exploitative and unfair kind of law that had deprived large number of landowners from their property. Although it had been in use till 2013 it had caused huge unrest in country and landowner has protested, agitated and sometimes violently reacted against the government and thus it had been hurdle for the developmental projects also.

Therefore UPA led government made an effort to foster the development and infrastructural projects with providing the better compensation and proper rehabilitation and resettlement. New land acquisition Act which was framed by the UPA led government came into force after 2013. This Act was named as 'THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013'. This Act has 13 chapters, 114 sections and three schedule, this Act is different from the earlier old law of Land acquisition, it has been introduced many new provision to address various issues of landowner and also from implementing authority.

This Act starts with chapter I entitled as 'Preliminary' in which 3 sections have been discussed. Section 1 is also divided into three subsections in which Subsection 1 of section 1 discusses the short title of Act which says as "This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013"²⁵ Subsection 2 of section 1 says that this Act will be applicable to the whole India only excluding state of Jammu and Kashmir²⁶. Subsection 3 of section 1 says that when Central government will notify the date in official gazette it will come into the force from that date.²⁷

Section 2 of the Act discusses the application of Act for various types of acquisition which will be made by the government for numbers of purposes. In subsection 1(a) of section 2 Act mention that Act will be applicable for strategic purposes in which naval, military, air force and armed forces of the Union, and central paramilitary forces or any work that is important for national security or defence of India or state police, safety of the people are included.

²⁵ Subsection 1 of section 1 of RFCTLARR 2013

²⁶ Subsection 2 of section 1 of RFCTLARR 2013

²⁷ Subsection 3 of section 1 of RFCTLARR 2013

Subsection 1(b) of section 2 says this Act will be applicable for various infrastructures projects which include “all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (infrastructure Section) under 13/6/2009-INF, dated 27th March 2012, excluding private hospitals, private educational institutions and private hotels.”²⁸ Further subsection (ii) of section 2 of the Acts discusses many projects where this Act is applicable such projects are- projects concerning agro processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing set-up for agriculture and related activities such as dairy, fisheries and meat processing and other projects which are established by the appropriate government or by a farmer’s cooperative or by an institution established under a statute.

In the latter subsections from (iii) to (f) Act mention some other projects which fall under this Act are- projects for industrial corridors or mining activities, national investment and manufacturing zones, which are labelled in the national manufacturing policy. Further it includes many projects like projects for water harvesting, water conservation structures, sanitation, government administered or government aided educational and research scheme or institution, and projects for any project affected families, project for sports, health care, tourism, transportation or any space programme. Projects for residential purposes to the poor or landless persons residing in such areas which are suffered by the natural disaster and projects for those who have been displaced due to the implementation of any scheme which has been launched by the government or any local authority or corporation owned or controlled by the state.

Some other projects include projects for planned development or the improvement of village sites or urban site or any land which include for the residential purpose for the poor in rural and urban regions and other for ay housing projects for such income group which may be notified by government from time to time by the appropriate government, and some other infrastructure projects which may be listed by the central government after tabling of such notification in the parliament.

Subsection 2 of the section 2 says that this Act shall also apply when the appropriate government acquires land for the (a) public private partnership projects and for (b)

²⁸ Subsection b (i) of section 2

private companies in the name of public purpose. However it is important to mention that at least consent of the eighty per cent of affected people should be taken in case of private companies²⁹ while consent of at least seventy percent of affected people should be taken in public private partnership project³⁰ and the procedure to take consent will be decided by the government and the social impact assessment will be done at the same time.

Subsection 3 of section 2 says that rehabilitation and resettlement under this shall apply when (a) a private company buy the land by the owner through private negotiations in accordance of limit set by the government for urban and rural areas (b) and when private company ask the government for acquisition of land approved for a public purpose.

Further it mention that where a private company requests the appropriate government for partial acquisition of land for public purpose, then the rehabilitation and resettlement entitlements under second schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by government for the project as a whole.

Section 3 of the Act has defined many terms which are essential in the Act. Subsection (a) of the section 3 defines administrator as an officer appointed for the purpose of rehabilitation and resettlement of affected families under subsection (1) of section 43. Further subsection (b) defines affected families as such area as may be notified by the appropriate government for the purpose of land acquisition. Further Section 3(g) defines collector as a collector of revenue from district and other official who may be notify by the government to perform the duty of collector including Deputy Commissioner. Subsection (h) defines commissioner as the commissioner for rehabilitation and resettlement appointed under sub section (1) section 44. Subsection (c) defines affected families in which various types of families are incorporated. Subsection 3(c) (i) defines a family whose land or other immovable property has been acquired. Section 3(c) (ii) defines affected family as which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of legal right, share croppers or artisans or who may

²⁹ Subsection 2(i) of Section 2

³⁰ Subsection 2(ii) of Section 2

be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land. Subsection (iii) defines affected family as the scheduled tribes and other forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land. Subsection (iv) defines family whose primary source of livelihood for three years prior to the acquisition of land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land. Subsection (v) defines as a member of the family who has been assigned land by the state government or Central government under any of its schemes and such land is under acquisition. Section (vi) defines a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.

Section 3(d) defines agricultural land for the use of agriculture or horticulture, dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs, rising of crops, trees, grass or garden produce and land used for grazing of the cattle.

Section 3(e) defines appropriate government in relation to acquisition of land situated within the territory of a state or the state government or Union territory (except Puducherry) and in relation to acquisition of land situated within the Union territory of Puducherry the government of Union territory of Puducherry.³¹ Further subsection (iii) says that in relation to acquisition of land for public purpose in more than one state, the Central government in consultation with the concerned state governments or Union territories and subsection (v) says that in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the central government provided that an area for public purpose must not be exceed beyond the limit decide by the appropriate government and Collector of such District shall be deemed to be the appropriate Government.

³¹ Subsection (e) (iii) of Section 3

Section 3(k) defines displaced family as any family who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. Subsection (l) defines entitled to act as in relation to a person, shall be deemed to include the following persons namely –

- (i) Trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability³²;
- (ii) The guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted.³³

Further it says that the provisions of Order XXXII of the first Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceeding under this Act. Subsection (f) defines authority as Land Acquisition and Rehabilitation and Resettlement Authority established under section 51. Subsection (j) (i) defines company as defined in the section 3 of the companies Act, 1956 (1 of 1956) other than a government company³⁴ and subsection (j) (ii) defines as a society registered under the Societies Registration Act, 1860 (21 of 1860) or under any corresponding law for the time being in force in a State;

Section 3(m) defines family and mention that “family” includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him and further mentions that widows, divorcees and women deserted by families shall be considered separate families. This subsection further includes an explanation and mention that An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purpose of this Act.

Section 3(x) defines person interested and it means (i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act further subsection (x) (ii) declares that the Scheduled Tribes and other traditional

³² Subsection (l) (i) of Section 3

³³ Subsection (l) (ii) of Section 3

³⁴ Subsection (j) (i) of Section 3

forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007); subsection (x) (iii) says that a person interested in an easement affecting the land; subsection (x) (iv) persons having tenancy rights under the relevant state laws including share-croppers by whatever name they may be called and subsection (x)(v) says any person whose primary source of livelihood is likely to be adversely affected.

Section 3(t) defines ‘marginal farmer’ as a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one half hectare. Section 3(n) defines ‘holding of land’ as the total land held by a person as an owner, occupant or tenant or else. Section 3(o) defines ‘infrastructure project’ as ‘infrastructure project’ shall include any one or more of the items specified in clause (b) of sub section (l) of section 2.

Section 3 (r) defines ‘land owner’ which include any person (i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned or (ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) or under any other law for the time being in force; or (iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands and (iv) any person who has been declared as such by an order of the court or Authority. Section 3(q) defines ‘landless’ to such person or class of persons who may be (i) considered or specified as such under any State law for the time being in force or (ii) in a case of landless not being specified under sub-clause (i), as may be specified by the appropriate government.

Section 3(n) defines ‘holding of land’ as total land held by a person as an owner, occupant or tenant or otherwise. Section 3(p) defines land as it includes benefits arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth. Section 3(s) defines ‘local authority’ and it includes a town planning authority (by whatever name called) set up under any law for the time being in force, a panchayat as defined in article 243 and a Municipality as defined in article 243P of the constitution. Section 3(w) defines ‘patta’ and mention that it shall have the same meaning as assigned to it in the relevant Central or State Acts or rules or regulations made thereunder. Section 3(v) defines ‘notification’ and mention that it

means a notification published in the Gazette of India or as the case may be, the Gazette of a state and the expression 'notify' shall be construed accordingly. Section 3 (u) defines 'market value' and explains that it means the value of land determined in accordance with section 26. Section 3(y) defines 'prescribed' and explain that it means prescribed by rules made under this Act.

Section 3(z) defines 'project' as it means a project for which land is being acquired, irrespective of the number of persons affected. Section 3(z)(b) defines 'Requiring body' and it declares that 'requiring body' means a company, a body corporate, an institution or any other organisation or person for whom land is to be acquired by the corporate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land is for public purpose to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, license or through any other mode of transfer of land. Section 3(z) (c) defines 'Resettlement Area' and declares that 'Resettlement Area' means an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government. Section 3 (z)(d) defines 'Scheduled Areas' and explain that it means the Scheduled Area as defined in section 2 of the provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996). Section 3(z)(e) defines 'small farmer' as a means a cultivator with an un irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

Chapter II deals with Determination of Social Impact and Public Purpose and it is divided in two parts A and B, A parts discusses Preliminary Investigation for Determination of Social Impact and Public Purpose with sections 4, 5, 6. Section 4(1) declares that whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification. Section 4(2) discusses that Social Impact Assessment Study shall be published in local language to

the Panchayat, Municipality or Municipal corporation and the affected areas as well in the offices of District Collector, Sub Divisional Magistrate and the Tehsil.

Section 4(4) discusses that Social Impact Assessment study should include many aspect like whether proposed acquisition serves the public purpose, estimation of affected families and the number of families among them likely to be displaced, extent of lands, public and private houses, settlements and other common properties likely to be affected by the proposed acquisition, whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project, whether land acquisition at an alternate place has been considered and found not feasible, study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project vis-a vis the benefits of the project³⁵.

Part B of the chapter discusses the Appraisal of Social Impact Assessment Report by an Expert group. Section 7(1) discusses that the appropriate government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, and it should be constituted by (a) two non-official social scientist, (b) two representative of Panchayat, (c) Gram Sabha, Municipality or Municipal Corporation, (d) two experts on rehabilitation and a technical expert in the subject relating to the project.³⁶ Section 7(3) says that appropriate government may nominate a person from amongst the members of the Expert Group as the Chairperson of the group.

Section 8 deals with the title of Examination of proposals for land acquisition and Social Impact Assessment report by appropriate government and includes that appropriate government shall ensure that there is a legitimate and bona fide public purpose for the proposed acquisition which necessitates the acquisition of the land identified. Further it says that the potential benefits and the public purpose shall outweigh the social costs and adverse social impact as determined by the social impact assessment that has been carried out. Further it includes that only the minimum area of land required for the project is proposed to be acquired and government should ensure that there is no unutilised land which has been previously

³⁵ Subsection (f) of section 4

³⁶ Subsection 7(2) of section 7

acquired in the area and if any land has been acquired earlier and remained unutilised and it is being utilised for such public purpose government should make recommendation in respect thereof.

Section 9 deals with the Exemption from Social Impact Assessment and said that where land is proposed to be acquired invoking the urgency provisions under section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment study.

Chapter III of the Act deals with to ensure food security, chapter's title is 'Special provision to safeguard food security'³⁷. Section 10(1) (2) declares that no irrigated multi cropped land shall be acquired under this Act. Section 10 (2) declares that such land should be acquired only in exceptional and as last option and limit of such lands should not be exceed as limit fix by the appropriate government. Section 10 (3) discusses that whenever multi crop irrigated land is acquired an equivalent area of culturable wasteland shall be developed for agricultural purposes or in the same amount of land should be deposited to the appropriate government for investing in agriculture for enhancing food security. Section 10(4) says that the acquisition of the agricultural land for all projects whether in district or State shall not exceed the limits of net sown area as fixed by the appropriate government. Further it says that the provision of this section shall not apply in the case of projects that are linear in nature such as railways, highways, major district roads, irrigation canals, power lines and the like.

Chapter IV deals with the primary function in land acquisition it titles is 'Notification and Acquisition'. Section 11 deals with the title 'Publication of preliminary notification and power of officers'³⁸ it says that whenever it appears to the appropriate government that land in any area is required or likely to be required for any public purpose, a preliminary notification to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner namely-

- (a) In the official Gazette

³⁷ Section 10 of RFCTLARR 2013

³⁸ Section 11 of RFCTLARR 2013

- (b) In two daily newspapers circulating in the locality of such area of which one shall be in the regional language
- (c) In the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub divisional Magistrate and the Tehsil
- (d) Uploaded on the website of the appropriate Government
- (e) In the affected areas, in such manner as may be prescribed

Section 11(2) says that immediately after issuance of the notification the concerned Gram Sabha or Sabhas at the village level, municipalities in the case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the constitution, shall be informed of the contents of the notification issued under the said sub section in all cases of land acquisition at a meeting called especially for this purpose. Section 11(4) says that No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this chapter are completed. Section 11(5) says that after issuance of notice under sub section (1) the Collector shall undertake and complete the exercise of updating of land records as prescribed within a period of two months.

Section 12 deals with the title ‘Preliminary survey of land and power of officers to carry out survey’³⁹ and declares that for the purposes of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen-

- (a) To enter upon and survey and take levels of any land in such locality
- (b) To dig or bore into the sub soil
- (c) To do all other acts necessary to ascertain whether the land is adapted for such purpose

³⁹ Section 12 of RFCTLARR 2013

- (d) To set out the boundaries of the land proposed to be taken and the intended line of the work proposed to be made thereon
- (e) To mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle;

Further this section says that ‘no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days’ notice in writing of his intention to do so.

Section 13 titled as ‘Payment for damage’⁴⁰ declares that the officer authorised under section 12 shall at the time of entry under section 12 pay or tender payment for any damage caused and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the collector or other chief revenue officer of the district and such decision shall be final.

Section 14 titled as ‘Lapse of social Impact Assessment report’ declares that where a preliminary notification under section 11 is not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Export Group under section 7, then such report shall be deemed to have lapsed and a fresh Social Impact Assessment shall be required to be undertaken prior to acquisition proceedings under section 11. Further it declares that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same and again it declares that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

Section 15 of the Act titled as ‘Hearing of objections’ said that any person interested in any land which has been notified under sub-section (1) of section 11 as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to –

⁴⁰ Section 13 of RFCTLARR 2013

- (a) The area and suitability of land proposed to be acquired
- (b) Justification offered for public purpose
- (c) The findings of the Social Impact Assessment report

Section 15(2) says that every objection under sub section (1) shall be made to the collector in writing and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government containing his recommendation on the objections, together with the record of proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled for the decision of that government.

Section 16 titled as ‘Preparation of Rehabilitation and Resettlement Scheme by the Administrator’⁴¹ declares in section 16(1) that upon the publication of the preliminary notification under sub-section (1) of section 11 by the Collector, the Administrator for rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, In such manner and within such time as may be prescribed and it shall include

- (a) Particulars of land and immovable properties being acquired of each affected family
- (b) Livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired
- (c) A list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved
- (d) Details of the amenities and infrastructural facilities which are affected or likely to be affected

⁴¹ Section 16 of RFCTLARRA 2013

(e) Details of any common property resources being acquired

Section 18 of the Act titled as ‘Approved Rehabilitation and Resettlement Scheme to be made public’⁴² says that The commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate government.

Section 19 of the Act titled as ‘Publication of declaration and summary of Rehabilitation and Resettlement’⁴³ says in section 19(1) that when the appropriate Government is satisfied after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purposes, a declaration shall be made to that effect, along with a declaration of an area identified as the ‘resettlement area’ for the purpose of rehabilitation and resettlement of the affected families, under the hand and seal of a secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made(whenever required).

Section 19(4) of the Act says that every declaration referred to in sub-section (1) shall be published in the following manner, namely-

- (a) In the official Gazette
- (b) In two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language
- (c) In the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub Divisional Magistrate and Tehsil;
- (d) Uploaded on the website of the appropriate Government

⁴² Section 16 of RFCTLARRA 2013

⁴³ Section 19 of RFCTLARRA 2013

(e) In the affected areas, in such manner as may be prescribed.

Section 20 of the Act titled as ‘Land to be marked out, measured and planned including marking of specific areas’⁴⁴ says that the collector shall thereupon cause the land, unless it has been made thereof, a plan to be made of the same.

Section 21 of the Act titled as ‘Notice to persons interested’⁴⁵ says in section 21(1) that the collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him. Section 21(2) says the public notice referred to in sub-section (1) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent of advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurement made under section 20. Section 21(3) says that the Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or its agent.

Section 23 of the Act entitled as ‘Enquiry and land acquisition award by Collector’ declares that On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under its hand of –

(a) The true area of the land;

⁴⁴ Section 20 of RFCTLARRA 2013

⁴⁵ Section 21 of RFCTLARRA 2013

- (b) The compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and
- (c) The apportionment of the said compensation among all the person known or believed to be interested in the land, or whom, or of whose claims e as information, whether or not they have respectively appeared before him.

Section 24 of the Act entitled as ‘Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases’⁴⁶ declared in section 24(1) that Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894-

- (a) Where no award under section 11 of the said Land Acquisition At as been made, then all provisions of tis Act relating to the determination of compensation shall apply or
- (b) Where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

Section 24(2) says that notwithstanding anything contained in sub section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provision of this Act.

Section 25 of the Act entitled as ‘Period within which an award shall be made’ declares that the collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse: further it declares that the appropriate Government shall have the power to extend the

⁴⁶ Section 24 of the RFCTLARR 2013

period of twelve months if in its opinion, circumstances exist justifying the same; and any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

Section 26 of the Act entitled as 'Determination of market value of land by Collector'⁴⁷ in section 26(1) says that the collector shall adopt the following criteria in assessing and determining the market value of the land namely-

- (a) The market value, if any specified in the India Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area where the land is situated or
- (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area or
- (c) Consented amount of compensation as agreed upon under sub section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher.

Further it said that the date for determination of market value shall be the date on which the notification has been issued under section 11.

There four explanation as been mentioned in the Act

Explanation 1- The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of year in which acquisition of land is proposed to be made.

Explanation 2- For determining the average sale price referred to in Explanation 1, one half of the total number of sale deeds or the agreements to sell in which highest sale price has been mentioned shall be taken into account.

Explanation 3- While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as

⁴⁷ Section 26 of the RFCTLARR 2013

compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4- While determining the market value under this section and the sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

Section 26(2) says that the market value calculated as per sub section (1) shall be multiplied by a factor to be specified in the First Schedule. Further section 26(3) says that where the market value under sub section (1) or sub-section (2) cannot be determined for the reason that-

- (a) the land is situated in such area where the transactions in land area restricted by or under any other law for the time being in force in that area; or
- (b) the registered sale deeds or agreements to sell as mentioned in clauses (a) of sub-section (1) for similar land are not available for the immediately preceding three years or
- (c) The market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority

Further it mentions that the state Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas. Further it adds that in a case where the Requiring body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty five per cent of the value so calculated under sub section (1) or sub-section (2) or sub-section (3) as the case may be. Again it adds that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub section (1). It also mentions that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to raise and update the market value of the land on the basis of the prevalent market rate in that area. Again it says that the

appropriate government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

Section 27 of the Act entitled as 'Determination of amount of compensation'⁴⁸ declares that the Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner(whose land has been acquired) by including all assets attached to the land.

Section 28 of the Act entitled as 'Parameters to be considered by Collector in determination of award'⁴⁹ says that in determining the amount of compensation to be awarded for land acquired under tis At, the Collector shall take into consideration-

Firstly- the market value as determined under section 26 and the award amount in accordance with the First and second Schedules

Secondly the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of Collector's taking possession thereof;

Thirdly the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

Fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

Fifthly, in consequence of te acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

⁴⁸ Section 27 of the RFCTLARR 2013

⁴⁹ Section 28 of the RFCTLARR 2013

Sixthly, the damage (if any) bona fide resulting from diminution of the profits of the land between the time of publication of the declaration under section 19 and the time of the collector's taking possession of the land and

Seventhly, any other ground which may be in the interest of equity, justice and beneficial to the affected families.

Section 29 of the Act entitled as 'Determination of value of things attached to land or building' says in section 29(1) the the Collector in determining the market value of the building and their immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field as may be considered necessary by him. Section 29(3) says that the Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition may use the services of experience persons in the field of agriculture as may be considered necessary by him.

Section 30 of the Act entitled as 'Award of solatium'⁵⁰ says in section 30(1) that the collector having determined the total compensation to be paid, shall to arrive at the final award, impose a 'Solatium' amount equivalent to one hundred per cent, of the compensation amount. It gives further explanation that for the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired. Section 30(2) says that the Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule. Section 30(3) says in addition to the market value of the land provided under section 26, the Collector shall, in every case award an amount calculated at the rate of twelve per cent, per annum on such market value for the period commencing on and from the date of the publication of the notification of the social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

The next chapter is V i.e. 'REHABILITATION AND RESETTLEMENT AWARD' that extends from section 31 to 42. Section 31 of the Act entitled as 'Rehabilitation

⁵⁰ Section 30 of the RFCTLARR 2013

and Resettlement Award for affected families by Collector⁵¹ declares in section 31(1) that the Collector shall pass the Rehabilitation and Resettlement Award for each affected family in terms of the entitlements provided in the Second Schedule. Section 31(2) declares that the Rehabilitation and Resettlement award shall include all of the following, namely-

- (a) Rehabilitation and resettlement amount payable to the family
- (b) Bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (c) Particulars of house site and house to be allotted, in case of displaced families
- (d) Particulars of land allotted to the displaced families
- (e) Particulars of one time subsistence allowance and transportation allowance in case of displaced families
- (f) Particulars of payment for cattle shed and petty shops
- (g) Particulars of one time amount to artisans and small traders
- (h) Details of mandatory employment to be provided to the members of the affected families
- (i) Particulars of any fishing rights that may be involved
- (j) Particulars of annuity and other entitlements to be provided
- (k) Particulars of special provision for the Scheduled Castes and the Scheduled Tribes to be provided

Further it declares that the appropriate government may by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

⁵¹ Section 31 of the RFCTLARR 2013

Section 32 of the Act entitled as ‘Provision of infrastructural amenities in resettlement area’⁵² says that in every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the third schedule.

Section 33 of the Act entitled as ‘Corrections to awards by Collector’⁵³ declares in section 33(1) that the Collector may at any time but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority. Section 33(2) says that the Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested. Section 33(3) says that where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.

Section 34 of the Act entitled as ‘Adjournment of enquiry’⁵⁴ says that the collector may for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him. Section 35 of the Act entitled as ‘Power to summon and enforce attendance of witnesses and production of documents’⁵⁵ says that for the purpose of enquiries under this Act, the Collector shall have powers to summon and enforce the attendance of witness, including the parties interested of any of them, and to compel the production of documents by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908). Section 36 of the Act entitled as ‘Power to call for records, etc.’⁵⁶ says that the appropriate Government may at any time before the award is made by the Collector under section 30 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings

⁵² Section 32 of the RFCTLARR 2013

⁵³ Section 33 of the RFCTLARR 2013

⁵⁴ Section 34 of the RFCTLARR 2013

⁵⁵ Section 35 of the RFCTLARR 2013

⁵⁶ Section 36 of the RFCTLARR 2013

and may pass such order or issue such direction in relation thereto as it may think fit; further it mention that the appropriate government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

Section 37 of the Act entitled as ‘Awards of Collector when to be final’⁵⁷ declares in section 37(1) that the Awards shall be filed in the Collector’s office and shall, except as hereinafter provided, be final and conclusive evidence, as between the collector and persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested. Section 37(2) says that the Collector shall give immediate notice of his awards to such of the person interested who area not present personally or through their representatives when the awards are made. Section 37(3) says that the Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under tis Act on the website created for this purpose.

Section 38 of the Act entitled as ‘Power to take possession of land to be acquired’⁵⁸ declares in section 38(1) the Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements area paid or tendered to the entitled persons within a period of tree months for the compensation and a period of six months from the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of award made under section 30. It further adds that the components of the Rehabilitation and Resettlement Package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a periods of eighteen months from the date of the award. And it further adds that in case of acquisition of land for irrigation or hydel project, being a public purpose, the rehabilitation and resettlement shall be completed six months prior to submergence of the lands acquired. In section 38(2) it declares that the Collector shall be responsible for

⁵⁷ Section 37 of the RFCTLARR 2013

⁵⁸ Section 38 of the RFCTLARR 2013

ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.

Section 39 of the Act entitled as ‘Additional compensation in case of multiple displacements’⁵⁹ says that the Collector shall, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacement.

Section 40 of the Act entitled as ‘Special powers in case of urgency to acquire land in certain cases’⁶⁰ declares in section 40(1) that in cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may on the expiration of thirty days from the publication of notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances. Section 40(2) mentions that the powers of the appropriate Government under sub section (1) shall be restricted too the minimum area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament. Further it adds that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty –eight hours’ notice of his intention to so, or such longer notice as may be reasonably sufficient to enable such occupier to remove is movable property from such building without unnecessary inconvenience.

Section 40(3) says that before taking possession of any land under sub section (1) or sub-section (2), the Collector shall tender payment of eighty per cent, of the compensation for such land as estimated by him to the person interested entitled thereto. Section 40(4) says that in the case of any land to which in the opinion of the appropriate Government, the provisions of sub section (1), sub –section (2) or sub-section (3) are applicable, the appropriate Government may direct that any or all of

⁵⁹ Section 39 of the RFCTLARR 2013

⁶⁰ Section 40 of the RFCTLARR 2013

the provisions of Chapter II to Chapter I shall not apply and if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under sub-section (1) of section 11.

Section 40(5) says that an additional compensation of seventy five per cent, of the total compensation as determined under section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub section (1) of this section. It further adds that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.

Section 41 of the Acts entitled as 'Special provisions for Scheduled Castes and Scheduled Tribes'⁶¹ says in section 41(1) that as far as possible, no acquisition of land shall be made in the Scheduled Areas. Section 41(2) says that where such acquisition does take place it shall be done only as demonstrable last resort. Section 41(3) says that in case of acquisition of alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force; it further adds that the consent of the Panchayat or the Autonomous Districts Councils shall be obtained cases were the Gram Sabha does not exist or as not been constituted.

Section 41(4) says that in case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of the Scheduled Castes or the Schedule Tribes families, a development plan shall be prepared in such for as may prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Schedule Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

⁶¹ Section 41 of the RFCTLARR 2013

Section 41(5) says that development plan shall also contain a programme for development of alternate fuel, fodder a non-timber forest produce resources on non-forest lands within a period of five year, sufficient to meet the requirements of tribal communities as well as Schedule Castes.

Section 41(6) says that in case of land being acquired from members of the Scheduled Castes or Scheduled Tribes, at least one third of the compensation amount due shall be paid to the affected families initially as first instalment and rest shall be paid after taking over of the possession of the land.

Section 41(7) declares that the affected families of the Schedule Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity. Section 41(8) declares that the resettlement area predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate government free of cost for community and social gatherings. Section 41(9) declares that any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void and in the case of acquisition of such lands the rehabilitation and resettlements benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

Section 41(10) of the Act declares that the affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects. Section 41(11) says that where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then they shall be paid an additional twenty five per cent, rehabilitation and resettlement benefits to which they are entitled in monetary terms along with one time entitlement of fifty thousand rupees.

Section 42 of the Act entitled as ‘Reservation and other benefits’⁶²says in section 42(1) that all benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the

⁶² Section 42 of the RFCTLARR 2013

resettlement area. Section 42(2) says that whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule or not. Section 42(3) says where the community rights have been settled under the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

Next chapter that is 5th deals with the procedure and manner of rehabilitation and resettlement and it starts with section 43 and ends at section 47. Section 43 entitled as 'Appointment of Administrator'⁶³ declares in section 43(1) that where the appropriate government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then the state government shall by notification, appoint in respect of that project an officer not below the rank of joint collector or Additional collector or Deputy Collector or equivalent official of Revenue department to be the Administrator for rehabilitation and resettlement.

Section 43(2) says that Administrator shall with a view to enable him to function efficiently and to meet the special time frame be provided with such powers, duties and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the appropriate government may decide. Section 43(3) says that subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

⁶³ Section 43 of the RFCTLARR 2013

Section 44 of the Act entitled as ‘Commissioner for rehabilitation and resettlement’⁶⁴ says in section 44(1) that the state Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for rehabilitation and Resettlement. Section 44(2) says that the Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such scheme or plans. Section 44(3) of the Act says that the commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas.

Section 45 of the Act entitled as ‘Rehabilitation and resettlement committee at project level’⁶⁵ says in section 45(1) that where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and resettlement scheme and to carry out post –implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.

Section 45(2) says that the Rehabilitation and resettlement Committee shall include apart from officers of the appropriate Government, the following members namely-

- (a) A representative of women residing in the affected area
- (b) A representative each of the scheduled Castes and Scheduled Tribes residing in the affected area;
- (c) A representative of a voluntary organisation working in the area
- (d) A representative of a nationalised bank
- (e) The land acquisition officer of the project
- (f) The chairpersons of the panchayats or municipalities located in the affected area or their nominees

⁶⁴ Section 44 of the RFCTLARR 2013

⁶⁵ Section 45 of the RFCTLARR 2013

- (g) The chairpersons of the district planning committee or his nominee
- (h) The member of parliament and member of legislative assembly of the concerned area of their nominees
- (i) A representative of requiring body and
- (j) Administrator for rehabilitation and resettlement as the member Convenor

Section 45(3) of the Act says that the procedure regulating the discharge of the process given in this section and other matters connected thereto of the Rehabilitation and resettlement Committee shall be such as may be prescribed by the appropriate government.

Section 46 of the Act entitled as 'Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons'⁶⁶ says in section 46(1) that where any person other than a specified person is purchasing land through private negotiations for an area equal to or more than such limits, as may be notified by the appropriate Government, considering the relevant state specific factors and circumstances, for which the payment of rehabilitation and resettlement Costs under this Act is required, he shall file an application with the District Collector notifying him of –

- (a) Intent to purchase
- (b) Purpose for which such purchase is being made
- (c) Particulars of lands to be purchased

Section 46(2) says that it shall be the duty of the Collector to refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlement. Section 46(3) says that based upon the rehabilitation and resettlement scheme approved by the Commissioner as per the provisions of this Act, the Collector shall pass individual awards covering rehabilitation and resettlement entitlements as per the provisions of this Act. Section 46(4) says that no land use change shall be permitted if rehabilitation and resettlement is not complied

⁶⁶ Section 46 of the RFCTLARR 2013

with in full. Section 46(5) says that any purchase of land by a person other than specified persons without complying with the provisions of rehabilitation and resettlement scheme shall be void *ab initio*: further it says that the appropriate government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its state and shall also fix the limits or ceiling for the said purpose.

Section 46(6) says that if any land has been purchased through private negotiations by a persons on or after the 5th day of September, 2011, which is more than such limits referred to in sub section (1) ad if the same land is acquired within three years from the date of commencement of this At, then forty per cent of the compensation paid for such land acquired shall be shared with the original land owners. It gives further explanation regarding this-

Explanation- for the purpose of this section, the expression

- (a) “original land owner” refers to the owner of the land as on the 5t day of September 2011
- (b) “specified persons’ includes any person other than-
 - (i) Appropriate government
 - (ii) Government company
 - (iii) Association of persons or trust or society as registered under the Societies Registration Act, 1860 (21 of 1860), wholly or partially aided by the appropriate Government or controlled by the appropriate government.

Section 47 of the Act entitled as ‘Quantification and deposit of rehabilitation and resettlement amount’⁶⁷ declares that where the Collector is of the view that the obligations of Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an amount in complete satisfaction of such obligations which shall be administered by the Administrator appointed under section 43, under the supervision of the Collector.

⁶⁷ Section 47 of the RFCTLARR 2013

Next chapter VII deals with the NATIONAL MONITORING COMMITTEE FOR REHABILITATION AND RESETTLEMENT and it start from the section 48 and end at the section 50. Section 48 of the Act entitled as ‘Establishment of National Monitoring committee for rehabilitation and resettlement’⁶⁸ declares in section 48(1) that the Central government may, whenever necessary for national or interstate projects, constitute a national monitoring committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

Section 48(2) says that the Committee may besides having representation of the concerned Ministries and departments of Central and state governments, associate with it eminent experts from the relevant fields. Section 48(3) says that the procedures to be followed by the committee and the allowances payable to the experts shall be such as may be prescribed. Section 48(4) the central government shall provide officers and other employees to the Committee necessary for its efficient functioning.

Section 49 of the Act entitled as ‘Reporting requirements’⁶⁹ says that the states and Union territories shall provide all the relevant information on the matters covered under this Act, to the national monitoring committee in a regular and timely manner, and also as and when required.

Section 50 of the Act entitled as ‘Establishment of state monitoring committee for rehabilitation and resettlement’ says in section 50(1) that the state government shall constitute a state monitoring committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act. Section 50(2) says that the committee may besides having representatives of the concerned ministries and departments of the state government, associate with it eminent experts from the relevant fields Section 50(3) says that the procedures to be followed by the committee and the allowances payable to experts shall be such as may be prescribed by the state. Section 50(4) says that the state government shall provide such officers and other employees to the committee as may be necessary for its efficient functioning.

⁶⁸ Section 48 of the RFCTLARR 2013

⁶⁹ Section 49 of the RFCTLARR 2013

Next chapter is VIII that deals with the Establishment of land acquisition, rehabilitation and resettlement authority it start from the section 51 and ends at the section 74. Section 51 of the Act entitled as ‘Establishment of land acquisition, Rehabilitation and Resettlement Authority’ declares in section 51(1) that the appropriate Government shall, for the purpose of providing speedy disposal of disputes relation to and acquisition, compensation, rehabilitation and resettlement, establish by notification or new or more Authorities to be known as ‘Land Acquisition, Rehabilitation and Resettlement Authority’ to exercise jurisdiction, powers and authority conferred on it by or under tis At.

Section 51(2) says that the appropriate government shall also specify in the notification referred to in sub section (1) the areas within which the authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second provision to sub section (1) of section 64. Section 52 entitle as ‘Composition of authority’⁷⁰ declares in section 52(1) that the authority shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification by the appropriate Government. Section 52(2) says notwithstanding anything contained in sub section (1) the appropriate government may authorise the Presiding Officer of one authority to discharge also the functions of the Presiding officer of another authority.

Section 53 of the Act entitled as ‘Qualification for appointment as Presiding Officer’⁷¹ declares in section 53(1) A person shall not be qualified for appointment as te Presiding Officer of an authority unless-

- (a) He is or has been a District Judge; or
- (b) He is qualified legal practitioner for not less than seven years.

Section 53(2) says a presiding officer shall be appointed by the appropriate government in consultation with the Chief justice of a High Court in whose jurisdiction the authority is proposes to be established.

⁷⁰ Section 52 of the RFCTLARR 2013

⁷¹ Section 53 of the RFCTLARR 2013

Section 54 of the Act entitled as ‘terms of office of presiding Officer’⁷² says that the presiding officer of an authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years whichever is earlier.

Section 55 of the Act entitled as ‘Staff of Authority’⁷³ in section 55(1) says that the appropriate Government shall provide the authority with a registrar and such other officers and employees as that Government may think fit. Section 55(2) says that the Registrar and other officers and employees of an authority shall discharge their functions under the general superintendence of the presiding officer. Section 55(3) says that the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an authority shall be such as may be prescribed.

Section 56 of the Act entitled as ‘Salary and allowances and other terms and conditions of service of presiding Officers’⁷⁴ declares that the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the presiding officer of an authority, shall be such as may be prescribed. Further adds that neither the salary and allowances nor the terms and conditions of service of the said presiding officers shall be varied to their disadvantage after appointment.

Section 57 of the Act entitled as ‘Filling up of vacancies’⁷⁵ declares that if for any reason other than temporary absence, any vacancy occurs in the office of the presiding officers of an authority to be the appropriate government shall appoint another person in accordance with the provisions of these Act to fill the vacancy and the proceeding may be continued before the authority from the stage at which the vacancy is filled.

Section 58 of the Act entitled as ‘Resignation and Removal’⁷⁶ says in section 58(1) that the presiding officer of an authority may, by notice in writing under his hand addressed to the appropriate Government, resign his office: further it adds that the presiding officer shall unless he is permitted by the appropriate government to relinquish his office sooner, continue to hold office until the expiry of three months from

⁷² Section 54 of the RFCTLARR 2013

⁷³ Section 55 of the RFCTLARR 2013

⁷⁴ Section 56 of the RFCTLARR 2013

⁷⁵ Section 57 of the RFCTLARR 2013

⁷⁶ Section 58 of the RFCTLARR 2013

the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office whichever is earlier. Section 58(2) says that the presiding officer of an authority shall not be removed from his office except by an order made by the appropriate Government on the ground of proven misbehaviour or incapacity after inquiry in the case of the presiding officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges. Section 58(3) says that the appropriate Government may by rules regulate the procedure for the investigation of misbehaviour or incapacity of aforesaid presiding officer.

Section 59 of the Act entitled as 'Orders constituting Authority to be final and not to invalidate its proceedings'⁷⁷ says that No order of the appropriate Government appointing any person as the Presiding Officer of an Authority shall be called in question in any manner, and no Act or proceeding before an Authority shall be called in question in any manner on the ground merely of any defect in the constitution of an Authority.

Section 60 of the Act entitled as 'Powers of authority and procedure before it'⁷⁸ says in section 60(1) that the authority shall, for the purposes of this functions under this Act, shall have the same powers as are vested in a civil court under the code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters namely-

- (a) Summoning and enforcing the attendance of any person and examining him on oath
- (b) Discovery and production of any document or other material object producible as evidence
- (c) Receiving evidence on affidavits
- (d) Requisitioning of any public record
- (e) Issuing commission for the examination of witnesses
- (f) Reviewing its decisions, directions and orders

⁷⁷ Section 59 of the RFCTLARR 2013

⁷⁸ Section 60 of the RFCTLARR 2013

(g) Any other matter which may be prescribed

Section 60(2) says that the authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64. Section 60(3) says that the authority shall, after receiving reference under section 64 and after giving notice of such referee to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference with a period of six months from the date of receipt of such reference and make an award accordingly. Section 60(5) says that the authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

Section 61 of the Act entitled as 'Proceedings before Authority to be judicial proceedings'⁷⁹ says that all proceedings before the authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the authority shall be deemed to be a civil court for the purpose of sections 345 and 346 of the code of Criminal Procedure, 1973 (2 of 1974)

Section 62 of the Act entitled as 'Members and officers of Authority to be public servants'⁸⁰ says that the members and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Section 63 of the Act entitled as 'Jurisdiction of civil courts barred'⁸¹ says that No civil court (other than High Court article 226 or article 227 of the Constitution or the supreme court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

Section 64 of the Act entitled as 'Reference to Authority'⁸² says in section 64(1) that any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority as the case may be where is objection be to the measurement of the

⁷⁹ Section 61 of the RFTLARRA 2013

⁸⁰ Section 62 of the RFTLARRA 2013

⁸¹ Section 63 of the RFTLARRA 2013

⁸² Section 64 of the RFTLARRA 2013

land , the amount of the compensation, the person to who it is payable, the rights of rehabilitation and resettlement under Chapter v and vi or the apportionment of the compensation along the persons interested. Further it adds that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate authority again it adds that where the collection fails to make such reference within the period so specified, the applicant may apply to Authority as the case may be requesting to direct the Collector to make the reference to it within a period of thirty days. Section 64(2) says that the application shall state the grounds on which objection to the award is taken-

- (a) A person making it was present or represented before the Collector at the time when we made his award, within six weeks from the date of the Collector's award;
- (b) In other cases within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire;

It further mention that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient case for not filing it within the period specified in the first proviso.

Section 65 of the Act entitled as 'Collector's statement to authority'⁸³ says in section 65(1) tat in making the reference, the Collector shall state for the information of the authority, in writing under his hand-

- (a) The situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;
- (b) The names of the persons whom he has reason to think interested in such land;
- (c) The amount awarded for damages and paid or tendered under section 13, and the amount of compensation awarded under the provisions of this Act;
- (d) The amount paid or deposited under any other provision of this and

⁸³ Section 65 of the RFCTLARR 2013

- (e) If the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

Section 65(2) says that the statement under sub section (1) shall be attached a schedule filing the particulars of the notices served upon and of the statement writing made or delivered by the person interested respectively,

Section 66 of the Act entitled as ‘Service of notice by authority’⁸⁴ says the authority shall thereupon cause a notice specifying the day on which the authority will proceed to determine the objection, and directing their appearance before the authority on that day, to be served on the following person, namely;

- (a) The applicant
- (b) All persons interested in the objection except such (if any) of them as have consented without protest receive payment of compensation awarded and
- (c) If the objection is in regard to the area of the land or the amount of the compensation, the Collector.

Section 67 of the Act entitled as ‘Restriction on scope of proceeding’⁸⁵ says the scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

Section 68 of the Act entitled as ‘Proceeding to be in the public’⁸⁶ says that every such proceeding shall take place in public, and all persons entitled to practice in any Civil Court in the state shall be entitled to appear, plead and act (as the case may be) in such proceeding.

Section 69 of the Act entitled as ‘Determination of award by authority’⁸⁷ says in section 69(1) that in determining the amount of compensation to be awarded for land acquired including the rehabilitation and resettlement entitlement, the authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 30 and the provisions under Chapter V of this Act.

⁸⁴ Section 66 of the RFCTLARR 2013

⁸⁵ Section 67 of the RFCTLARR 2013

⁸⁶ Section 68 of the RFCTLARR 2013

⁸⁷ Section 69 of the RFCTLARR 2013

Section 69(2) declares that in addition to the market value of the land, as above provided, the authority shall in every case award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Section 69 (3) says that in addition to the market value of land as above provided, the authority shall in every case award a solatium of one hundred per cent. Over the total compensation amount.

Section 70 of the Act entitled as 'Form of award'⁸⁸ in section 70(1) says that every award under this chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clause of the same sub section, together with the grounds of awarding each of the said amounts. Section 70(2) says that Every such award shall be deemed to be decree and the statement of the grounds of every such award a judgement within the meaning of clause (2) and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908 (5 of 1908).

Section 71 of the Act entitled as 'Costs'⁸⁹ in section 71(1) says the Every such award shall also state the amount of costs incurred in the proceeding under this Chapter, and by what persons and in what proportions they are to be paid.

Section 71(2) of the Act says that when the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Authority concerned is of the opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

Section 72 of the Act entitled as 'Collector may be directed to pay interest on excess compensation'⁹⁰ declares that if the sum, which in the opinion of the Authority

⁸⁸ Section 70 of the RFCTLARR 2013

⁸⁹ Section 71 of the RFCTLARR 2013

⁹⁰ Section 72 of the RFCTLARR 2013

concerned, the Collector ought to have awarded as a compensation is in excess of the sum which the Collector did award as compensation, the award of Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent. Per annum from the date on which he took possession of the land to the date of payment of such excess into Authority: Provided that the award of Authority concerned may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.

Section 73 of the Act entitled as ‘Redetermination of amount of compensation on the basis of the award of Authority’⁹¹ declares in section 73(1) the authority concerned allows to the applicant any amount of compensation in excess of the awarded by the Collector under section 23, the persons interested in all the other land covered by the same preliminary notification under section 11, and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of Authority concerned require that the amount of compensation payable to them, may be re-determined on the basis of the amount of compensation awarded by the Authority:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced on the time requisite for obtaining a copy of the award shall be excluded. Section 73(2) says that the Collector shall on receipt of an application under sub-section(1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard and make an award determining the amount of compensation payable to the applicants. Section 73(3) says that any person who has not accepted the award under sub-section (2) may, by written application to the collector, require that the matter be referred by the Collector for the determination of the authority concerned.

⁹¹ Section 73 of the RFCTLARR 2013

Section 74 of the Act entitled as ‘Appealed to High Court’⁹² says in 74(1) Requiring body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award: Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within further period not exceeding sixty days. Section 74(2) says that, every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.

Chapter IX deals with the ‘APPROPRIATION OF COMPENSATION’ in Section 75 and 76. Section 75 of the Act entitled as ‘Particulars of apportionment to be specified’⁹³ declares when there are several persons interested, if such persons agree in the apportionment of compensation, the particulars of such apportionment shall be specified in the award and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Section 76 entitled as ‘Dispute as to apportionment’⁹⁴ declares when the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputed to the Authority.

Chapter X deals with the ‘PAYMENT’ and section 77 of the Act entitled as ‘Payment of compensation or deposit of same in Authority’ says in section 77(1) On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in sub section (2).

Section 77(2) says If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference

⁹² Section 74 of the RFCTLARR 2013

⁹³ Section 75 of the RFCTLARR 2013

⁹⁴ Section 76 of the RFCTLARR 2013

under section 64 would be submitted; further it said that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount. Further again it includes that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64: further it incorporates that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

Section 78 of the Act entitled as 'Investment of money deposited in respect of lands belonging to person incompetent to alienate' says in section 78(1) If any money is deposited in the Authority concerned under sub section (2) of section 77 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority concerned shall-

- (a) Order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held; or
- (b) If such purchase cannot be effected forthwith, then in such Government of other approved securities as the Authority concerned shall think fit,

And shall direct the payment of the interest or together proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same applied

- (i) In the purchase of such other lands as aforesaid; or
- (ii) In payment to any person or persons becoming absolutely entitled thereto.

Section 78(2) says in all cases of money deposited to which this section applies the Authority concerned shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the collector, namely-

- (a) The costs of such investments aforesaid;
- (b) The costs of the orders for the payment of interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of the authority concerned of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

Section 79 of the Act entitled as ‘Investment of money deposited in other cases’⁹⁵ declares that when any money shall have been deposited in the Authority concerned under this Act for any cause other than the causes mentioned in section 78, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit from it as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Section 80 of the Act entitled as ‘Payment of interest’⁹⁶ declares that when the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent per annum from the time of so taking possession until it shall have been so paid or deposited, further it includes if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken interest at the rate of fifteen per cent per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

Chapter XI of the Act entitled as ‘TEMPORARY OCCUPATION OF LAND’ discusses in Section 81 of the Act entitled as ‘Temporary occupation of waste or arable land, procedure when difference as to compensation exists’ discusses in section 81(1) whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land area needed for any public purpose,

⁹⁵ Section 79 of the RFCTLARR 2013

⁹⁶ Section 80 of the RFCTLARR 2013

the appropriate Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from the commencement of such occupation. Section 81(2) says the Collector shall thereupon give notice in writing to person interested in such land of the purpose for which the same need, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments as shall be agreed upon in writing between him and such persons respectively. Section 81(3) says in case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof the Collector shall refer such difference to the decision of the Authority.

Section 82 of the Act entitled as 'Power to enter and take possession and compensation on restoration'⁹⁷ declares in section 82(1) On payment of such compensation, or on executing such agreement, or on making a reference under section 64, the Collector may enter upon and take possession of the land,, and use or permit the use thereof in accordance with the terms of said notice. Section 82(2) says on the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein: further it includes if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

Section 83 of the Act entitled as 'Difference as to condition of land'⁹⁸ declares In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Authority concerned.

Next Chapter is XII of the Act it titled as 'OFFENCES AND PENALTIES' that extends from section 84 to 90. Section 84 entitled as 'Punishment for false information, mala fide action, etc.' declares in section 84(1) If a person, in connection

⁹⁷ Section 82 of the RFCTLARR 2013

⁹⁸ Section 83 of the RFCTLARR 2013

with a requirement or direction under this Act, provides any information that is false or misleading or produces any false document, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one lakh rupees, Or with both.

Section 84(2) declares Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be liable to be recovered by the appropriate Government in the manner as may be prescribed. Section 84(3) says Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant, who if proved to be guilty of mal fide action in respect of any provision of the Act, shall be liable to such punishment including a fine as the disciplinary authority may decide.

Section 85 of the Act entitled as 'Penalty for contravention of provisions of Act' declares if any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, every such person shall be liable to punishment of six months which may extend to three years or with fine or with both.

Section 86 of the Act entitled as 'Offences by companies' declares in section 86(1) 'Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly further it includes that nothing contained in the sub section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence'.

Section 86 (2) declares 'Notwithstanding anything contained in sub section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Further this section adds some

explanation like (a) “company” means anybody corporate and includes a firm or other association of individuals and a Requiring Body; and (b) “director”, in relation to a firm, means a partner in the firm.

Section 87 of the Act entitled as ‘Offences by Government departments’ declares section 87(1) ‘Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly’ further it adds that nothing contained in this section shall render any person liable to any punishment if such person exercised all due diligence to prevent the commission of such offence.

Section 87(2) declares ‘Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Section 88 of the Act entitled as ‘Cognizance of offences by court’⁹⁹ declares that ‘No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall be competent to try any offence punishable under this Act.

Section 89 of the Act entitled as ‘Offences to be non-cognisable’¹⁰⁰ says ‘Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence under this Act shall be deemed to be non-cognizable.

Section 90 of the Act entitled as ‘Offences to be cognizable only on complaint filed by certain persons’¹⁰¹ says ‘No court shall take cognizance of any offence under this Act which is alleged to have been committed by a Requiring Body except on a complaint in writing made by the Collector or any other officer authorised by the appropriate Government or any member to the affected family.’

⁹⁹ Section 88 of the RFCTLARR 2013

¹⁰⁰ Section 89 of the RFCTLARR 2013

¹⁰¹ Section 90 of the RFCTLARR 2013

Next and last chapter is XIII, its title is MISCELLANEOUS it extends from section 91 to section 114. Section 91 entitled as ‘Magistrate to enforce surrender’¹⁰² says that ‘if the collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of land to himself, and if not a Magistrate, he shall apply to a Magistrate or the commissioner of Police, and such Magistrate or Commissioner, as the case may be shall enforce the surrender of the land to the Collector.

Section 92 of the Act entitle as ‘Service of notice’¹⁰³ declares in section 92(1) ‘Save as otherwise provided in section 6, the service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice, by the officer therein mentioned, and, in the case of any other notice, by order of the Collector. Section 92(2) says ‘Whenever it may be practicable, the service of the notice shall be made on the person therein named.

Section 92(3) says ‘when such person cannot be found, the service may be made on any adult member to his family residing with him; and, if no such adult member can be found, the notice may be served by fixing the copy on the outer door of house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or to the Collector or in the court house, and also in some conspicuous part of the land to be acquired; further it includes that ‘if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and also publish the same in at least two national daily newspaper and also on his website.

Section 93 of the Act entitled as ‘Completion of acquisition not compulsory, but compensation to be awarded when not completed’ declares in section 93(1) ‘The appropriate Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken. Further section 93(2) says ‘Whenever the appropriate Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder and shall pay such

¹⁰² Section 91 of the RFCTLARR 2013

¹⁰³ Section 92 of the RFCTLARR 2013

amount to the person interested together with all costs reasonably incurred by him in the prosecution of the proceeding under this Act relating to the said land.

Section 94 of the Act entitled as ‘Acquisition of part of house or building’ says in section 94(1) ‘The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired; further it includes that ‘if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority concerned and shall not be taken possession of such land until after the question has been determined.

Section 94(2) says ‘In deciding on such a reference made under the provision to sub section(1), the authority concerned shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

Section 94(3) says ‘if, in the case of any claim under this Act, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

Section 94(4) says ‘In the case of any acquisition of land so acquired no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 23.

Section 95 of the Act entitled as ‘Acquisition of land at cost of a local authority or Requiring Body’¹⁰⁴ says in section 95(1) ‘where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed

¹⁰⁴ Section 95 of the RFCTLARR 2013

by a local authority or of any Requiring Body, the charges of land incidental to such acquisition shall be defrayed from or by such fund or Requiring Body.

Section 95(2) says ‘In any proceeding held before a Collector or Authority concerned in such cases the local authority or Requiring Body concerned may appear and adduce evidence for the purpose of determining the amount of compensation’ further it says that no such local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64.’

Section 96 of the Act entitled as ‘Exemption from income tax, stamp duty and fees’¹⁰⁵ says No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Section 97 of the Act entitled as ‘Acceptance of certified copy as evidence’¹⁰⁶ says ‘In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 (16 of 1908) including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

Section 98 of the Act entitled as ‘Notice in case of suits for anything done in pursuance of Act’¹⁰⁷ says No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month’s previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amendments.

Section 99 of the Act entitled as ‘No change of purpose to be allowed’¹⁰⁸ says no change from the purpose or related purpose for which the land is originally sought to be acquired shall be allowed further it include that if the land acquired is rendered unusable for the purpose for which it was acquired due to a fundamental change because of any foreseen circumstances, then the appropriate Government may use such land for any other public purpose.

¹⁰⁵ Section 96 of the RFCTLARR 2013

¹⁰⁶ Section 97 of the RFCTLARR 2013

¹⁰⁷ Section 98 of the RFCTLARR 2013

¹⁰⁸ Section 99 of the RFCTLARR 2013

Section 100 of the Act entitled as ‘No change of ownership without permission to be allowed’¹⁰⁹ declares No change of ownership without specific permission from the appropriate Government shall be allowed.

Section 101 of the Act entitled as ‘Return of unutilised land’¹¹⁰ says when any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate, Government by reversion in the manner as may be prescribed by the appropriate government. Further it includes that for the purpose of this section “Land Bank” means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax delinquent properties into productive use.

Section 102 of the Act entitled as ‘Difference in price of land when transferred for higher consideration to be shared’¹¹¹ says whenever the ownership of any land acquired under this Act is transferred to any person for a consideration without any development having taken place on such land, forty per cent of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition; further it adds that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.

Section 103 of the Act entitled as ‘Provisions to be in addition to existing laws’¹¹² says the provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

Section 104 of the Act entitled as ‘Option of appropriate government to lease’¹¹³ says Notwithstanding anything contained in this Act, the appropriate Government shall, wherever possible, be free to exercise the option of taking land on lease, instead of acquisition, for any public purpose referred to in sub-section(1) of section (2).

¹⁰⁹ Section 100 of the RFCTLARR 2013

¹¹⁰ Section 101 of the RFCTLARR 2013

¹¹¹ Section 102 of the RFCTLARR 2013

¹¹² Section 103 of the RFCTLARR 2013

¹¹³ Section 104 of the RFCTLARR 2013

Section 105 of the Act entitled as ‘Provisions of this Act not to apply in certain cases or to apply with certain modifications’¹¹⁴ declare in section 105(1) Subject to sub section (3) , the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule. Section 105(2) says subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

Section 105 (3) says The Central Government shall. By notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the first schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of the land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of the Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

Section 105(4) of the Act says A copy of every notification proposed to be issued under sub section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

Section 106 of the Act entitled as ‘Power to amend Schedule’¹¹⁵ says in section 106(1) The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

¹¹⁴ Section 105 of the RFCTLARR 2013

¹¹⁵ Section 106 of the RFCTLARR 2013

Section 106(2) says- A copy of every notification proposed to be issued under sub – section(1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be shall be issued only in such modified form as may be agreed upon by both the houses of Parliament.

Section 107 of the Act entitled as ‘Power of State Legislatures to enact any law more beneficial to affected families’¹¹⁶ says- Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

Section 108 of the Act entitled as ‘Option to affected families to avail better compensation and rehabilitation and resettlement’¹¹⁷ says in section 108(1) Where a State law or a policy framed by Government of a state provides for a higher compensation that calculated under this Act for the Acquisition of land, the affected persons his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such state law or such policy of the State.

Section 108(2) of the Act says- Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of this family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.

¹¹⁶ Section 107 of the RFCTLARR 2013

¹¹⁷ Section 108 of the RFCTLARR 2013

Section 109 of the Act entitled as ‘Power of appropriate Government to make rules’ says in section 109(1) Subject to the either provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

Section 109(2) says in particular, and without prejudice to the generality of the foregoing, such rules may provide for all or any of the following matters, namely-

- (a) The process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;
- (b) The limits of land in rural areas or urban areas under clause (a) of sub-section(3) of section2;
- (c) The manner and the time limit for carrying out social impact assessment study under sub-section(1) of section 4;
- (d) The manner of preparing and publishing social impact assessment reports under sub section (1) of section 6;
- (e) The manner and time for conduction survey and undertaking census under sub section (2) of section 16;
- (f) The manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (5) of section 16;
- (g) The manner of conducting public hearing under sub-section (5) of section 16;
- (h) The manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;
- (i) The manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;
- (j) The form in which the Development Plan shall be prepared under sub section (2) of section 41;
- (k) The powers, duties and responsibilities of Administrator under sub-section(2) of section 43;

- (l) The procedure of Rehabilitation and Resettlement Committee under sub-section(3) of section 45;
- (m)The procedure to be followed by Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;
- (n) The procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 50;
- (o) The salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;
- (p) The salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;
- (q) Any other matter under clause (g) of sub section (1) of section 60;
- (r) The manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;
- (s) The manner of returning the unutilised land by reversion under section 101;
- (t) Manner of publication wherever the provisions of this Act provide for;
- (u) Any other matter which is required to be or may be specified under this Act.

Section 110 of the Acct entitled as ‘Rules made by Central Government to be laid before Parliament’¹¹⁸ says- Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of session immediately following the session or the successive session aforesaid, both Houses agree in making any, modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or

¹¹⁸ Section 110 of the RFCTLARR 2013

be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section 111 of the Act entitled as ‘Rules made by State Government to be laid before State Legislature’¹¹⁹ says- Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Section 112 of the Act entitled as ‘Previous publication of rules made by Central and State Government’¹²⁰ says- The power to make rules by the Central or State Government under this Act shall be subject to the condition of the rules, being made after previous publication.

Section 113 of the Act entitled as ‘Power to remove difficulties’¹²¹ says in section 113(1) If any difficulty arises in giving effect to the provision of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provision of the Act as may appear to it to be necessary or expedient for the removal of the difficulty: further it includes that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act. Section 113(2) says- Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Section 114 of the Act entitled as ‘Repeal and saving’¹²² says in section 114(1) The Land Acquisition Act, 1894 (1 of 1894) is hereby repealed. Again in section 114(2) says- save as otherwise provided in this Act the repeal under sub-section(1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.

Although this Act has addressed many issues pertaining in colonial Act of 1894, this Act has included the provision like taking consent from the affected families, restrictions on acquiring multi crop land, return of land to the original landowner,

¹¹⁹ Section 111 of the RFCTLARR 2013

¹²⁰ Section 112 of the RFCTLARR 2013

¹²¹ Section 113 of the RFCTLARR 2013

¹²² Section 114 of the RFCTLARR 2013

proper rehabilitation and resettlement of displaced families, compensation of land at the rate of 2 times in urban areas, 4 times in rural areas has at some extent provided relief to land loser. But now many industrialists and corporate houses have raised voice against this Act. They claim that this Act will pose burden of payment of higher compensation rate to the farmers. They also claim that it will be difficult to genuinely identify the affected family and it will be huge numbers of family who will fall under the purview of affected family. Many experts argued that due to strict provision of taking consent of people from the affected family it will hamper the development process and it may delay the completion of projects from the determined duration. Many industrialists and people of corporate houses has criticised by saying that government has exacerbated the problem of land acquisition in industrialisation and economic growth of country by working on the rhetoric of welfare of landowners and poor farmers.

But in May, 2014 regime changed at central government. Narendra Modi became Prime Minister of India by thumping majority. He sought to amend the Act in December 2014 that was just one year old made by UPA government. He sought to amend it by promulgating the RFCTLARR (Amendment) Ordinance, 2014. After this first attempt government again made two times effort to amend through ordinance in April 2015 and May 2015. But due to huge protest from the farmer's side and opposition parties, government withdrew the ordinance. Some key features of Second Amendment of ordinance 2015 and its comparison with LAA 2013 can be understood from the below table

Differences in land acquisition Act, 2013, and land acquisition (Second Amendment) Bill, 2015

Table 3.1 Minor

Issue	Land Acquisition Act, 2013	Land Acquisition (Second Amendment) Bill, 2015
Consent	No consent required for government projects. 1.Consent of 70% land	Five types of projects exempt from consent requirements: (i) defence, (ii) rural infrastructure, (iii)

	<p>owners required for</p> <p>2. Public-Private Partnership projects.</p> <p>3. Consent of 80% land owners required for private projects.</p>	<p>affordable housing, (iv) industrial corridors setup by the government/government undertakings, up to one km on either side of the road/railway of the corridor, and (v) infrastructure including PPP projects where the government owns the land.</p>
<p>Social Impact Assessment (SIA)</p>	<p>SIA is mandatory for all projects except: (i) in cases of urgency or (ii) for irrigation projects where an Environmental Impact Assessment is required.</p>	<p>The government may exempt above five types of projects from SIA.</p> <p>The government is to ensure that the extent of land being acquired is in keeping with the minimum land required.</p>
<p>Irrigated multi-cropped land</p>	<p>Irrigated multi-cropped land cannot be acquired beyond a limit specified by the state government.</p>	<p>The government may exempt the above five types of projects from this provision. The government is to ensure that the extent of land being acquired is in keeping with the minimum land required.</p>
<p>Compensation & rehabilitation and resettlement (R&R) provisions of 13 other laws which govern land acquisition</p>	<p>13 Acts (such as the National Highways Act, 1956 and the Railways Act, 1989) are exempt from the provisions of the Act.</p> <p>The compensation and R&R provisions of these Acts to be brought in consonance with the Act by January 1, 2015.</p>	<p>Compensation and R&R provisions of 13 Acts are in consonance with the Act.</p>

<p>Offences by the government</p>	<p>If an offence is committed by a government department, the head of the department will be deemed guilty unless he can show that he had exercised due diligence to prevent the commission of the offence.</p>	<p>The Bill deletes this provision. The Bill adds a provision to state that prior sanction of the government will be required before prosecuting a government employee</p>
<p>Retrospective application</p>	<p>The 2013 Act will apply in case an award has been made five years or more before the commencement of the 2013 Act, but the physical possession of the land has not been taken or compensation has not been paid.</p>	<p>In calculating the time period for retrospective application, any period during which the proceedings were held up: (i) due to a stay order of a court, or (ii) for a period specified in the award of a Tribunal, or (iii) for any period where possession was taken but the compensation is lying deposited in a court or any designated Account, will not be counted.</p>
<p>Return of unutilised land</p>	<p>If land acquired under the Act remains unutilised for five years from the date of taking possession, it must be returned to the original owners or a land bank.</p>	<p>The period after which unutilised land has to be returned will be the later of: (i) five years, or (ii) any period specified at the time of setting up the project.</p>
<p>Change from private ‘company’ to private ‘entity’</p>	<p>Private company defined as one included in the Companies Act, 1956, or under the Societies Registration Act, 1860.</p>	<p>The term ‘private company’ changed to ‘private entity’ which is defined as an entity other than a government entity, and includes a proprietorship, partnership, company, corporation, non-profit etc.</p>

Rehabilitation & Resettlement award	Includes employment to one member of an affected family.	Clarifies that this will include employment to ‘one member of such affected family of farm labour’ must be given.
Land Acquisition, Rehabilitation and Resettlement Authority	In case someone is not satisfied with an award under the Act, they can approach the Land Acquisition, Rehabilitation and Resettlement (LARR) Authority.	Adds that the LARR Authority must hold its hearing in the district where land acquisition is taking place, after a reference from the Collector and giving notice to all concerned parties.
Survey of wasteland	No provision.	The government must conduct a survey of its wasteland and maintain a record of the same.

Source:- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015; PRS

Even though Modi led NDA government made effort to convert this Act by altering the consent clause and exempting five projects from taking consent of landowners, ‘private company’ to ‘private entity’ and not prosecuting the executing official responsible for any offence and implementing of retrospective application of Act, returning of unutilised land and inclusion of private hospitals, private educational institutions and private hotels again portrays the nature of Ordinance in favour of capitalist class. However realising the consequence of protest and agitation against this ordinance inside parliament and outside the parliament government aborted the ordinance.



CHAPTER-4

LAND ACQUISITION DRIVE IN UTTAR PRADESH: EMERGING TRENDS AND CONSEQUENCES



CHAPTER-4

LAND ACQUISITION DRIVE IN UTTAR PRADESH: EMERGING TRENDS AND CONSEQUENCES

4.1 History of Uttar Pradesh-

Uttar Pradesh is northern state of India. It got its identity on 1st April 1937 as the North Western province of Agra and Awadh during the colonial time. Early archeological sources indicate here the habitation of human from many thousand years ago when human was living in early natural condition. Modern period in this province also start after the invasion of foreign Muslim ruler Babur in 1526 with establishment of Mughal empire and ending the rule of Delhi Sultanate. Babur established their Mughal Empire in very brutal and harsh manner after killing many people from this region. Maximum parts of the current Uttar Pradesh was in control of Mughals at that time. During the regime of Mughals, they built many monuments, fort, and buildings as to mark their identity in the northern regions these structures were like Fatehpur Sikri, Allahabad Fort, Agra Fort and Taj Mahal etc. Some rulers were very cruel while some rulers are still remembered for their style of governance and harmony among the various community and religion existed at that time.

This state has also importance in first independence revolt of 1857 because three important places of then revolt falls under the present geography of state that places are Lucknow, Kanpur and Meerut. Many conferences of Indian National Congress have been held in present Uttar Pradesh, which have remarkable impact on the direction of national movement.

After breaking the shackle of colonialism and attaining Independence from Britain in 1947 the United Provinces were renamed Uttar Pradesh in 1950. However name of Uttar Pradesh has come into existence after many changes, according to books on UP and documents at the archives, the state was under Bengal Presidency till 1834. But after 1834 colonial government realized the need of new presidency after Bengal, Madras and Bombay that were already in existence and they declared to create a new presidency so the new presidency Agra Presidency were created. Again in 1877 the

name of this presidency was changed and it was recognized as 'North Western Provinces and Oudh'. The entire province came to be known as the 'United Provinces of Agra and Oudh' in 1902. Again due to some administrative reasons its name was changed in April 1937 as 'United Provinces' and again after independence on January 24, 1950. The then governor general of India passed the United Provinces (alteration of name) Order 1950 renaming the then United Provinces as Uttar Pradesh. It was published in the Uttar Pradesh Gazette (extraordinary) dated 24 January 1950¹.

In the year 2000, central government passed an act to create three new states from Madhya Pradesh, Uttar Pradesh and Bihar. Consequently Uttar Pradesh was bifurcated in two parts and a new state Uttarakhand was created along with Jharkhand and Chhattisgarh.

4.1.1 Pre-history of U.P.: Uttar Pradesh has been in importance from the very early time. Archeological finds have indicated the presence of stone age Homo sapiens hunter gatherers in Uttar Pradesh and central India between around 85 and 73 thousand years old². Many new pre historical objects have been found from the Uttar Pradesh region of Sarai Nahar Rai after excavation done in the twentieth century. Sarai Nahar Rai is a place in present Pratapgarh district of Uttar Pradesh. These objects include number of small hearths, hut floor and several burials. Some skeleton are also found these skeletal remains are of those large boned, robust people, buried in oblong graves with an east west orientation. Microliths and lumps of burnt clay and charred bone from the hearths were found from the graves. In further excavation of Sarai Nahar Rai some astonishing objects were found like tools made by bone some tools were of the animal bones but not fully charred. These facts proved that human existence were present around 10000 B.C. The expert says that animals bone were from both domesticated and wild animals these cattle were buffalo, sheep, goat,

¹ Srivastav, R. (2017) Uttar Pradesh Day: How the state was born 67 years back available on <https://www.hindustantimes.com/lucknow/uttar-pradesh-day-how-the-state-was-born-67-years-back/story-Y2JhCTBIO2UuQYvQSTBNgN.html> accessed on 14/09/2018

² Desikan, S. (2020). Early humans lived in northern India 80,000 years ago available on <https://www.thehindu.com/sci-tech/science/early-humans-lived-in-northern-india-80000-years-ago/article30924041.ece> retrieved on 17/07/2020

elephant and tortoise. Evidences indicate that there has been technological advancement from the upper Palaeolithic to several Mesolithic phases.³

4.1.2 U.P. in Indus Valley civilisation:-

U.P. had been also important in Indus valley civilisation. Alamgirpur is such an important archaeological site which falls in Uttar Pradesh's Meerut district. It is also known as Parasaram-ka-khera. Expert claims that it is the northern most site of Indus valley civilisation. Archeological Sources indicates that this settlement was along the Yamuna River that survived from the 3300 BC to 1300 BC. Some old objects have been found from the excavation site these are roof tiles carts, vases, beads, cups etc. Broken copper blade and some remains of humped bull have been also found.

According to Hindu legend, the divine king Rama of the Ramayana epic reigned in Ayodhya, the capital of Kosala. Krishna, another divine king of Hindu legend who plays a key role in the Mahabharata epic and is revered as the eighth reincarnation (Avatar) of the Hindu god Vishnu, is said to have been born in the city of Mathura in Uttar Pradesh. The aftermath of Mahabharata *yuddha* is believed to have taken place in the area between the upper Doab and Delhi (what was Kuru Mahajanapada), during the reign of the Pandav King Yudhisthira. The kingdom of the Kurus corresponds to the black and red ware and painted gray ware culture and beginning of the Iron Age in North West India, around 1000 B.C. Uttar Pradesh was capital of India in 1284 B.C.

The Janapadas and Mahajanapadas are the great source to exemplify the system of state functioning during the 600BC. These were appeared in this duration due to some crucial economic changes that were occurred in this period and they created the huge influence on the socio- political life of the people. Some important Janapadas and Mahajanapadas were Kosala, Kashi, Vatsa, Panchal and Malla. These kingdom of Kosala, Kashi, Vatsa, Panchal and Malla were situated in the geography of present Uttar Pradesh. Kosala Mahajanapada was spread in present day districts of Faizabad, Gonda, Baharaich of eastern Uttar Pradesh, Kashi covered the region around the present day of Varanasi, Vatsa was spread in the districts of Allahabad, and Mirzapur. Panchal was spread from the present western UP to the east of river Yamuna and

³ Allchin, B. G., Allchin, B., Allchin, R. (1982). The rise of civilization in India and Pakistan. Kiribati: Cambridge University Press. pp. 77

nearby Kosala Janapada. Malla was spread in the modern districts of Deoria, Basti, Gorakhpur and Siddharthnagar in eastern UP⁴.

If we trace the history Uttar Pradesh region in early periods we find that this region has been a very crucial for the established empires of India at that time including Mauryan Empire (320-200BC), Kushan Empire (100-250 CE), Gupta (350-600 CE) and Gurjar Pratiharas (650-1036 CE) because maximum foreign invader travelled to rest of India only by this Gangetic plains of present Uttar Pradesh. These foreign invaders get easily access to remotest part of India because these territories were conducive to the travelers and they preferred it.

In the sixth century Harshvardhana was established as the strong king in central India. Harshvardhana was descendant of Pushyabhuti dynasty and it was founded by Narvardhana in the 5th century. This dynasty achieved huge glory during the reign of Prabhakarvardhana and he was bestowed with the title of 'Maharajadhiraj'. Harshvardhana was son of Prabhakarvardhana. He was succeeded to throne in the age of sixteen years in 606 A.D. after his elder brother Rajvardhana was killed by the enemy Sasank when he was going to overpower the revolt of Gaud and Malwa king. His capital was Kannauj and during the rule of Harshvardhana empire extended from Punjab in the north and Odisha in the south to Bengal in the east and Gujrat in the west⁵

Harshvardhana increased the splendor of regime by including the most region of Indo-Gangetic plain in his control. Harshvardhana is also known for many new achievements during their rule he patronized many writers, scholars, intellectuals and other stakeholders. He himself was indulge in many activity, he wrote Harshacharitra and many sources seen him playing various musical instruments. He adopted religious tolerance and gave space to various religions.

Many communities in various parts of India still claim themselves descent from the migrants of Kannauj. Soon of Harshvardhana's defeat its empire disintegrated into many kingdoms, which were invaded and ruled by the Gurjar Pratihara Empire, which

⁴ Anwar, S. (2017) List of Ancient Janapadas and Mahajanapadas available on <https://www.jagranjosh.com/general-knowledge/list-of-ancient-janapadas-and-mahajanapadas-1492491365-1> retrieved on 17/07/2018

⁵ Harshvardha Era available on <https://www.jagranjosh.com/general-knowledge/harshvardhana-era-1397648001-1>

challenged Bengal's Pala Empire for control of the region. Kannauj was several times invaded by the south Indian Rashtrakut Dynasty from the 8th century to 10th century.

4.1.3 U.P. in Delhi Sultanate 1208AD to 1526 AD

Jaunpur and Sharqi dynasty

The city of Jaunpur has historical importance in medieval India. It has been of significance during the Delhi Sultanate regime. Due to its highly important center of teaching and learning it has been remembered as 'Sheeraz-E-Hind'. This city was established during the 14th century with high ambition of extending the rule to the most part of present Uttar Pradesh and Bihar. According to Rana Shafvi once Sultan Firoz Shah Tughlaq was heading towards Bengal in the year of 1359 to crusade in contrast with the Ilyas Shahi rulers of Lakhnauti in Bengal but he was stopped at a place called Zafarabad on the bank of river Ganga. At that time Zafarabad was significant place to approach to Bengal and Delhi Sultans were against the rulers of Lakhnauti from very long time. Therefore to make it easy to fight with Lakhnauti rulers Sultans decided to establish a new city near Zafarabad. And finally the city established on the bank of river Gomati and was given the name of Jaunpur in memory of Sultan's cousin and predecessor Jauna Khan who had earlier ruled as Sultan Mohammad Bin Tughlaq.⁶

In 1388 Sultan Feroz Shah Tuglaq appointed Malik Sarwar as governor of Jaunpur. Malik Sarwar was eunuch from the African origin.⁷ Malik Sarwar assumed the title of Malik-us- Sharq which means ruler of the east. After few years some problem erupted in Sultanate for power sharing. Sarwar understood the situation and realized the weakening of Sultanate regime. He declared his independence form Delhi Sultanate and established the Sharqi kingdom. Malik Sarwar was died in 1399 and succeeded by his adopted son Malik Mubarak Quaranfal who was famous as Mubarak Shah.

⁶ Shafvi, R. (2018) Awed by Sharqi architecture available at <https://www.thehindu.com/opinion/columns/awed-by-sharqi-architecture/article25464562.ece>

⁷ Dutta K., P. (2017). Africans in India: Forgotten history of slaves, soldiers and rulers available at <https://www.indiatoday.in/india/story/africans-racial-attack-greater-noida-india-history-slaves-soldiers-rulers-968631-2017-03-30?espv=1>

Mubarak Shah could not rule longer his younger brother Ibrahim Shah succeeded him. During the rule of Ibrahim Shah he extended their military power and was strong kingdom of that time which controlled most part of northern India, many times he challenged the Delhi Sultanate. He patronized many intellectual of Urdu and Persian and other elite of art and culture. Sharqi kingdom helped in better communal harmony between the Hindus and Muslims.

Sharqi kingdom built some important monuments at Jaunpur; some of them are Atala Masjid, Jama Masjid, Jhanjhiri Masjid and Lal Darwaja Masjid. These monuments are unique symbol of Jaunpur architecture. Sharqi regime came to an end after subjugation of Sikandar Lodi after ruling for almost 100 years.⁸

4.1.4 U.P. in Mughal Empire:-

Mughal Empire in India was established by the Babur who was the descendent of Timur from his father's side and his mother was from the lineal of Genghis Khan. Babur ascended the small principality of Farghana in 1494 at the age of twelve following the death of his father. After defeating the Ibrahim Lodi in first Panipat battle (20 April 1526) Babur established the Mughal Empire in India and due course of time it took in control the regime upto Jaunpur.⁹ During the Mughal regime, Uttar Pradesh became the center of control to empire. In 1529 Babur defeated the Afghan rulers that were ruling over the eastern part of Uttar Pradesh and adjoining areas of Bihar. Hence he kept control over the Uttar Pradesh and some part of Bihar region. But in 1530 Babur died and his son Humayun succeeded him and took control of the regime and he got defeated to Afghan ruler Sher Shah Suri and further Sher Shah Suri expand their control to Uttar Pradesh. Sher Shah Suri maintained the control of Uttar Pradesh from the then capital of Gwalior.

In 1540 an Afghan, Sher Shah Suri, took over the reins of Uttar Pradesh after defeating the Mughal king Humayun. Sher Shah and his son Islam shah ruled Uttar Pradesh from their capital at Gwalior. After the death of Islam Shah Suri his Hindu Prime Minister Hemu succeeded him. Hemu had worked as adviser to Islam Shah between the duration of 1545-1553. Hemu was basically from Rewari that is in

⁸ Census of India (2011). 'Brief History of District Jaunpur' Government of India.

⁹ Chandra, S. (2006) Medieval India: From Sultanate to the Mughals Part – II.p.17 Har Anand Publication New Delhi

Haryana state in present day, Hemu had won 22 battles, as Prime Minister and Chief of Army of Islam Shah, during 1553 to 1556 to subdue the revolt of Afghan rebels that were rising against Sur regime. Hemu had earlier suppressed the Bengal ruler Muhammad Shah in the battle. A large area of Etawah, Kalpi, and Agra provinces comprising present day Bihar and UP was under Hemu's control. Hemu was conferred the title of Vikramditya at his crowning in Purana Quila in Delhi on 7 October 1556¹⁰. Hemu died in the second battle of Panipat fighting with army of Akbar after his death Uttar Pradesh came under Emperor Akbar's rule. After death of his father Humayun, Akbar succeeded him under the guardianship of Bairam Khan.

Akbar ruled from Agra and his newly established city Fatehpur Sikri. He was succeeded by his son Jahangir. Jahangir was succeeded by his son Shah Jahan. Shah Jahan is famous for building the Taj Mahal, a mausoleum for his queen Mumtaz Mahal. The Taj Mahal is considered one of the most significant examples of Indo-Islamic architecture. Shah Jahan was succeeded by his son Aurangzeb, who did not share the religious tolerance of his ancestors, and was infamous for the destruction of temples.

4.1.5 Maratha Empire:-

In the 18th Century, after weakening of Mughal dynasty a new dynasty came into existence which has credit of domination of large part of Indian subcontinent. This dynasty was Marathi speaking and is known as Maratha empire. It is assumed that Maratha Empire was formally established after the crowning of Shivaji in 1674. The rulers from this dynasty were Hindu and are credited for establishing a strong Hindu regime after long time. Uttar Pradesh was slipped in control of Rohillas after defeat of Mughal emperor Ahmad Shah and his Prime Minister Safdar Jung in 1750 in Uttar Pradesh region of current Kasganj district. Rohillas ruled in Uttar Pradesh till before the invasion of Marathas. Marathas troops entered in the Uttar Pradesh region with full preparation and expelled the Rohillas from the Rohilkhand area.

Maratha ruler Raghunath Rao and Malharoo Holker was successful in capturing and taking control of Uttar Pradesh after fierce fight with Rohillas on 18th December 1788. Rohillas ruler Ghulam Qadir was arrested and faced harsh brutality by General

¹⁰ Second Battle of Panipat available on <https://panipat.gov.in/second-battle/> retrieved on 03/10/2018

Mahadaji Scindia. Marathas Empire also weakened after 1803, following the second Anglo-Maratha War, when the British East India Company defeated the Maratha Empire subsequently most of the parts of Uttar Pradesh fall under British suzerainty.

U.P. during British Colonial period (1858-1947)

Company rule and Indian rebellion of 1857

It is well known that British East India Company has entered into the boundary of India during the rule of Jahangir as trading company but after victory of East India Company under the leadership of Robert Clive in Battle of Plassey and again company's victory in Battle of Buxar of present Bihar respectively in 1757 and 1764. British East India Company defeated Mughal emperor Shah Alam II. Company took control of most territories of lower Gangetic plain till 1773. In 1793 after eliminating the local rule East India Company expanded its control to most part of Bengal and Bihar region and stripped all the powers and rights of Nawabs and leave them only dependent on the pensions from East India Company.

After rule of East India Company for approximately hundred years there was resentment among the peoples against the style of functioning of company. This displeasure got inflated with the revolt of Bengal regiment's sepoy Mangal Pandey in 1857 with claim that Britishers are playing with the religious sentiment of sepoy and are forcing to use the cartridges of gun greased with tallow and lard which is against the both Hindu and Muslim religions. This leads to mutiny of sepoy and great rebel of peoples. In this revolt, places of present Uttar Pradesh has immense significance these places are Lucknow, Kanpur, Meerut, Jhansi etc.

Direct British rule (1858-1947)

Revolt of 1857 gave strong message to British ruler that it is necessary for them to divide the Indian people on various grounds like caste, religion, sect and region therefore they adopted many such tricks to widen the gap in communities. British elements realized after revolt of 1857 that awareness against the colonial power among the Indian people is rising and they are uniting against the foreign rule. Therefore Britishers took direct administrative control of India from the earlier British East India Company under their hand and they announced many such policies,

programmes and laws that were favouring one community while discouraging the other community at the cost of their benefit. They launched many communal programmes which were promoting the enmity among communities and breaking the harmony in society at large. Britishers supported many such elements that were dismantling the unity of Indian people.

In order of breaking the unity of people British government resorted to reorganize the regions and their administrative boundaries. Uttar Pradesh region of then also faced similar actions and Colonial government first divided the Delhi region from North Western Province of Agra and attached it with Punjab. However Ajmer-Marwa area was attached with Rajputana and Oudh was included in the state. After reorganizing and including of then Oudh state was called 'North Western Province of Agra and Oudh' again it renamed in 1902 and later recognized as 'United Provinces of Agra and Oudh'.

In 1920, British government made Lucknow the capital of province from Allahabad. However high court still continued in Allahabad. To reduce the burden of Allahabad high court one other bench of it has established in Lucknow. Allahabad still keeps importance in functioning of government. Many important government offices are situated in Allahabad like Uttar Pradesh Public Service Commission office, U.P. higher education office, U.P. High School and Intermediate Examination board office, Railway Recruitment Board, Principal controller of Defence Account, Uttar Pradesh Siksha Seva Chayan Board, Education Directorate etc.

Uttar Pradesh has played important role during the freedom struggles and various sessions of Indian National Congress have held in Uttar Pradesh. Five important sessions have held in U.P. region. In 1888 under presidency of George Yule (first English President) it was organized in Allahabad, again in 1905 Congress session was held in Banaras under presidency of G.K. Gokhale, further in 1916 it was organized under the presidency of A.C. Majumdar, next session was in 1925 and it was organized under the presidency of Sarojini Naidu in Kanpur. Sarojini Naidu was the first Indian woman who has presided the Indian national Congress session. In 1936 Congress session was organized in Lucknow under the presidency of Jawahar Lal Nehru and last congress session in UP was organized in Meerut in 1946 under the presidency of Acharya J.B. Kriplani.

Uttar Pradesh evolved as educational hub during colonial period; new modern educational institutes were established such important institutions are Banaras Hindu University, Aligarh Muslim University, Lucknow University and Islamic University Darul Uloom Deoband. Noted revolutionaries have been associated in Indian national movement from Uttar Pradesh like Ramprasad Bismil, Chandra Shekhar Azad, Motilal Nehru, Jawarlal Nehru, Govind Ballabh Pant, Sarojini Naidu, Madan Mohan Malaviya, Acharya Narendra Dev, Asaf Ali, Ashfaqullah Khan (Shahjahanpur), Rao Kadam Singh, Bakht Khan, Ganesh Shankar Vidyarthi (Kanpur), Hasrat Mohani (Unnao), Mukhtar Ahmad Ansari (Ghazipur), Munishwar Dutt Upadhyay(Pratapgarh), Rafi Ahmed Kidwai (Barabanki), Swami Sahajanand Saraswati (Ghazipur) etc.

Post-Independence (1947 to present)

After getting independence from the British colonial power, United Provinces were renamed as Uttar Pradesh in 1950. Importance of Uttar Pradesh has been from the very early periods as we have discussed earlier. Likewise it still maintained the significance in post-independence it can be seen with the fact that state has produced 9 Prime ministers from state. Their name are (1) Jawahar Lal Nehru (1947-64) (2) Lal Bahadur Shastri (1964-66) (3) Charan Singh (1979-80) (4) Indira Gandhi (1966-79, 1980-84) (5) Rajiv Gandhi (1984-89) (6) Vishwanath Pratap Singh (1979-80) (7) Chandra Shekhar (1990-91) (8) Atal Bihari Vajpayee (1998-2004) (9) Narendra Damodar Das Modi (Continued till 2014). Uttar Pradesh still keeps importance in national politics; in present time it sends 31 Rajyasabha members and 80 Loksabha members in parliament which is highest among the states. Although this state keeps politically importance it lags behind in economic development and prosperity it could not achieve expected development in comparison to other states, despite this regional imparity within the state is also a loophole in the development process of state.

Despite its political influence, its poor economic development and administrative record, organized crime and corruption kept it amongst India's backward states. The state has been affected by repeated episodes of caste and communal violence. In 2000, Uttarakhand was formed as a new state after carving out the northern district of Uttar Pradesh.

After getting independence from the British Colonial power, India embark on the development process and followed the path of planning in social and economic development and took many initiative for fast and inclusive development. At the same time Uttar Pradesh also started the journey of political development. Many regional and national political parties ruled the states like Indian National Congress, Janata Dal, Bahujan Samaj Party, Samajwadi Party, Bharatiya Janata Party etc.

If we talk about the economy of Uttar Pradesh it is the fifth largest among all the states of India. Uttar Pradesh government led by Yogi Adityanath has presented 4.79 lakh crore budget for the year 2019-20 and it 12% higher than the 2018-19 budget of 4,28,384.52 crore¹¹. According to the state budget for 2019-20, Uttar Pradesh's gross state domestic product is 15, 79,807 crore and it is 7% higher than the revised estimate for 2018-19. In the Uttar Pradesh budget how much funds will be allocated in various important sectors has been clearly mentioned and it says that Uttar will allocate 14.3% of its expenditure on education in the year 2019-20. However it is very less for education in comparison to average expenditure by other states in year 2018-19. If we look at the health sector we found that Uttar Pradesh has allocated 5.4% of its expenditure which is little better than average allocation by other states. Likewise if we looks at the Agriculture and allied activities state government has allocated 2.8% of its total expenditure that is lesser than the other states but if we looks at the allocation for roads and bridges it appears that state government has allocated 5.7% of its budget which is higher than the other states and for Police department also state government has allocated 5.3% of its budget which is higher than other states.¹²

According to the 2011 census report, 22.27% of Uttar Pradesh's population lives in urban areas and also it is among the poorest state. The state has several cities (Kanpur, Lucknow, Ghaziabad, Agra, Varanasi, Meerut, and Prayagraj) that crossed 1 million populations. In 2011, the Tendulkar committee reported that 29.43% of Uttar Pradesh's population is poor, while the Rangarajan committee reported that 39.8% of the population is poor.

¹¹ Uttar Pradesh govt presents ₹ 4.79 lakh crore budget for 2019-20 (2019) The Hindu available at <https://www.thehindu.com/news/national/uttar-pradesh-govt-presents-479-lakh-crore-budget-for-2019-20/article26203003.ece#:~:text=The%20Uttar%20Pradesh%20government%20on,of%20%E2%82%B94%2C28%2C384.52%20crore.>

¹² Uttar Pradesh Budget Analysis 2019-20 available at <https://www.prsindia.org/parliamenttrack/budgets/uttar-pradesh-budget-analysis-2019-20> accessed on 18/07/2020

In the tenth five year planning period of 2002 and 2007, Uttar Pradesh registered an annual economic growth rate of 5.2%. In the eleventh period, between 2007 and 2012, Uttar Pradesh registered an annual economic growth rate of 7%. In 2012-13 and 2013-14, however, the growth rate decreased to 5.9% and 5.1% respectively, one of the lowest in India. The state's debt was estimated at 67% of the gross domestic product in 2005. In 2012, the state was one of the highest receivers of overall remittances to India which stood at \$0.1 billion (3, 42,884.05 crore), along with Kerala, Tamil Nadu and Punjab. Additionally, the state government has selected seven cities for Metro train projects: Meerut, Allahabad, Gorakhpur, Agra, Kanpur, Lucknow and Varanasi. The Lucknow Metro project was completed in September 2017. Uttar Pradesh is an agrarian state, and it contributed 8.89% in food grain production to the country in 2013-14.

4.2 Importance of Agriculture in U. P.:- Agriculture keeps very significant role in the economy of Uttar Pradesh. Now Uttar Pradesh is not only self-reliant for feeding their people but it is the state which contributes higher in India's food grain stock. Geographical location and availability of resources for irrigation in Uttar Pradesh like tube wells, natural and artificial canals helps in production of all-weather crops whether it is Rabi, Kharif or Zayed. 68% of Uttar Pradesh population is dependent on agriculture and agricultural product. During the year of 2018-19 it produced more than 600 lakh million tonne food grain while in 2017-18 its production was 574 lakh million tonne. Its means that agricultural based production in Uttar Pradesh is increasing satisfactorily. Uttar Pradesh produced 159 million tonne rice, 381 lakh million tonne wheat, 24 lakh million tonne pulses and 41 lakh million tonne coarse grain in 2018-19. After the success of green revolution in India its effect was on entire nation but western Uttar Pradesh benefitted highly. Therefore western Uttar Pradesh even highly contributes in all production of U.P. Western U.P. produces more sugar cane and potato in comparison to rest region of within UP. However UP produces many cash crops but sugar cane is one of them which farmers cultivate at large quantity.

According to latest census (2019) of livestock published by Department of Animal husbandry and Dairying Uttar Pradesh has 67.8 million total livestock which has decreased from the earlier census of 2012. In 2012 census total livestock population

was 68.7%. In cattle population Uttar Pradesh is second after West Bengal according to latest census. Total cattle population in Uttar Pradesh according to latest data is 18.8 million while West Bengal has 19.0 million. Uttar Pradesh has total 33.0 million buffalo, 1.0 million sheep and 14.48 million goats¹³.

UP is performing better in terms of industry expansion in the state. After economic liberalisation of nation Uttar Pradesh has also observed boom in the manufacturing sector. According to Directorate of Economics and Statistics government of Uttar Pradesh during the 2018-19 Uttar Pradesh's growth rate was 5.3% on constant price on the basis of 2010-11 base year and in absolute terms the state GSDP was 16.09 lakh crore. In the base year of 2010-11 and further years the Uttar Pradesh has witnessed a good rate of growth and it was an average of 6% with increasing industrial hub and service sector that has converted it into the attractive state for trade and industrial activity.

The state has the third highest number of Micro, Medium and Small Enterprises in the country with an investment over US\$4billion, over 175000 MSME units were set up during the 11th five year plan. It has emerged as key hub for IT and ITes industries including software, captive business process outsourcing (BPO) and electronics.¹⁴

There are numerous types of minerals in the state and many industries have come up based on these minerals. There are a number of cement plants in Mirzapur in the Vindhya region, a bauxite-based aluminium plant in the Banda region and Sonbhadra region. In the hilly regions of the state, many non-metallic minerals are found which are used as industrial raw materials. Coal deposits are found in the Singrauli region. Nevertheless, the state is poor in mineral resources. The only considerable deposits are of limestone in Mirzapur district. These are being extracted and are used largely in cement manufacture.

Uttar Pradesh has a booming electronics industry, especially in the UP-Delhi-NCR and Lucknow-Kanpur Corridors where many electronics units are produced. Cottage

¹³ 20th Livestock census 2019-All India Report available on <https://dadf.gov.in/sites/default/files/20th%20Livestock%20census-2019%20All%20India%20Report.pdf>

¹⁴ Progressive Uttar Pradesh: Building Uttar Pradesh of Tomorrow(2015) PHD chamber of Commerce and Industry

industries such as handloom and handicrafts have traditionally provided livelihood to a large number of people in the state.

Some district of Uttar Pradesh is blessed with some special kind industrial activities in these regions. These district and industries as follows-

- Prayagraj developed into major industrial centre. Some of the most reputed industries in Allahabad include Alstom, ITI Limited, Bharat Pumps & Compressors headquarters, Areva, Steel Authority of India Limited (SAIL), Dey's medical, EMC Limited, Food Corporation of India (FCI), Triveni Structurals Limited (TSL) and Cotton Mills subsidiary of Central Government Industrial development in Prayagraj is increasing as the Government of India has approved Allahabad-Naini-Bara Investment Zone (3000 hectares) which is to be funded by the World Bank.
- Varanasi is a world-famous centre of handloom woven, embroidered textiles; the main products are Zari-embroidery and brocade-work on silk sarees. Lucknow is a centre of 'Chikan' embroidery, renowned for its grace and delicacy, a skill more than 200 years old. Uttar Pradesh produces about 15% of the total fabric production of the country, employs about 30% of the total workforce of artisans in India and is responsible for an annual production of about \$0.1 million USD in the state.
- Varanasi is well known for manufacturing the diesel-electric locomotives at Diesel Locomotive Works. The workshop at DLW is further upgraded to manufacture electric locomotives for Indian Railways. It is the largest diesel-electric locomotives manufacturer in India.
- The state has two major production centres of leather and leather products, with over 11,500 units; Agra and Kanpur are the key centres. About 200 tanneries are located in Kanpur.
- Moradabad is renowned for brass work and has carved a niche for itself in the handicraft industry throughout the world. Lately, other products that are produced here like iron sheet metal wares, aluminium artworks; wood works and glass wares have become popular with the numerous foreign buyers, and

are therefore being exported in large quantities. On an average Moradabad exports goods worth 30–40 billion each year, which constitutes 40% of total exports from India under this category.

- Meerut is one of the biggest gold markets in Asia. It is one of the largest exporter of sports related items and music instruments of the country.
- Bulandshahr is renowned for Khurja Pottery worldwide. There are nearly 23 export oriented units and they export to foreign countries such as the United Kingdom, USA, Australia, New Zealand, United Arab Emirates, and others. The Sikandrabad industrial area, developed by UPSIDC, has a large number of national and multinational companies working here successfully.

Services:-

The service industry keeps very significant importance in the gross state domestic product of Uttar Pradesh. According to budget analysis of 2017-18 it contributes almost 49 % of GSDP of Uttar Pradesh¹⁵. Due to huge number of software export Uttar Pradesh is considered as second 'IT-Hub' India. Because many reputed industries like Adobe, HCL technologies, IBM, Tech Mahindra and other companies associated with Information Technology are concentrated in National Capital Region like in NOIDA, Greater NOIDA and Ghaziabad.

Noida region is also well-known for the office of many TV News broadcasters. Roughly many News channels like ABP News, Zee News, NDTV, Aaj Tak, India News, Mahua News, Sahara TV, and Bharat Samachar are placed around the Film City.

Prayagraj city is well known for glass and wire-based industry.¹⁶ The manufacturing regions of Allahabad are stretched from Naini to Phulpur area. This region is filled with headquarters and plants of many government and private sector companies.¹⁷

¹⁵"Uttar Pradesh Budget Analysis 2019-20" (PDF). *PRS Legislative Research*. Retrieved 15 February 2019

¹⁶ "Minor industries". Rediff.com. Archived from the original on 10 October 2012. Retrieved 25 September 2012.

¹⁷ Office of the Development Commissioner (Small Scale Industries). *Report on the second all-India census of small scale industrial units*. Development Commissioner, Small Scale Industries, Ministry of Industry, Govt. of India. p. 72. Archived from the original on 23 May 2013. Retrieved 4 August 2012

Bharat Petroleum Corporation Limited which is India's leading oil company and works under the ownership of Indian government is creating a seven million tonnes per annum capacity of plant in Lohgara with an investment valued of 62 billion.

Allahabad Bank, which began operations in 1865, Bharat Pumps & Compressors and A. H. Wheeler and Company have their headquarters in the city. Major companies in the city are Reliance Industries, ITI Limited, BPCL, Dey's Medical, Food Corporation of India, Raymond Synthetics, Triveni Sheet Glass, Triveni Electroplast, EMC Power Ltd, Steel Authority of India, HCL Technologies, Indian Farmers Fertiliser Cooperative (IFFCO), Vibgyor Laboratories, Geep Industries, Hindustan Cable, Indian Oil Corporation Ltd, Baidyanath Ayurved, and Hindustan Laboratories.¹⁸

Land Use Patterns:-

Land is a basic need for development of the area. The Geographical area of the state of U.P. is 241 thousands sq. km. which is 7.6% of the country's area, whereas its share in population is 16.50%. U.P. is, thus, a state with a very large imbalance in its share in country's population and its area. This imbalance has important implications for the development of state's economy. U.P. has cultivable waste of about 4.23 lac hectares and fallow land of about 12.01 lac hectares which is still available for use in a profitable manner. This available land may be used for industrial purposes. Details of land utilization pattern are given below:

Table 4.1 Land use patterns in Uttar Pradesh

Sl. No.	Item	Area (000 hectares)	% age
	Geographical Area	24093	-
	Reporting area	24170	100.00
1	Forests	1659	6.86
2	Barren & uncultivable land	479	1.98
3	Not available for land cultivation	3507	14.51

¹⁸ "Industries that play a vital role in the economy of the district". Maps of India. Archived from the original on 9 September 2012. Retrieved 24 September 2012.

4	Culturable waste land	423	1.75
5	Permanent pastures & grazing land	65	0.27
6	Land under Misc. trees, crops, grass etc.	305	1.26
7	Current fallows	1122	4.64
8	fallow land other than current fallows	509	2.11
9	Net area sown	16598	68.67

Source: Land use Statistics, Ministry of Agriculture, GOI (2014-15)

If we look at land holding pattern by size in western, central, Bundelkhand and Eastern region it is not same in all the regions. There is huge variation as we can see from the below table.

Table 4.2

Percentage distribution of holdings by different sizes

Region	Less than 1 hectare		1-2 hectare		2-4 hectare		4 hectare or more	
	2005-06	2010-11	2005-06	2010-11	2005-06	2010-11	2005-06	2010-11
Western	72.16	73.95	16.92	16.14	8.30	7.64	2.62	2.26
Central	79.15	80.25	14.03	13.13	5.37	5.21	1.45	1.41
Bundelkhand	54.55	57.01	23.25	22.22	14.08	13.34	8.12	7.42
Eastern	84.95	86.11	10.14	9.49	3.92	3.52	0.98	0.87
Uttar Pradesh	77.96	79.45	13.82	13.01	6.20	5.72	2.03	1.82

Source:- District wise development indicators, Uttar Pradesh (2014-15)

Development disparity among Western, Eastern, Awadh and Bundelkhand

Although U.P. is gifted with enough natural resources and wide geographical area but all the regions are not equally developed. There is huge imbalance among the regions and this can be very by the industrial set up in different region. Most industrial units like IT companies, Construction, Infrastructure, consulting, Electrical Engineering, Export- Import, Garment, textile, Advertising and media are concentrated in the district of western regions in NOIDA, Ghaziabad and Greater NOIDA while leather factory is situated in Kanpur and few other industries are in Awadh regions. Purvanchal and Bundelkhand region has very minimal number of industrial unit. But Bundelkhand region is most backward in terms of industry establishment and lack of natural resources.

Therefore many times voices have been raised to split the province into appropriate part. Working on the idea of small province and faster development BSP government has passed a resolution in their cabinet meeting to split the state in four parts. Reason behind to split the state is uneven development of state.

Table 4.3 Districts as per Proposed Administrative Divisions of Uttar Pradesh

Bundelkhand	Purvanchal	Awadh Pradesh	Paschim Pradesh
Banda	Allahabad	Auraiya	Agra
Chitrakoot	Ambedkar Nagar	Barabanki	Aligarh
Hamirpur	Azamgarh	Etawah	Amroha
Jalaun	Bahraich	Farukkhabad	Baghpat
Jhansi	Ballia	Hardoi	Bareilly
Lalitpur	Balrampur	Kannauj	Bijnor
Mahoba	Basti	Kanpur Dehat	Badaun
	Chandauli	Kanpur Nagar	Bulandshahar
	Deoria	Lakhimpur Kheri	Etah
	Faizabad	Lucknow	Firozabad
	Fatehpur	Raebareli	Gautam Buddha Nagar
	Ghazipur	Sitapur	Ghaziabad
	Gonda	Unnao	Hathras
	Gorakhpur		Kaushambi
	Jaunpur		Mainpuri
	Kushinagar		Mathura
	Maharajganj		Meerut
	Mau		Moradabad
	Mirzapur		Muzaffarnagar
	Pratapgarh		Pilibhit
	Sant Kabir Nagar		Rampur

	Sant Ravidas Nagar		Saharanpur
	Shravasti		Shahjahanpur
	Siddharth Nagar		
	Sonbhadra		
	Sultanpur		
	Varanasi		



Fig. 4.1

Infrastructure

The infrastructure condition in UP are improving now as comparison to the other advanced states of India. In 2013, the central government declared the construction of Chaudhary Charan Singh International Airport in Lucknow and Lal Bahadur Shastri Airport in Varanasi and subsequently both are operational in 2016. In January 2015, it was announced that the Metro Train project for Lucknow would be completed as of December 2016. Lucknow metro became operational in Sept 2017. The Uttar Pradesh government bus service is one of the largest in the country with more than 10,000

buses. UPSRTC also introduced Volvo and Scania and Janrath AC buses service across the state. The length of national highway and railway track is highest in Uttar Pradesh in India. A new international airport had been proposed in Gautam Budh Nagar district passed by central government and suppose to start by 2023. Uttar Pradesh has the most number of national highways. The Yamuna Expressway which is between New Delhi to Agra is one of the best highways of the country. In 2015, the state government started another expressway project between Agra to Lucknow which will reduce the journey time; it was inaugurated on 21 November 2016. On 31 December 2015, Prime Minister Narendra Modi announced an expressway between New Delhi and Meerut, which will cost ₹ 7500 crore. It will reduce the journey time to one hour.

Importance of land for various infrastructure expansions in India:-

India was totally destroyed in the hands of colonial power and after getting independence in 1947 government of India took many measures to achieve faster growth but due to number of reasons it could not achieve the expected goal. Therefore Indian adopted the open economy to fulfill the target and emphasis on improving the infrastructure. Infrastructures were not enough and suitable that can help in faster growth. Lack of appropriate infrastructure has been a major hurdle for fulfilling the aspirations of rapid economic growth. Many studies have highlighted the necessity of basic infrastructure in India.

According to one Mckinsey report¹⁹ although India has made 500 kilometers of road on average of 1000 square kilometers but the road quality is not upto the mark with global standards. According to this report almost 90% of highways are fundamentally insufficient to bear the 10.2 tons load per axle that trucks carry. However, Mckinsey report admits that India's port and power generation infrastructure has already extended and some major advances are desirable to assist India's economic growth.

It is true that India has started range of undertakings to undergo these and some other important infrastructure needs. According to annual report of India's Ministry of Statistics and Programme implementation (MoSPI) till July 2020, 1670 projects with

¹⁹ Gupta P., Gupta R. & Netzer T. (2009) "Building India, Accelerating infrastructure Projects" Mckinsey Report

an anticipated cost of 20,58,193.26 crore were on the monitor of the Ministry²⁰. For the purpose of monitoring these projects have been grouped into two categories like (I) Mega projects, each costing 1000 crore and above and (II) Major projects, costing `150 crore and above but less than 1,000 crore. The Government of India had claimed earlier for interruption in implementing of these projects was land acquisition and compensation issue by the farmers

For disaster relief and disaster prevention Infrastructure plays an important role across the globe as well it becomes significant in India. According to the Indian Red Cross the Indian sub-continent is highly prone to droughts, floods and other similar natural calamities. Floods are the most regular and devastating natural calamity that affects an average of 18.6 million hectares of land. In the same way drought is also a big disaster for Indian people almost 18% region of the country's overall area and approx. 68% region of the full cultivated area is assessed as drought prone region. According to an estimate roughly half of the Indian population is disturbed by drought each year. Earthquakes and cyclones are the further terrible natural disasters. According to Indian Red Cross Society Indian Ocean is among one of the six key cyclone prone regions in the world²¹. According to India's Ministry of Home affairs from 1999-2000 about 30 million people were affected by disasters every year, over 4000 people lost their lives every year in India, and the nation suffers heavy losses in economic assets from these disasters every year. India's ministry of Home Affairs reports that it is the poor and the under privileged who are worst affected by natural disaster: additionally, these disaster retard socio-economic development further impoverishing the impoverished. The routine flood relief, drought relief and other disaster relief efforts lead to diversion of scarce resource from development to rehabilitation and reconstruction. As a result, the Government of India has sought a paradigm shift by focusing on investments in mitigation which it believes are much most cost effective that expenditure on relief and rehabilitation.²² Disaster mitigation infrastructure

²⁰ Annual Report (2019-20) Ministry of statistics and Programme Implementation , Government of India available on <http://mospi.nic.in/dashboard/dashboard/infraProject>

²¹ Indian Red Cross Society, Programmed and Activities available at <https://www.indianredcross.org/program.htm>

²² Disaster Management in India Status report (2004) : Ministry of Home Affairs India National Disaster Management Division, Government of India available at <https://web.archive.org/web/20090824092422/http://www.ndmindia.nic.in/GoIUNDP/ReportPub/DM-Statu-%20Report.pdf>

investments are amongst the priorities of the Indian government. These infrastructures require land.

Some major land acquisition drive in Uttar Pradesh-

Agra to Lucknow Expressway-

It is 302 km long Expressway, it joins the Agra and Lucknow city. It is 6 lane expressways and it may be extended upto 8 lanes in future. It was highly ambitious plan of then Uttar Pradesh government. It was made on the PPP mode by Uttar Pradesh Expressways Industrial Development Authority with the partnership of M/S Redicon India Pvt. Ltd²³. This Agra-Lucknow Expressway begins from Agra inner ring road and touches Firozabad, Mainpuri, Etawah, Auraiya, Kannauj, Kanpur Nagar, Hardoi, Unnao district and ends at state highway -40 in Lucknow. The Expressway has all public amenities like underpasses, service roads, for green belt, rest houses, petrol pumps, service centres, restaurants etc. This expressway has made easy to approach New Delhi via Agra from state capital of Uttar Pradesh. This expressway has reduced the journey time between Agra and Lucknow upto 03 hours and one can reach New Delhi in just 5.30 hours via Yamuna Expressway. This Expressway was become functional in record time. Works for this project started on January 2015 and completed within 22-24 months and inaugurated on 21 November 2016. Government has spent 11526.73 crore rupees for this project and value of land was not included in this money.²⁴ This expressway starts from the village of Sarosa Bharosa near Mohan Road Lucknow district and ends at Etmadpur Madra village near Agra District.

The importance of this expressway is as follows:

- It provides a fast running road that reduces the travel time from Agra district to Lucknow district.
- It connects the key cities, markets and trade centre to the northern bank of Yamuna River.

²³ Press Release (2012) 'Agra Lucknow green field Expressways gets expedited' Infrastructure and Industrial Development Uttar Pradesh

²⁴ UPEIDA (2020), 'Agra Lucknow Access Controlled Expressway project' available at <http://upeida.in/en/page/agra-lucknow-expressway> accessed on 16/06/2020

- It will help in faster development of nearby regions that are connected with the expressway. New opportunities will be opened for these regions.
- It will help in getting rid from traffic and congestion to NH-91 that is older one and passes through the cities like Aligarh, Etawah and Unnao.
- It will help in reducing the pollution level that caused due to vehicles passing from Agra to Lucknow.
- Due to smooth road and scientifically advanced technique this expressway will improve the life and mileage of vehicles.
- It will help in minimising the logistical costs.
- It will enable farmers of western Uttar Pradesh to move agricultural, horticultural and milk products rapidly to major cities.
- It will accelerate movement of necessities and aid to affected areas during Yamuna floods and other calamities and disasters.
- It will introduce a new incentive to the advancement of the state by attracting investors in multiple ways. It's unique Greenfield Project

The Agra-Lucknow Expressway has been recognized as Greenfield project because the entire expressway has been built on agricultural land. There was no any concrete building or other already existing infrastructure was there which have been destroyed for this project. According media reports Uttar Pradesh Expressway Industrial Development Authority (UPEIDA) has bought almost 3127 hectares of land without complaint or discord and decreed to pay four times of circle rates (CR) to the land owners in rural areas and twice of circle rate in urban parts as compensation to land loser. The rest of land was acquired through land acquisition method.²⁵ Almost 30,000 farmers have been affected in this project²⁶.

²⁵ Mathur, S. (2015). 'Land acquisition: Modi to learn a lesson from Akhilesh' <https://timesofindia.indiatimes.com/uttar-pradesh/land-acquisition-modi-to-learn-a-lesson-from-akhilesh/articleshow/47452485.cms>. *The Times of India*. Accessed on 18 May 2020.

²⁶ Know how land was acquired for Agra Lucknow Expressway available at <https://www.businessinsider.in/know-how-land-was-acquired-for-agra-lucknow-expressway/articleshow/47459105.cms> available at 28/05/2015

According to UPEIDA a dedicated 3 km stretch of airstrip has been built for fighter planes to easily land and take off in war-like emergencies from the expressway²⁷. To test the landing and take-off on 24 October 2017 over a dozen IAF planes comprising Mirage 2000 Sukhoi 30 fighters, 35,000 kg C-130 J Super Hercules transport performed breath-taking landings and take off exercise on inauguration day of Expressway near Bangarmau in the Unnao district near capital of Uttar Pradesh Lucknow. This is the first time a transport aircraft - a super Hercules that can carry 200 commandos landed on the expressway²⁸

Poorvanchal Expressway

It joins Lucknow to Ghazipur district of Uttar Pradesh, it is 340.84 km long Expressway. It was expected to be opened by August 2020. Giving boost to this highly important project PM Narendra Modi laid the foundation stone for the project at Azamgarh. Poorvanchal Expressway is still under construction it is 6 lane expressway it may also be extended upto 8 lanes. This expressway is building on PPP model in which Uttar Pradesh Industrial Expressways Development Authority is working with five other private companies to easily facilitate the expressways. These companies are PNC Infratech Limited, Gayatri Projects, GR Infra, Oriental Structural Engineering and Apco Infra. This Expressway starts from the Chand Sarai of Lucknow district and terminate at Haidaria in Ghazipur district. This project is being implemented on Engineering, Procurement and Construction mode. Total cost of implementation of this project is 22,494.66 crore including cost of land acquisition. Poorvanchal expressway passes through the Lucknow, Barabanki, Amethi, Sultanpur, Ayodhya, Ambedkar Nagar, Azamgarh, Mau and Ghazipur. Works on the project has been started after October 2018 and project is expected to finish in 36 months, expect deadline is October 2021. Construction work on expressway is still in progress and almost 70 % physical progress has been done.²⁹ Total 4332 hectare of land is needed

²⁷ UPEIDA (2020), 'Agra Lucknow Expressway' available at <http://upeida.in/en/page/agra-lucknow-expressway>

²⁸ IAF fighter jets make touchdowns, takeoffs on Lucknow-Agra Expressway available on <https://www.thehindu.com/news/national/iaf-fighter-planes-touchdown-lucknow-agra-expressway/article19911039.ece> accessed on 16/05/2020

²⁹ Purvanchal Expressway(2020) available at <http://upeida.in/en/page/the-purvanchal-expressway> accessed on 18/08/2020

for this expressway³⁰. Earlier Poorvanchal Expressway was starting from Lucknow and ending in Ghazipur district but Yogi government has given his nod to stretch it till Ballia district nearest to Bihar border.³¹

Advantages of Poorvanchal Expressway

After construction of Poorvanchal expressway fast and convenient mode of transportation will be available for covering district. Through the other connecting expressway like 'Agra to Lucknow Expressway' and 'Yamuna Expressway' it will become smoother to go New Delhi via Lucknow.

After completion of this Poorvanchal Expressway the eastern part of state will connect with the western part of state with high speed expressway which will be helpful in connecting the industrial corridor of both edges. Consequently it will lead to overall development of state.

Nearby villages and regions passing through expressway will get more opportunities to develop economically and social way. The agriculture, commerce, industry and tourism will get chance to flourish.

Many educational and economical institutions will find conducive to established close to expressway. This will help in boost up of educational and employment level of younger generation.

Yamuna Expressway

It is 165 km long Expressway and it was inaugurated on 9 August 2012 by the then CM Akhilesh Yadav. In the beginning the Yamuna Expressway Project was imagined with high motive to connect the New Delhi with Agra. The motive was not only to connect Delhi and Agra but to open higher opportunities for various kind of industrial and tourism sector because of higher centre of attraction of Agra due to Taj Mahal.

Government of Uttar Pradesh formulated this highly ambitious plan with the set-up of Taj Expressway authority a statutory body on 20 April, 2001 for easily construction of

³⁰ Rawat, VS (2019), 'UP aims to finish 2 highways before 2022 polls, steps up land acquisition' available at https://www.business-standard.com/article/economy-policy/up-aims-to-finish-2-highways-before-2022-polls-steps-up-land-acquisition-119051200523_1.html accessed on 20/07/2020

³¹ Mishra, Subhas (2019) 'Poorvanchal expressway will now extend to Ballia' available at <https://timesofindia.indiatimes.com/city/lucknow/poorvanchal-expressway-will-now-extend-to-ballia/articleshow/69684138.cms> accessed on 20/07/2020

one of the longest access controlled six lane expressway of Uttar Pradesh state that may be extended upto eight lanes. However this project was imagined the same year. The 165 km long this expressway was made on public private partnership model with the help of Jaiprakash Industries Limited and was formally inaugurated on 09 August 2012 by the then chief minister of Uttar Pradesh Akhilesh Yadav. Government spent 13000 crore to complete this project³²

The Government of Uttar Pradesh had been working from very long time to enhance the road connectivity between New Delhi and Agra through high speed expressway and this was the implementation of long early thinking of U.P. government to connect these places with 6 lanes that may be further extendable upto 8 lanes Access Controlled Expressway. After inauguration of this Expressway the journey time between national capitals to most attraction point of Uttar Pradesh Agra has reduced remarkably. Government had imagined the chances of many new industrial establishments and faster urbanisation of region. Government and expert had estimated that it necessarily it will have positive effect on economic and trading sector of not only Uttar Pradesh but other nearby state will be also benefited in due course of time.

The Taj Mahal keeps more importance in the economy of Uttar Pradesh. It shares much in the revenue collection. National and international visitors come to Agra to see Taj Mahal. In most of the cases foreign tourists like to visit Taj Mahal via Delhi to Agra by road. Before construction of Yamuna expressway, the old route was not very smooth and it was taking much time but after construction of Yamuna Expressway the duration and distance of journey has reduced.

Total 334 villages of District Gautam Budh Nagar, Bulandshahr, Aligarh, Mahamaya Nagar (Hathras), Mathura and Agra were included for Yamuna Expressway project through Yamuna Industrial Development Authority vide various Notifications of Govt. of U.P.

³² Yamuna Expressway project available on yamunaexpresswayauthority.com/yep.html accessed on 18/06/2020

Following motives are said to be behind the Yamuna Expressway project-

- (a) To provide a high-speed moving corridor to reduce the transportation time between Delhi and Agra.
- (b) To link the key settlements / business-related centres on the Eastern side of river Yamuna.
- (c) To unlock possibility for manufacturing and inner-city development of the area covered and offers the foundation for junction to tourism and other related industries.
- (d) To relieve traffic congestion on National Highway -2 (NH-2). And NH-91 Which is already congested and runs through the heart of cities like Faridabad, Ballabhgarh and Palwal and increase the interconnectivity between all three of them and will form a good network of roads which in turn, open up a vast area of all-round development in the areas like Aligarh, Mathura and Agra.
- (e) To accommodate upcoming huge urban multinationals in NOIDA and Greater Noida with their own potential will have easy accessibility towards nearby regions.
- (f) To provide Safe, shorter travel time and the convenience in the region that will quicken land development near the Yamuna Expressway in an organized manner for commercial, industrial, institutional amusement and residential purposes.
- (g) Yamuna Expressway may provide junction to the tourism, entertainment, recreation and knowledge based industry in region.

The total distance of the Yamuna Expressway from beginning Point of Greater Noida upto Agra is approx. 165.537 kilometres. It is necessary to mention here that the Yamuna expressway project is made on the public private partnership model And Private companies have done agreement with government to collect the toll tax for some certain years from the date of operation of expressway. In addition to this government has given responsibility to these private companies for land development along the expressway.

Bundelkhand Expressway

Bundelkhand expressway has been conceived as the project which will open the chances of faster development of Bundelkhand region. Government has expected the

benefit of least developed district of Bundelkhand region of Chitrakoot, Banda, Hamirpur and Jalaun with the construction of Bundelkhand expressway.

This Bundelkhand expressway will connect the Bundelkhand belt with national capital Delhi via Agra-Lucknow expressway and Yamuna expressway. Government has anticipated that this will not only connect the region but also the fortune of people with development as well as will play a vital role in the development of Bundelkhand area. This expressway will be of four lanes that may be expanded upto six lanes in future. Total 3,641 hectares of land is required in which almost 20,000 farmers will be affected.³³

This Bundelkhand expressway project will begin from near Bharatkoop near Jhansi-Allahabad National Highway Number-35 in district Chitrakoot district and will finish at Kudrail village in Etawah district on Agra-Lucknow expressway. Total length of the project will be around 296 Kilometres and Districts like Chitrakoot, Banda, Mahoba, Hamirpur, Jalaun, Auraiya and Etawah will be cover with this project. According to an estimate expected cost will be around 15,000 crore and government has managed to collect loan of 5,900 crore for Bendelkhand expressway.³⁴

Advantages of the Project:-

- After the construction of expressway Bundelkhand region will be connected with high-speed traffic passage via Agra-Lucknow expressway and Yamuna expressway.
- All round development of Bundelkhand region including neighbourhood will be possible. It will help in reduce in expenditure on fuel and contamination of atmosphere.
- Bundelkhand Expressway construction will help in advancement of economy and society of nearby region because it will provide impetus to agriculture, trading activities, tour and travel and other associated sector.

³³ Rawat, VS (2019), 'UP aims to finish 2 highways before 2022 polls, steps up land acquisition' available at https://www.business-standard.com/article/economy-policy/up-aims-to-finish-2-highways-before-2022-polls-steps-up-land-acquisition-119051200523_1.html accessed on 20/07/2020

³⁴ Rawat, V. S. (2020), 'UP raises bank loans worth Rs 5,900 crore for Bundelkhand Expressway' available at https://www.business-standard.com/article/current-affairs/up-raises-bank-loans-worth-rs-5-900-crore-for-bundelkhand-expressway-120082601072_1.html accessed on 20/11/2020

- Bundelkhand Expressway will connect the numerous industrial entities. It will help in easily transportation of goods and services to other parts of bordering states. It will make easy to approach national capital in less duration consequently it will help the region in numerous ways.
- After construction of this Bundelkhand Expressway some new chances will be open for creation of Industrial Training Institutes, Engineering training Institutes, Medical Institutes, other centres for skill development close to expressway.
- The Bundelkhand Expressway will be helpful for small business activity also. It will work as incentive for setting up of Handloom industry. It will be stimulus for food processing units' storerooms for grains; Milk based industries and other perishable items. Because it will become easy to transport these items in very short time.

Government has planned this project to overall development of Bundelkhand region because it is the most backward region of Uttar Pradesh state and it borders with Madhya Pradesh and Rajasthan. After completion of this project it will be helpful in uplift of socio economic status of people residing covering areas by opening new chances of employment.

Prayagraj Link and Ganga Expressway

The Ganga Expressway is a proposed Greenfield expressway project in the state of Uttar Pradesh, India. The project was freshly launched on 29 January 2019 by Chief Minister of Uttar Pradesh, Yogi Adityanath. The Uttar Pradesh cabinet met at Prayagraj, the venue of the Kumbh and cleared the decks to construct the Ganga Expressway between Meerut and Prayagraj. It was decided that the 596-km Expressway will be built in Phase-1. The proposed Phase-1 of Ganga Expressway will weave through Meerut-Amroha-Bulandshahr-Budaun-Shahjahanpur-Kannauj-Unnao-Rae Bareli-Pratapgarh and end at Malawan Khurd village on Jhusi Sahson road in Prayagraj District. Phase-2 will consist of two sections, one 110 km long section connecting Tigrī (near Garhmukteshwar) to Uttar Pradesh Uttarakhand Border near Haridwar and second 314 km connecting Prayagraj to Ballia. Total length of both the phases will come to 1020 km.

The Ganga Expressway project was first launched in 2007 by then Uttar Pradesh Chief Minister Mayawati. The project aims was to construct a 1047 km access controlled eight-lane expressway running along the Ganga (Ganges) River. This expressway will connect Greater Noida to Ballia thus ensuring high speed connectivity between the Eastern and Western boundaries of Uttar Pradesh. The proposed expressway from Ballia to Greater Noida is also planned to provide a flood control embankment — floods being a major cause of agricultural and environmental damage, diseases and deaths during India's monsoon season. The expressway will connect major cities in the state of Uttar Pradesh, passing through Varanasi, Mirzapur, Allahabad, Pratapgarh, Rae Bareli, Unnao, Kanpur, Kannauj, Farrukhabad, Shahjahanpur, Badaun, and Bulandshahr. Construction work on Ganga Expressway was then not started because of an order from the Allahabad High Court. The order instructed that the state and the concessionaire complete a full environmental study and obtain permission from the central government before embarking on the construction.

The project was revived again with different alignment and total length in January 2019 by Uttar Pradesh Chief Minister Yogi Adityanath. The project comprises 596 km of Phase-1 from Meerut to Malawan Khurd village on Jhusi Sahson road in Prayagraj District; Phase-2 will consist of two sections, one 110 km long section connecting Tigrī (near Garhmukteshwar) to Uttar Pradesh Uttarakhand Border near Haridwar and second 314 km connecting Prayagraj to Ballia. Total length of both the phase will come to 1020 km. Ganga Expressway will need 6,556 hectares of land.³⁵

Gorakhpur Link Expressway

Gorakhpur Link Expressway is another one of the most important flagship development project for present ruling Yogi government because it is associated with the parliament constituency of Yogi Adityanath. It will join Gorakhpur with the Purvanchal Expressway to accelerate the progress of Gorakhpur region. This expressway will be four lanes wide which can be further expanded upto six lanes with access control. The structures will be constructed 6 lanes wide for future expansion of

³⁵ Gupta, P. (2020) 'UP Budget 2020: 1,020-Km Long Ganga Expressway, State's Sixth And Longest, Gets Rs 2,000 Crore Allocation' available at <https://indiainfrahub.com/2020/commentary/up-budget-2020-1020-km-long-ganga-expressway-states-sixth-and-longest-gets-rs-2000-crore-allocation/> accessed on 20/07/2020

the expressway. This expressway will commence from Gorakhpur Bypass national highway number 27 close to Jaitpur village and will terminate at Salarpur village in Azamgarh district connecting with Purvanchal Expressway. The expressway will pass through the district Gorakhpur, Sant Kabir Nagar, Ambedkar Nagar and Azamgarh. The total length of Expressway is 91.352 km. After operation of this expressway the travel time between Gorakhpur and Azamgarh will be reduced to 4.30 to 5.00 hours.³⁶

UP Defence Corridor

Uttar Pradesh defence industrial corridor is another ambitious project of Uttar Pradesh government that aims to lower the dependency of Indian Aerospace and Defence sector on foreign countries. According to one report published by Stockholm International Peace Research Institute (SIPRI) that is global think tank who traces the arms trade, reveals that India is among the top countries that spend more money on buying equipment from foreign countries. To meet the requirement of armed forces government has made many efforts to reduce the dependency on other countries; Defence corridor is one of the most flagships project among them.

Prime Minister Narendra Modi had proclaimed the development of corridor after inaugurating the UP investor summit in Lucknow on 21 February 2018. On 15 February 2019 PM Modi laid foundation for Defence Industrial Corridor in Jhansi district of Uttar Pradesh. This mega infrastructure would span in 6 nodes at Aligarh, Agra, Jhansi, Kanpur, Lucknow and Chitrakoot and government claim it will create 250,000 job opportunities.³⁷ According to one estimate total 5,000 hectares of land would be acquired for this project and Yogi Adityanath government had identified land in all 6 nodes. PM Modi has termed this project as new hope of development for this region.

Uttar Pradesh government has authorised the IIT Kanpur and IIT Banaras Hindu University for formation of Centre of Excellence to help in Defence corridor and have provided amount of Rs. 50.0 Crore and 69.0 Crore respectively during the 2018-19

³⁶ Gorakhpur link Expressway available at <http://upeida.in/en/page/gorakhpur-link-expressway> accessed on 26/12/2020

³⁷ Rawat, V.S. (2019) PM Modi lays foundation for Rs 20,000 crore defence corridor in UP available at https://www.business-standard.com/article/economy-policy/pm-modi-lays-foundation-for-rs-20-000-crore-defence-corridor-in-up-119021500646_1.html accessed on 20/07/2020

financial year. A defence park is also proposed with the collaboration of UPEIDA and IIT Kanpur on 30 hectare of land near IIT Kanpur.³⁸

Jewar International Airport

Jewar International Airport is a proposed project that is under construction it falls in Gautam Budh Nagar district of Uttar Pradesh. Now its official name has been finalized by its developing agency Zurich Airport International as ‘Noida International Airport’ after consultation with the Uttar Pradesh government. The Yamuna Expressway Industrial Development Authority (YEIDA) is the executing agency from the U. P. Government side. This airport is developing on Public Private Partnership model (PPP). Ministry of Civil Aviation had granted the site clearance on 06 July, 2017. Total 5,000 hectares of land has been identified by YEIDA for the project out of which 240 hectare belongs to the state government and rest belongs to private owners.³⁹

The proposed project site has importance in terms of distance from nearby district. It is 72 kilometers from Indira Gandhi International Airport, 36 km from Bulandshahr, about 40 km from Noida, Faridabad & Ghaziabad, about 28 km from Greater Noida, 65 km from Gurugram and 130 km from Agra. It will connect to the Yamuna Expressway allowing domestic and international tourists to reach Agra, Mathura and Vrindavan.⁴⁰

Ups and down of Jewar International Airport project

This highly ambitious and world famous project is result of many years of planning of different government of Uttar Pradesh. If we try to locate the first idea of this project we found that it was the dream plan of Rajnath Singh, the then chief minister of Uttar Pradesh. He gave the idea of Green Taj International and Aviation Hub (TIAH) in 2001 at Jewar village near Greater Noida close to Yamuna Expressway. But this project could not come to the ground because of change in ruling government at Centre and not positive response from the central government. Again BSP government in 2010 tried to begin this project but could not do much. Once Again it

³⁸ UP Defence Corridor available at <http://www.upeida.in/en/page/up-defence-corridor> accessed on 15/11/2020

³⁹ Press Information Bureau (2018) ‘New Greenfield Noida International Airport at Jewar picking momentum – Progress Report’ Ministry of Civil Aviation, Government of India

⁴⁰ Ibid.

could not get the pace. In 2012 government changed in UP and Akhilesh Yadav was the chief minister he tried to shift the project to Agra or Saifai but was unsuccessful.

Again in 2014 when NDA led Bharatiya Janata Party (BJP) came into power it shifted again project to earlier Jewar. The Union Ministry of Defence cleared the project in June 2016. While in July, the Yamuna Expressway expert sent the location survey report to defence ministry. In 2017 BJP government come into the power in state and gave its high priority for speedy construction of this highly ambitious project. Now the first phase of International airport is expected to be operational very soon. It will be the India's largest airport

With six runways, it will be India's largest and among the world's largest airports. Only the O'Hare International Airport and the Dallas/Fort worth International Airport are larger, with eight and seven runways respectively. Other existing airports with six runways are Amsterdam Airport Schiphol, Detroit Metropolitan Airport, Logan International Airport, Boston and Denver International Airport. As of September 2019, the Indira Gandhi International Airport has the highest number of runways in India, three.

UP Awas Vikash and Housing Development Board:-

Housing and Urban Planning Department was established to ensure planned development of urban areas and create an enabling environment to provide affordable housing. The multiplicity of urban laws has always been a nightmare for the urban populace. Lack of information and transparency in official transactions were some of the factors responsible for this state of affairs. The Department has taken a step to reach the citizens to make them aware of the laws, policies, programmes and procedural simplifications carried out.

Land Pooling Schemes is to be launched soon whereby all lands required by the Authority shall vest absolutely in the Authority free from all encumbrances. The Authority shall hand over possession of the final plots to the owners to whom they are allotted in the land pooling scheme. A permanent Tribunal for this scheme shall be constituted. There are many ongoing housing projects in Uttar Pradesh some of them are Avadh Vihar Yojana Lucknow, Amrapali Enclave Yojana Lucknow, Kailash Enclave Vrindavan Yojana Lucknow, Goverdhan Enclave Vrindavan Yojana

Lucknow, Lucknow Gomti Enclave Avadh Vihar Yojana Lucknow, Lucknow Saryu Enclave Avadh Vihar Yojana Lucknow, Ghaziabad Sidharth Vihar Yojana, The housing agency will build 4,752 flats under its Awadh Vihar Yojana in Lucknow, 192 in the Lohramau Marg Yojana in Sultanpur, 288 in the Majhola Yojana (4) in Moradabad and 144 units in Jagriti Vihar Vistar scheme in Meerut., Awadh Vihar Yojana Lucknow 4752 flats , Lohramau Marg Yojana Sultanpur 192 Flats, Majhola Yojana (4) in Moradabad 288 Flats, Jagriti Vihar Vistar scheme in Meerut 144 Flats , PMGAY (Prime Minister Gramin Awas Yojana):-

Land Acquisition for Lucknow and other Metros (Agra and Kanpur)

Land Acquisition for Lucknow Metro-

Lucknow Metro Rail Project suggested two corridors for laying down the metro rails. The corridors have been identified as (i) North-South (NS) and (ii) East-West (EW) corridors. The total length of the proposed route is 33.976 km of which 22.878 km is under North-South corridor and remaining 11.098 km is East-West corridor.

The corridor details are tabulated below:

Table 4.4

Corridor	Elevated (km)	Underground (km)	Total Length (km)
North – South Corridor (CCS Airport to Munshi Pulia)	19.438	3.440	22.878
<i>Priority 1</i>	8.5	0	8.5
<i>Priority 2</i>	10.938	3.440	14.378
East – West Corridor (Lucknow Rly. Station to Vasantkunj)	4.548	6.550	11.098
Total	23.986	9.990	33.976

Source:- Final Draft Resettlement Action Plan of Priority Section of N-S Corridor of LMRP (2016) Final phase priority section From Transport Nagar to Charbagh.

Because of Metro construction the land use has been changed. Around 47.98 Ha of land has been changed permanently and 5.65 Ha of land has been changed temporarily till the Metro Construction has completed.⁴¹ Trees located on the land required for metro station and depot area have been cleared for construction. Hence, a total of 1181 trees have been cut for the entire N-S corridor.⁴²

The Priority Section-1 shall require permanent acquisition/transfer of the total of 27.17ha of land. Out of this total land, 24.88 ha is government land and 2.29 ha is private land. This 2.29 ha of private land consists of seven open plots and two plots with buildings. It is observed that out of the total land requirement, about 91.57% of total land would be acquired from government agencies and only 8.43% of the land requirements shall be fulfilled by the private land owners.

Agra and Kanpur Metro

Uttar Pradesh Metro Rail Corporation (UPMRC) has started the interior function on the Kanpur metro and the graft on the Agra Metro project is likely to start soon. According to media reports The Supreme Court (SC) had with certain provisions finalised the Rs 8,380 crore Agra project. By this project the Agra city will embark on the mass rapid transit system (MRTS) in near future. Chandrashekhar Azad Agricultural and Technological University of Kanpur will give up over 3,000 square meters of land to UPMRC for easily completion of this proposed metro project.⁴³ The university will get similar piece of land in Kanpur or some other place as replacement for of this. Likewise 21 hectares of protected forest land of district will be given for Agra Metro Project. Due to this, huge amount of green trees will be cut down; taking cognisance of this Supreme Court has directed the nodal agency of Metro to plant good numbers of trees to incur the loss of green plants.

15th company of Provincial Armed Constabulary of Agra district will also give up their land to Agra metro project. In lieu of this, district administration of Agra will provide PAC 8 hectares of land in some other place. According to an estimate by this project approximately 2 million people will be benefitted.

⁴¹ Final Draft Resettlement Action Plan of Priority Section of N-S Corridor of LMRP (2016) Final phase priority section From Transport Nagar to Charbagh: Lucknow Metro Rail Corporation Limited.

⁴² *ibid*

⁴³ UP Govt. to expedite land acquisition for Kanpur & Agra metro rail projects Available on metrorailnews.in/up-govt-to-expedite-land-acquisition-for-kanpur-agra-metro-rail-projects/ accessed on 14/08/2020

Agra Development Authority (ADA) who is the nodal agency with cooperation of coordinator Lucknow Metro Rail Corporation (LMRC) has prepared the Detailed Project Report (DPR) for the Agra project as per the new Metro Policy issued by Ministry of Housing and Urban Affairs (MoHUA), Government of India in August 2017 and submitted it Government of Uttar Pradesh in December 2017⁴⁴.

Prime Minister Narendra Modi has inaugurated the construction work of Agra Metro project in December month of year 2020 in Agra via video conference in presence of many dignitaries and official associated with the metro project. Total length of this project is 29.4 km and estimated cost will be 8,379.62 Crore Rupees. This metro project will help to visit important attraction site of Agra like Taj Mahal, Agra Fort, Sikandra from the close proximity of bus and railway stations.⁴⁵ The proposed project will comprise of two corridors in which first will start from Sikandra ending at Taj East gate. It will cover almost 14 km and will be passed through six stations. Second corridor will be 15.40 km and it will begin from Agra Cantonment and will finish at Kalindi Vihar passing through important places.

Private players' active in UP for acquiring land:

Real estate sector has widely acknowledged across the globe. Real sector comprises of its sub sectors including housing, retail, commercial and hospitality. Many private players in the form of real estate companies are active in Uttar Pradesh also for acquiring land and it is noticeable that over a short period of time many real estate sectors has got boom in the Indian markets. This is because Indian government opened the economy for every individual and by opened economy everyone got benefit of it and middle class developed more consequently their income level increased manifold so they decided to live in cities and it created a demand in the market for housing and other associated facilities in cities. To fulfil such necessity of middle class many real estate companies grown up over time and involved themselves for providing housing apartment in cities. In order to facilitate the house they required land and acquired from the peasant. Such private sector or real estate companies who are active and had acquired land some of them are –Amrapali Group it has experience

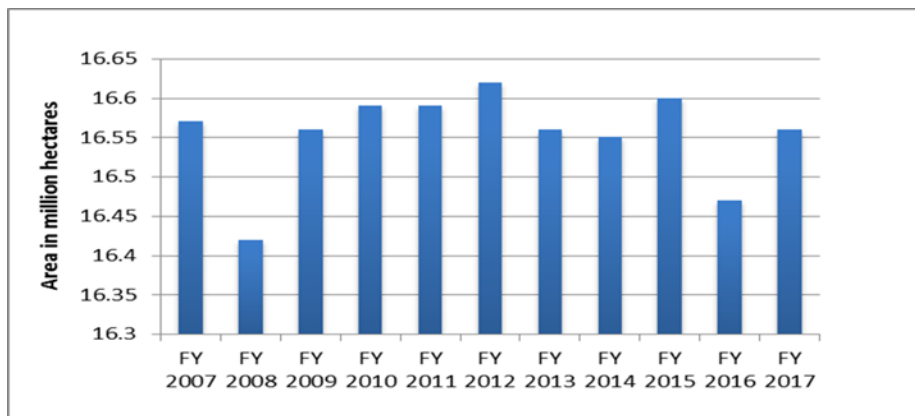
⁴⁴ DPR for Agra metro (2019). Supplementary document to DPR for rail based Mass Rapid Transit System in Agra available at <https://lmrc.com/project/dpr-of-agra-metro/> accessed on 17/11/2020

⁴⁵ Tyagi, H. (2020). Agra Metro project inaugurated. Check route, stations and details available on <https://www.timesnownews.com/business-economy/industry/article/agra-metro-project-inaugurated-check-route-stations-and-other-details/691507> accessed on 09/12/2020

of 19 years and it has completed 57 Projects while 11 are ongoing projects, Ansal API it has experience of 53 years it has completed 139 projects while 52 are ongoing projects, DLF it has 74 years' experience and it has completed 94 Projects while 7 are ongoing Projects, Eldeco Group has 13 years' experience and it has completed 71 Projects while 25 are ongoing projects, Gardenia has 121 years' experience while it has total 11 Projects and 3 projects are ongoing, Unitech has 49 years of experience 83 Projects have completed and 15 projects are ongoing, Omaxe has 33 years of experience and it has completed 118 Projects while 28 projects are ongoing, Emaar India has 15 years of experience it has completed 39 Projects while 9 projects are ongoing Parsvnath Developers has 13 years of experience it has completed 62 Projects while 23 projects are ongoing, Paramount has 25 years of experience and it has completed 14 Projects, Shipra has 33 years of experience it has completed 13 Projects⁴⁶. In addition to this many small real estate companies are active in across Uttar Pradesh.

Emerging Trends and Consequences:-

In the past decades particularly after 1991 introduction of New Economic Policy huge infrastructural and developmental work started in entire country and it has started like uncontrolled rush for land. It got momentum after enacting the Special Economic Zone policy for whole country. Huge number of land was acquired and in maximum time agricultural land has been converted for non-agricultural purposes, this has created problem for the crop production and food security. Uttar Pradesh is also among the states which total sown area has declined over time. This can be seen from the below table.



Source: available on <https://www.statista.com/statistics/975533/india-net-sown-area-uttar-pradesh/> released date October 2020

⁴⁶ Builders in Lucknow available at <https://www.proptiger.com/lucknow/all-builders?page=1> accessed on 28/12/2019

From the above table it appears that net sown area in Uttar Pradesh is declining over time however during the financial year of 2012 it get little increase since then it is declining which is matter of concern for every individual including the government.

Development of infrastructure is need of hour and government should focus on boosting the development process. For these development and infrastructure build up government requires huge land from peasants. Many private players has emerged within the society who are attracting the peasants with false promises and peasants are being cheated with these private companies who does not follows the rule and regulations of government. Many times these private companies has acquired huge amount of land from the poor peasants and they again sell it to the government and other on high amount and made huge amount from this.

Development is necessary but many times development is done at the cost of cutting standing trees, removing greenery, and minimizing the green plants and forest cover. Such incidents are also similar with the Uttar Pradesh. In a new road projects that connect India to Nepal border is of strategic importance and Uttar Pradesh government has decided to cut 55,000 of green plants. Some of These plants are older than hundred years. More interesting and disturbing fact is that this road will pass through two tiger reserves and three wildlife sanctuaries and it passes through important areas of Dudhwa Tiger Reserve, Pilibhit Tiger Reserve, Katarniaghat Wildlife Sanctuary, Suhelva Wildlife Sanctuary and Sohagi Barwa and this region has composite species of flora and fauna.⁴⁷

According to latest data published by Indian State of Forest Report (ISFR) 2019 there is total 16,582 sq. km Recorded Forest Area (RFA) in the State in which 12,070 sq. km is Reserved Forest while 1,157sq km is Protected Forest and 3,355 sq km is Unclassed Forests. Although conversion of forest land for non-forest purpose has been banned but it can be changed only in case of utmost importance therefore through Forest Conservation Act 1980 during the period of 1st January 2015 to 5th February 2019, a total of 163.76 hectares of forest land has been diverted for non-

⁴⁷ All India Indo Asian News Service 50,000 Trees To Be Cut In UP's Tiger Reserves For Road Project: Officials available on <https://www.ndtv.com/india-news/50-000-trees-to-be-cut-in-ups-tiger-reserves-for-road-project-officials-1930107> published on 11\10\2018

forestry purposes⁴⁸. However this report further says that Uttar Pradesh has observed increase in forest cover from 14,680 sq. km to 14,805 sq. km during past two years but some district has recorded huge loss in forest cover these districts are Agra(-9.38sq km), Aligarh (-0.25 sq km), Banda (-0.09 sq. km), Budaun (-12.96 sq. km) Bulandshahr (-0.88sq km), Etah (-4.82 sq. km), Ghaziabad (-0.78 sq. km), Hardoi (-0.15 sq. km), Kannauj (-0.18 sq. km), Kanshiram Nagar (-19.2 sq. km), Kheri (-0.94 sq. km), Lalitpur (-5.7 sq. km), Mainpuri (-0.36 sq. km), Mathura (-2.96 sq. km), Mirzapur (-1.27 sq. km), Pilibhit (-0.89 sq. km), Shahjahanpur (-1.69 sq. km) and Shrawasti (-0.46 sq. km).

However development and infrastructure are crucial and important but destroying the forest and green tree, garden is not good for environment and bio diversity. Due to deforestation at huge level disturbance in ecology are occurring. Interruption in natural phenomenon is causing huge loss at global level. Many reports are publishes across the globe on daily basis depicting as killer of human and animals.

⁴⁸ India State of Forest Report (2019) Forest Survey Of India, Ministry of Environment and climate change Government of India available at <https://fsi.nic.in/isfr19/vol2/isfr-2019-vol-ii-uttar-pradesh.pdf>



CHAPTER-5

LAND ACQUISITION AND ITS SOCIO ECONOMIC IMPLICATIONS: A STUDY OF LUCKNOW



CHAPTER-5

LAND ACQUISITION AND ITS SOCIO ECONOMIC IMPLICATIONS: A STUDY OF LUCKNOW

Lucknow is the capital city of the Indian state of Uttar Pradesh and is also the administrative headquarters of the Lucknow district and division. It is the fourteenth most populous city and the twelfth most populous urban agglomeration of India. Lucknow has always been a multicultural city that flourished as a North Indian cultural and artistic hub and the seat of power of Nawabs in the 18th and 19th centuries. It continues to be an important centre of governance, administration, education, commerce, aerospace, finance, pharmaceuticals, technology, design, culture, tourism, music and poetry.

Lucknow is situated above 123 meters above the sea level. Territory of Lucknow district has spreads in wide area of 2,528 square kilometres. It is surrounded by the other district of state In the east it close to the Barabanki district, on the west it touches Unnao district, on the south it borders by Raebareli and in the north it touches Sitapur and Hardoi. Lucknow is situated on the northwestern bank of Gomti River.

If we trace the History of Lucknow we found that it was the capital of the Awadh region for many years and it was under control of many regimes in different point of time it was also under control of Delhi Sultanate and further Mughal Empire. During late Mughal period its control was transferred to the Nawabs of Awadh. Some Nawabs have made monumental work during their rule.

Before Sepoy Mutiny of 1857 British East India Company ended local rule of Nawab and capture the control of Lucknow including other part of Awadh. After sepoy mutiny when the administration of entire India was transferred under control of British government the city was also among them. Lucknow got freedom from British colony at the same time with rest of India on 15th August 1947. Lucknow has become a good attraction of foreign direct investment and it has potential to cope with the fastest development of globe.

Lucknow has become a centre of attraction due to its many parks, historical monument and modern facility. Government of Uttar Pradesh is making every single effort to develop it most.

Derivation of term 'Lucknow'

There is many theory regarding the current name of Lucknow however this term has get widely prevalent after coming of Britisher's because it has got English version of term "Lakhnau" which was earlier prevalent in common masses but after coming of Britishers this term influenced by English pronunciation and its spelling became as "Lucknow".

According to a Hindu folklore, city has got its name after a one character of Lakshmana who is younger brother of lord Rama of Hindu epic Ramayana. According to one fables Lakshmana had a habitat in the area which was famous as 'Lakshmanapuri'. Some people believe this fable true and associate the present name with 'Lakshmanapuri'.

Subaltern scholars have also opinion about the name, they claimed that there was one dalit ruler Lakhna Pasi who was the ruler of this territory for long time and has gained fame among his subjects for his kind and bravery. According to Dalit scholars he was the main person and instrument to establish this city therefore, this city has got the name from him only. They claim that the earlier name of this city was 'Lakhanpur' which got many changes over time and current name has been originated from 'Lakhanpur'. According to one another story the city is named after a milk man (ahir) named Lakhana, who became rich after spiritual blessings of a Muslim saint.¹

A similar theory states that the city was known as Lakshmanavati after Lakshmana. The name changed to Lakhnavati, then Lakhnauti and finally Lakhnau. Yet another theory states that the city's name is connected with Lakshmi, the Hindu goddess of wealth. Over time, the name changed to Laksmanauti, Laksmnaut, Lakhsnaut, Lakhsnau and, finally, Lakhnau.

¹ Census of Lucknow 2011' Brief history of District' p. 09

Lucknow in the past

Lucknow was once part of ancient Kosal kingdom (Kosal Maha Janapada), which was spread in the north of the foot of Nepal hills and in the east it was bounded by the river Sadanira, on the south it was bounded by Sayandilea. There is mention about existence of Kosal kingdom in the Buddhist text, 'Arunguttara Nikaya'. Various clans and dynasties have ruled this region during different times. Saiyed Salar Masud, deputed by his uncle Mahmood of Ghazni, is said to be the first Muslim who invaded this region. Some times during 1031-1033 A.D. he made satrikh in Barabanki district his headquarters. Bhars, pasis and Rajputs also ruled this region. Latter on Muslims settled in the district in the beginning of the 13th century with the arrival of sheikhs of Kasmandi Kalan. The Kidwai Sheikhs of Jeggaur settled in 52 villages pargana Lucknow. The early Sultans of Delhi annexed Avadh to their kingdom and thereafter Lucknow continued to be under the sultan of Delhi. However, it gained a significant prominence during the times of Tuglaqs, Sun-ul-Mulk son of Mahru, was appointed the Governor of Avadh, Zafrabad and Alakhnau (Lucknow). Lucknow came under the rule of Khwaja Jahan of the Sharki dynasty of Jaunpur in 1534. After the fall of Sharki dynasty of Jaunpur, Lucknow was annexed again with the kingdom of Lodhi Sultans of Delhi.

Babar defeated Ibrahim Lodhi in 1526 and became the first Mughal Emperor of India. His son Humayun took over the charge of Lucknow in the same year. But in 1527 he left the assignment to assist his father in the battle to be fought with Rana Sanga, the famous Rajput king. Taking the advantage of his absence the Afghans captured Lucknow from the possession of Mughal, but it was only a temporary affair. Babar reoccupied Lucknow during 1528. During Akbar's regime Lucknow got more importance for its developmental activities which continued even in Jahangir's reign Lucknow formed a part of Suba of Avadh. Jahangir visited Lucknow during his father's reign and named a locality as Mirza Mandi. It is said that Aurangzeb also visited Lucknow on his way back from Ayodhya to Delhi and built a mosque on Lakshman Tila. Shah Peer Mohammad a contemporary saint, who migrated from Jaunpur, died here and lays buried near his mosque.

Sadat Khan Burhan-ul-Mulk whose original name was Mir Mohammad Amin was the founder of Avadh dynasty. He belonged to a noble Saiyed family who claimed to

be the descendent of Prophet Mohammed. His father came to India in 1701 with eldest son Mohammad Baquer and settled in Patna. Later on Mir Mohammad Amin also visited this country in 1708 to see his father and elder brother but his father expired before his arrival. Consequently both the brothers Mohammad Baquer and Mir Mohammad Amin left for Delhi. Initially Mir Mohammad joined the service of an Amin. For some time he worked under Sarbuland Khan, Faujdar of Katra Manikpur, but soon after he managed to a post of Mansab under Farrukh Siya. He played a key role in over throwing Saiyed brothers. For his meritorious services he was awarded the title of Sadat Khan Bahadur in 1720 and in 1722 he was appointed governor of Avadh. At that moment Lucknow was under the influence of Shaikhzadas. Sadat Khan settled the disturbed fortunes of his territory, with the might of sword, and established his court at Faizabad, Nawab Burhan-ul-Mulk (Sadat Khan) was summoned to Delhi in the wake of Nadir shah's invasion, where he died a natural death in 1739 A.D.

Sadat Khan was succeeded by his son-in-law Mohammad Muqim, under the title of Abul Mansur Khan Safdarjung. Safdarjung rule of 15 years saw no peace as due to continuous struggle with the Bangash Pathan's Farrukhabad. Safdarjung had to leave Delhi due to court conspiracies. He returned to Avadh in 1753 but died within a year at paper Ghat near Sultanpur in 1754. His mausoleum in Delhi is one of the finest pieces of architecture of that period.

Safdarjung was succeeded by his son Jalal-ud-din Haider Shuja-ud-daula, who stayed mostly at Faizabad. He supported Mir Kasim in the battle of Baksar in 1764 but was defeated, which compelled him to enter into a treaty with East-India Company, in addition to payment of 50 lakh rupees. This was the advent of British on the soil of Avadh. The 1st British resident Mr. Middleton enters the court of Nawab Wazeer in 1773. Safdarjung was restless, impulsive and ambition ruler who not only brought violent disturbances but also momentous vicissitude for his reign. From the time of Shuja-ud-daula onwards, the Nawabs surrendered their independence little by little, over the coming years. Shuja –ud-daula's wife Bahu begum was a woman of great distinction and rank, who contributed significantly towards the growth and consolidation of her husband's government. During the days of Shuja-ud-daula,

Faizabad attained a prosperity which it never saw again. Suja died in 1774 and was laid to rest at his mausoleum at Gulab Bari, Faizabad.

The accession of Asif-ud-daula, the fourth Nawab Wazir of Avadh, brought a great change in Avadh politics. The capital was finally shifted from Faizabad to Lucknow in 1755 which contributed to its significant growth. The most important outcome of Asif-ud-daula's reign of the court at Lucknow was the emergence of a powerful Shia culture which is still in constant interaction with Shia heart lands of Iran and Iraq. Asaf-ud-daula was also a great builder. He built the 'Daulat Khana' as residence for himself to that west of Macchi Bhawn, the Rumi Darvaza and the incomparable Bara Imambara. The Nawab departed for his heavenly abode in 1797 and was laid to rest in his magnificent Imambara. Wazir Ali the son of Asif-ud-daula assumed rulership after him, but within four months of his rule he alienated by the British and his subjects and was finally deposed and imprisoned in the Chunar fort, where he died.

Yamin-ud-daula Nawab Sadat Ali Khan was the son of Asaf-ud-daula. Who was crowned on 21 st January 1798 at a grand darbar at Bibiyapur palace, by Sir John Shore. As a mark of gratitude he ceded half of Avadh kingsom to the British in 1801. The Avadh style was gradually abandoned during reign of Sadat Ali Khan and European innovations were adopted largely. The result was that Lucknow became rendezvous for more distinguished people than ever before. In 1814 Nawab Sadat Ali Khan died and was buried at his tomb with his wife Khursheed Zadi in the twin tombs of Qaisherbagh adjoining the begums Hazrat Mahal Park. Ghazi-ud-din Haider (1814-1827), Nasir-ud-din Haider (1827-1837), Mohammad Ali Shah (1837-1842), Amjad Ali Shah (1842-1847) were the successor of each other respectively. The construction of famous Chhota Imambara was started in the period of Muhammad Ali Shah. Amjad Ali Shah's eldest son, Wazid Ali Shah who was eventually destined to the 1st ruler of Avadh, ascended to throne fo Avadh in 1847. Wazid Ali Shah was a great patron of singers, musicians, dancers and artists. He was also greatly interested in architecture. He started buiding the Qaiserbagh palace complex. Wazid Ali shah was weak king and unable to face the threat passed by British. Consequently the British speeded up their efforts to take Avadh in their grip. Colonel Sleeman was appointed as resident inn 1849 and was authorized by Lord Dollhouzie to tour entire Avadh and report the general condition of the people. Afterwards General Outram was sent to

Lucknow as officiating resident in December 1854 and was directed to submit a report on the affair of Avadh. The king of Avadh refused to sign the treaty with the British for surrendering his kingdom to the East India Company. The king himself resigned and there after passed his life in exile as pensioner of the company. Major Glicepts Outram took the charge of administration of Avadh on 7th February 1856. Thus the Avadh came under the rule of East India Company. The last king of Avadh left Avadh for Calcutta on 14th of March, 1856 and died there in 1887.

Lucknow has been the main center of activities relating to first mutiny for freedom of India in 1857. On 17th January 1857 Maulvi Ahmad Ullah Shah who was also known as Sikandar Shah came to Lucknow after being expelled from Agra. There he preached people to fight the British rule Battles were fought at Malihabad, Lucknow, Chinhat and Alambagh against the British forces. The forces of Avadh fought the battle under the leadership of Begum Hazarat Mahal and the forces of Rajas and Nawabs revolted not only in Lucknow but at other places as well. Prominent places among them were Kanpur, Bithur, Kalpi, Jhansi, Gwalior, Meerut and Delhi. After this revolt, the control of the East India Company came to an end and the British crown assumed the charge of Indian Government.

After the first meeting for freedom in 1857, many other important events have also taken place in Lucknow. For instance, the session of Indian National Congress was held in Lucknow in 1899 with R.C. Dutt as the president of the Congress and later on in 1916 as well, Lucknow was venue of the session of Indian National congress and Muslim League. The leader of both the parties sorted out their difference and chalked out a common programme for political reforms. This is prominently knows as the Lucknow pact. During the Non-cooperation movement of 1920-21 the people of Avadh took active part by organizing boycott of foreign goods, picketing of liquor shops and boycotting of schools and colleges. Mahatma Gandhi himself visited Lucknow city on 20th October, 1920. Among the main political figures prominent in these days were Ganga Prasad Verma, A.P. Sen, Rai Rajeshwar Bali, Jagat Narain and others. On 9th August, 1925 the famous Kakori Train Dacoity (known as ‘Kakori case’) took place. At Kakori Railway station some persons belonging to Revolutionary party stopped the 8 Down Moradabad-Lucknow passenger train by pulling the alarm chain and forcibly took away a sum of Rs. 4,67,916 from the

Guard's compartment. Ram Prasad Bismil, Roshan Singh, Rajendra Nath Lahri, Ashfaqullah Khan, Sachindra Nath Bakshi and Jagesh Chatterjee were prominent leaders of the Revolutionary party. In fact, these revolutionaries wanted to make India free from the British slavery by any means whether non-violent or violent. The 49th session of the India National congress was held at Lucknow in 1936 under the president ship of Pandit Jawaharlal Nehru. People of Lucknow participated in Quit India Movement in 1942 on large scale. Thus Lucknow has been the main center of political activities during India's freedom struggle. It is also known for social and cultural harmony religious tolerance and Hindu- Muslim unity.

From 1350 onwards, Lucknow and parts of the Awadh region were ruled by the Delhi Sultanate, Sharqi Sultanate, Mughal Empire, Nawabs of Awadh, the British East India Company and the British Raj. For about eighty-four years (from 1394 to 1478), Awadh was part of the Sharqi Sultanate of Jaunpur. Emperor Humayun made it a part of the Mughal Empire around 1555. Emperor Jahangir (1569–1627) granted an estate in Awadh to a favoured nobleman, Sheikh Abdul Rahim, who later built Machchi Bhawan on this estate. It later became the seat of power from where his descendants, the Sheikhzadas, controlled the region.

The Nawabs of Lucknow, in reality, the Nawabs of Awadh, acquired the name after the reign of the third Nawab when Lucknow became their capital. The city became North India's cultural capital, and its Nawabs, best remembered for their refined and extravagant lifestyles, were patrons of the arts. Under their dominion, music and dance flourished, and construction of numerous monuments took place. Of the monuments standing today, the Bara Imambara, the Chhota Imambara, and the Rumi Darwaza are notable examples. One of the Nawab's enduring legacies is the region's syncretic Hindu–Muslim culture that has come to be known as the Ganga-Jamuni tehzeeb.

Until 1719, the Suba of Awadh was a province of the Mughal Empire administered by a governor appointed by the emperor. Persian adventurer Saadat Khan, also known as Burhan-ul-Mulk, was appointed Nizam of Awadh in 1722 and established his court in Faizabad, near Lucknow. Many independent kingdoms, such as Awadh, were established as the Mughal Empire disintegrated. The third Nawab, Shuja-ud-Daula (1753–1775), fell out with the British after aiding the fugitive Nawab of Bengal, Mir

Qasim. Roundly defeated at the Battle of Buxar by the East India Company, he was forced to pay heavy penalties and surrender parts of his territory. Awadh's capital, Lucknow rose to prominence when Asaf-ud-Daula, the fourth Nawab, shifted his court to the city from Faizabad in 1775. The British East India Company appointed a resident (ambassador) in 1773 and by early 19th century gained control of more territory and authority in the state. They were, however, disinclined to capture Awadh outright and come face to face with the Maratha Empire and the remnants of the Mughal Empire. In 1798, the fifth Nawab Wazir Ali Khan alienated both his people and the British and was forced to abdicate. The British then helped Saadat Ali Khan take the throne. He became a puppet king, and in a treaty of 1801, yielded large part of Awadh to the East India Company while also agreeing to disband his own troops in favour of a hugely expensive, British-controlled army. This treaty effectively made the state of Awadh a vassal of the East India Company, although it continued to be part of the Mughal Empire in name until 1819. The treaty of 1801 proved a beneficial arrangement for the East India Company as they gained access to Awadh's vast treasuries, repeatedly digging into them for loans at reduced rates. In addition, the revenues from running Awadh's armed forces brought them useful returns while the territory acted as a buffer state. The Nawabs were ceremonial kings, busy with pomp and show. By the mid-nineteenth century, however, the British had grown impatient with the arrangement and demanded direct control over Awadh.

The ruins of the Residency at Lucknow show the gunfire it took during the rebellion. Bada Imambada is famous for its maze called 'Bhool Bhulaiyaa' in Hindi. It is built of identical 2.5 feet wide passageways. In 1856 the East India Company first moved its troops to the border and then annexed the state for alleged maladministration. Awadh was placed under a chief commissioner – Sir Henry Lawrence. Wajid Ali Shah, the then Nawab, was imprisoned and then exiled by the East India Company to Calcutta. In the subsequent Indian Rebellion of 1857, his 14-year-old son Birjis Qadra, whose mother was Begum Hazrat Mahal, was crowned ruler. Following the rebellion's defeat, Begum Hazrat Mahal and other rebel leaders sought asylum in Nepal.

Lucknow was one of the major centers of the Indian Rebellion of 1857 and actively participated in India's independence movement, emerging as a strategically important North Indian city. During the Rebellion (also known as the First War of Indian

Independence and the Indian Mutiny), the majority of the East India Company's troops were recruited from both the people and nobility of Awadh. The rebels seized control of the state, and it took the British 18 months to reconquer the region. During that period, the garrison based at the Residency in Lucknow was besieged by rebel forces during the Siege of Lucknow. The siege was relieved first by forces under the command of Sir Henry Havelock and Sir James Outram, followed by a stronger force under Sir Colin Campbell. Today, the ruins of the Residency and the Shaheed Smarak offer an insight into Lucknow's role in the events of 1857.

With the rebellion over, Oudh returned to British governance under a chief commissioner. In 1877 the offices of lieutenant-governor of the North-Western Provinces and chief commissioner of Oudh were combined; then in 1902, the title of chief commissioner was dropped with the formation of the United Provinces of Agra and Oudh, although Oudh still retained some marks of its former independence.

The Khilafat Movement had an active base of support in Lucknow, creating united opposition to British rule. In 1901, after remaining the capital of Oudh since 1775, Lucknow, with a population of 264,049, was merged into the newly formed United Provinces of Agra and Oudh. In 1920 the provincial seat of government moved from Allahabad to Lucknow. Upon Indian independence in 1947, the United Provinces were reorganized into the state of Uttar Pradesh, and Lucknow remained its capital.

Lucknow witnessed some of the pivotal moments in the history of India. One is the first meeting of the stalwarts Mahatma Gandhi, Jawaharlal Nehru and Mohammad Ali Jinnah during the Indian National Congress session of 1916 (the Lucknow pact was signed and moderates and extremists came together through the efforts of Annie Besant during this session only). The Congress President for that session, Ambica Charan Majumdar in his address said that "If the Congress was buried at Surat, it is reborn in Lucknow in the garden of Wajid Ali Shah".

The Kakori Incident involving Ram Prasad Bismil, Ashfaqullah Khan, Rajendra Nath Lahiri, Roshan Singh and others followed by the Kakori trial which captured the imagination of the country also took place in Lucknow. Culturally, Lucknow has also had a tradition of courtesans, with popular culture distilling it in the avatar of the fictional Umrao Jaan.

Administrative information:

The seat of state administration and district headquarters is at Lucknow. It is the central part of the State. The district is administratively divided into 04 tahsils namely Malihabad, Lucknow, Bakshi Ka Talab and Mohanlalganj. For implementation and monitoring of development scheme the district is divided into 08 development blocks namely Mal, Malihabad, Bakshi-Ka-Talab, Chinhat, Kakori, Sarojaninagar, Gosainganj and Mohanlalganj. Total area of the district is 2528.0 Sq. Km. The rural area covers 2057.3 Sq. Km. and urban recorded 470.7 Sq. There are 498 Gram Panchayats and 807 Revenue villages with 803 inhabited villages and 04 uninhabited villages in the district. In urban area there are 10 statutory Towns and 02 Census Towns. Statutory Towns comprises of 01 Nagar Nigam (Municipal Corporation), 08 Nagar Panchayats and 01 cantonment Board.²

Geography

If we trace the geographical location of Lucknow we find that it is situated at the heart of Indus Gangetic Plain located between 26.50° North and 80.50° East. The city is located at the bank of Gomati river and it is chief geographical feature of this river that it meanders through the city and it divides the city into two regions that is Trans-Gomati and Cis-Gomati regions the city is surrounded by rural towns and villages: the orchard town of Malihabad, Kakori, Mohanlalganj, Gosainganj, Chinhat and Itaunja. To the east lies Barabanki, to the west Unnao, to the south Raebareli, while to the north lie the Sitapur and Hardoi. Lucknow city is located in a seismic zone III.

Climate

Lucknow has a humid subtropical climate (Cwa) with cool, dry winters from mid-November to February and dry, hot summers with sunshine from March to mid-May. Half of the rainfall occurs from June to October when the city gets an average rainfall of 896.2 millimeters (35.28 in) from the southwest monsoon winds and occasionally frontal rainfall from the northeast monsoon will occur in January. In winter the maximum temperature is around 25 °C (77 °F) and the minimum is in the 3 °C (37 °F) to 7 °C (45 °F) range. Fog is quite common from mid-December to late January.

² Census of Lucknow 2011

Occasionally, Lucknow experiences colder winter spells than places like Shimla and Mussoorie which are situated way high up in the Himalayas. In the extraordinary winter cold spell of 2012–13, Lucknow recorded temperatures below freezing point on two consecutive days and the minimum temperature hovered around freezing point for over a week. Summers are very hot with temperatures rising into the 40 °C (104 °F) to 45 °C (113 °F) range, the average highs being in the high of 30s (degree Celsius).

Flora and fauna

Lucknow has a total of only 5.66 percent of forest cover, which is much less than the state average of around 7 percent. Shisham, Dhak, Mahuamm, Babul, Neem, Peepal, Ashok, Khajur, Mango and Gular trees are all grown here. Different varieties of mangoes, especially Dasherri, are grown in the Malihabad adjacent to the city and a block of the Lucknow district for export. The main crops are wheat, paddy, sugarcane, mustard, potatoes, and vegetables such as cauliflower, cabbage, tomato and brinjals. Similarly, sunflowers, roses, and marigolds are cultivated over a fairly extensive area. Many medicinal and herbal plants are also grown here while common Indian monkeys are found in patches in and around city forests such as Musa Bagh.

The Lucknow Zoo, one of the oldest in the country, was established in 1921. It houses a rich collection of animals from Asia, and other continents. The zoo also has enjoyable toy train rides for the visitors. The city also has a botanical garden, which is a zone of wide botanical diversity. It also houses the Uttar Pradesh State Museum. It has sculptural masterpieces dating back to the 3rd century AD, including intricately carved Mathura sculptures ranging from dancing girls to scenes from the life of Buddha.

Economy

The major industries in the Lucknow urban agglomeration include aeronautics, automotive, machine tools, distillery chemicals, furniture and Chikan embroidery. Lucknow is among the top cities of India by GDP. Lucknow is also a Centre for research and development as home to the R&D centers of the National Milk Grid of the National Dairy Development Board, the Central Institute of Medical and Aromatic

Plants, the National Handloom Development Corporation and U.P. Export Corporation.

Ranked sixth in a list of the ten fastest growing job-creating cities in India according to a study conducted by Assocham Placement Pattern, Lucknow's economy was formerly based on the tertiary sector and the majority of the workforces were employed as government servants. Large-scale industrial establishments are few compared to other northern Indian state capitals like New Delhi. The economy is growing with contributions from the fields of IT, manufacturing and processing and medical/biotechnology. Business-promoting institutions such as the CII and EDII have set up their service centers in the city.

Multiple software and IT companies are present in the city. Tata Consultancy Services is one of the major companies with its campus in Gomati Nagar, which also is the second-largest such establishment in Uttar Pradesh. HCL Technologies also started its training program with 150 candidates in April 2016 at HCL Lucknow campus. There are many local open source technology companies. The city is also home to a number of important national and state level headquarters for companies including Sony Corporation and Reliance Retail. A sprawling 100 acres (40 ha) IT city costing 15 billion Rupees is planned by the state government at the Chak Ganjaria farms site on the road to Sultanpur and they have already approved special economic zone status for the project, which is expected to create thousands of job opportunities in the state.

The city has potential in the handicrafts sector and accounts for 60 percent of total exports from the state. Major export items are marble products, handicrafts, art pieces, gems, jewellery, textiles, electronics, software products, computers, hardware products, apparel, brass products, silk, leather goods, glass items and chemicals. Lucknow has promoted public-private partnerships in sectors such as electricity supply, roads, expressways, and educational ventures.

To promote the textile industry in the city, the Indian government has allocated Rs. 2 billion (2000 million rupees) to set up a textile business cluster in the city.

Table 5.1 Socio Economic profile of Lucknow district

S. No.	Description	Unit	Lucknow
1.0	Area	Sq. km	2,528
2.0	Population	No	About 3 million
2.1	Male	No	1.6 million
2.2.	Female	No	1.4 million
2.3	Scheduled Castes/ Scheduled Tribes	No	2.34 millions
3.0	Sex ratio	(female per 1000 of male)	915
4.0	Density	(person per Sq.km.)	382
5.1	Literacy Rate	%	84.72
5.1.1	Male	%	87.81
5.1.2	Female	%	81.36

Source: Census of India, 2011

Places from the data collected:-

For data collection we covered some villages where the land acquisition has been done by the government for Expressways, Highways and affordable housing. We first collected the name of these villages from the newspaper, websites of acquiring authorities and then met to those people who have given their land for these projects.

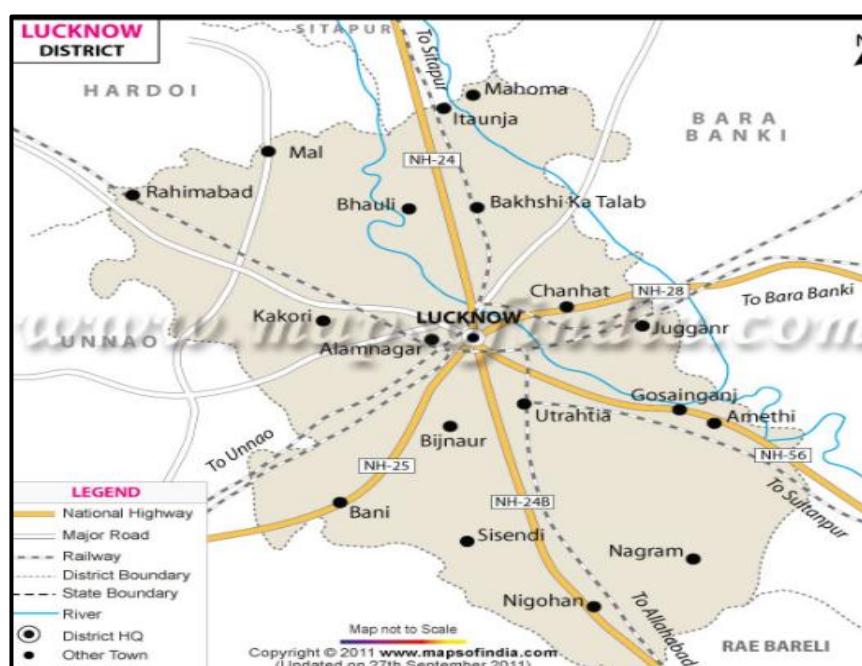


Fig. 5.1

Here is the question and responses received from the respondents.

Table 5.2

Do you know about the land acquisition Act?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	62	38	0
Private	100	24	76	0

Source: field work

For collecting data our first question to respondents were do they know about the land acquisition Act, out of 100 respondent who have given land to UPAVP/UPEIDA 62 respondent replied they know about the recent land acquisition Act while 38 said they don't know about this Act, while out of 100 land loser to private companies only 24 said they know about this land acquisition Act while 76 said they don't have knowledge about this Act. For further curiosity I asked how they know about this Act some of them replied that they follows the news in which many times this Act has been discussed and some replied that when government notified our region for land acquisition at that time government official were organizing assembly of people their discussed about this Act and deliberately explained the Act and process for land acquisition.

While we ask further to those people who gave their land to private entity about such assembly and information about this Act they replied there was no any such gathering neither they discuss about any law. Some of them only know because they are active in society and came in contact with some lawyer and other people who keep themselves updated with news and information.

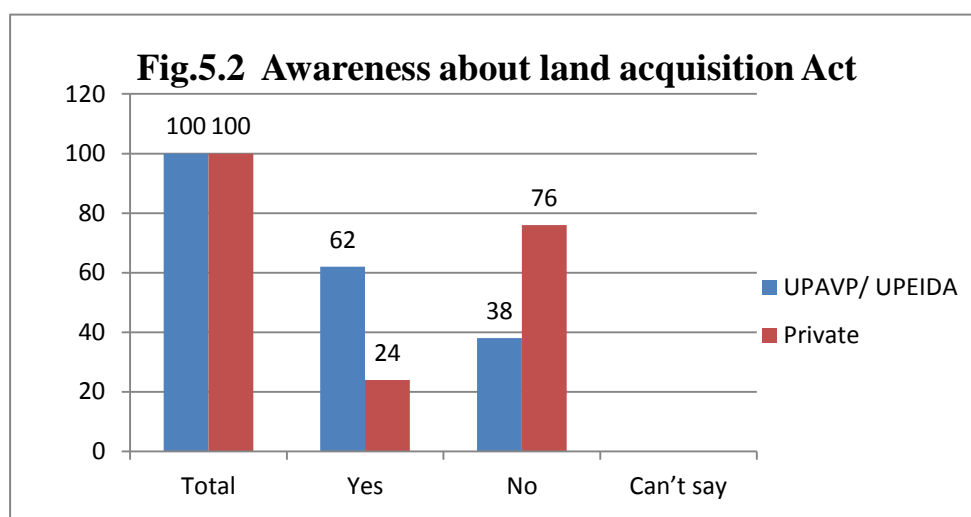
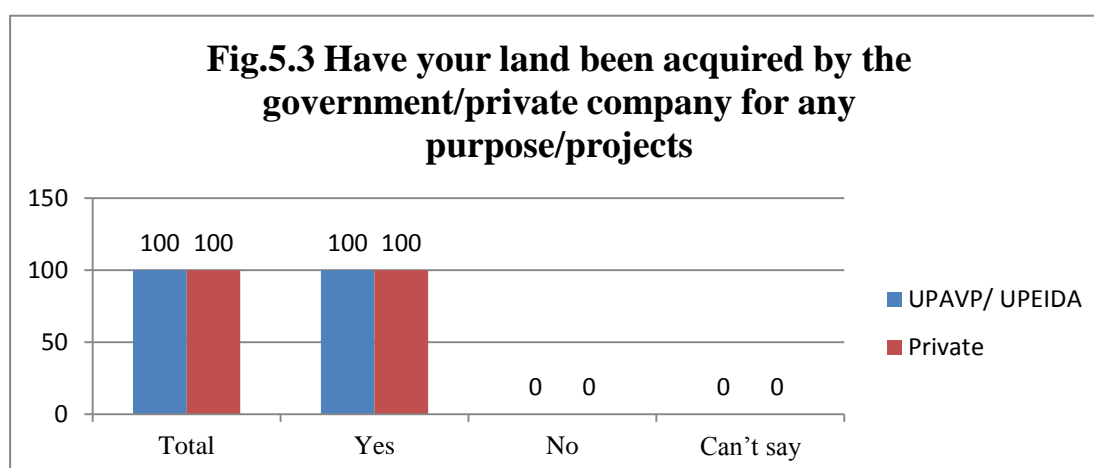


Table 5.3

Have your land been acquired by the state government/ private company for any purpose/projects?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	100	0	0
Private	100	100	0	0

Source: field work



Further we ask whether your land has been acquired by the government or any private company for any purpose or projects. Total respondent replied yes their land has been acquired. It is so because we included only those people in our sample who have lost their land.

Table 5.4

Did you voluntarily ready to give up your land?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	70	30	0
Private	100	55	45	0

Source: field work

When we ask were you ready to give up your land 70 respondent replied 'Yes' and only 30 respondent said 'No'. When we further ask what the reason was, you agreed to give up your land then land loser for government project replied because of higher compensation offered by the government. While among the respondent of private land loser 55 people said they agreed to give their land but only 45 people replied that they

were not willing to give their land but due to compulsion and pressure of private company they agreed to provide their land.

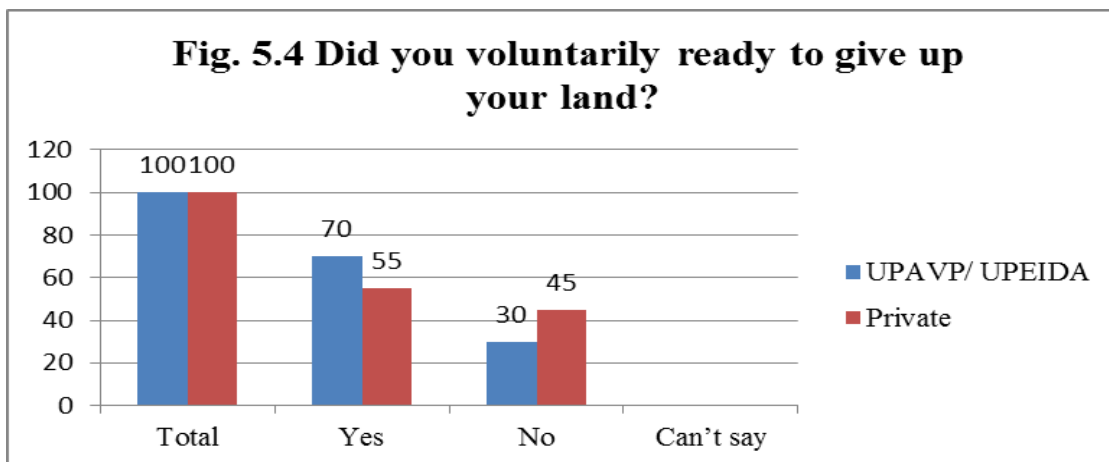


Table 5.5

How your land was acquired?

	Total	Forcefully	Peacefully	By your consent
UPAVP/ UPEIDA	100	0	65	35
Private	100	0	80	20

Source: field work

When we ask to respondent how your land was acquired almost every landowner replied that their land was acquired peacefully and according to his consent there was no any conflict but the landowner who gave their land to private companies they also replied that their land was taken peacefully but they were not compensated properly according to government rules.

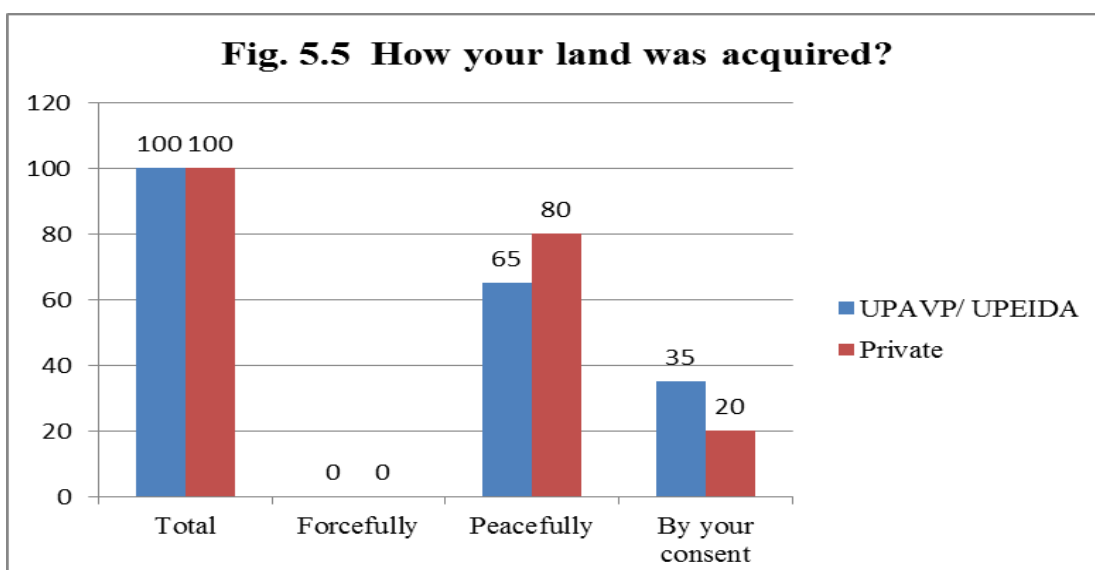


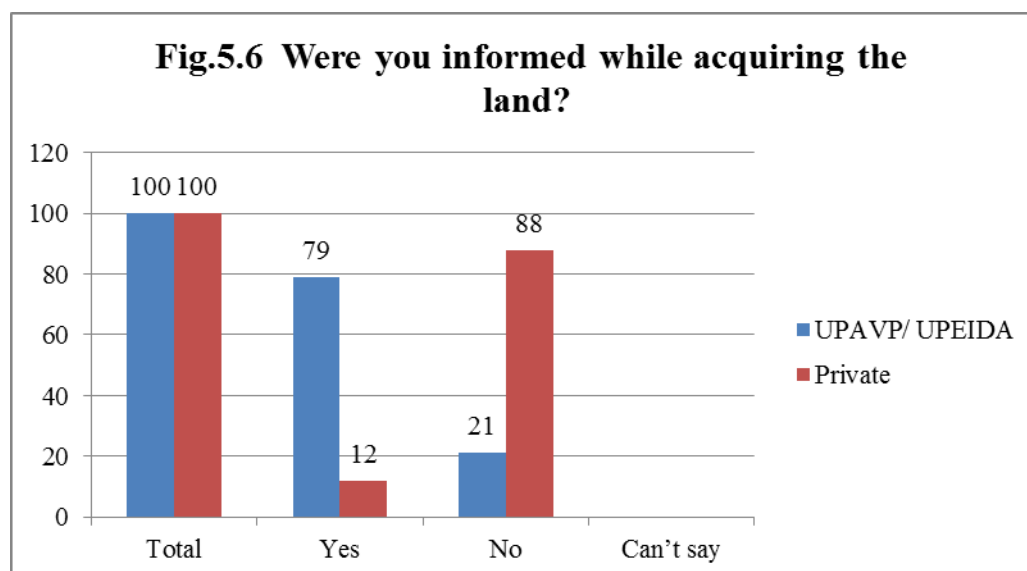
Table 5.6

Were you informed while acquiring the land that for what purposes your land will be utilized?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	79	21	
Private	100	12	88	

Source: field work

When we ask next question to respondent were you told before acquiring the land that for what purposes your land will be utilized 79 out of 100 of government projects replied that they were told that their land will be utilized for road construction, affordable housing while 21 said that they were told clearly for what purposes their land will be used but they came to know after when news came in newspaper.



While 12 land owners out of 100 said they were informed before acquiring their land but rest 88 people said they were never informed by the private companies that for what purpose their land will be utilized.

Table 5.7

If yes, for what purpose it was told?

	Total	For private purpose	For government purpose	For any other work	For PPP project
UPAVP/ UPEIDA	100		100	0	0
Private	100	32	0	68	0

Source: field work

When we ask for what purpose you were told that your land will be acquired, out of 100 respondents from the UPAVP/ UPEIDA every respondent replied that they were told by the government official that their land will be acquired for road construction and housing schemes. While out of 100 private land loser 32 respondent told that they were informed that their land will be used for private purpose while 68 replied that it may be used in other works.

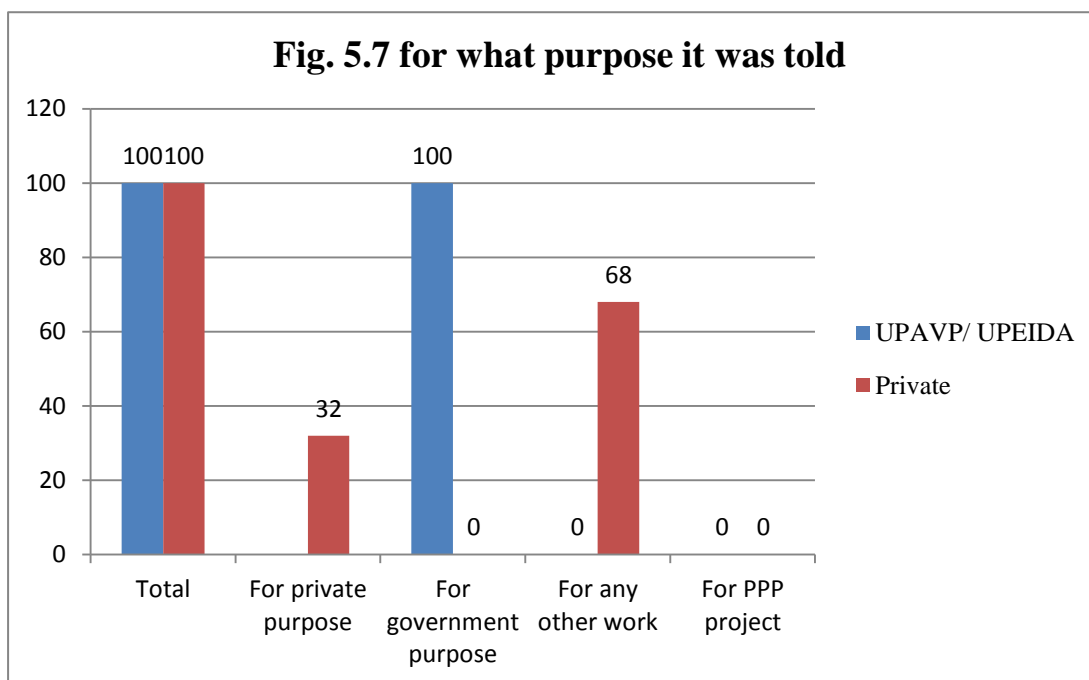


Table 5.8

Which type of your land has been acquired?

	Total	Arable	Residential	Barren land
UPAVP /UPEIDA	100	84	16	0
Private	100	100	0	0

Source: field work

Out of 200 respondent 84 has lost their arable land for public purpose project and 16 respondents said that they gave their residential land for public purpose while 100 respondent said that they have given their arable land for private projects on which they used to cultivate crops.

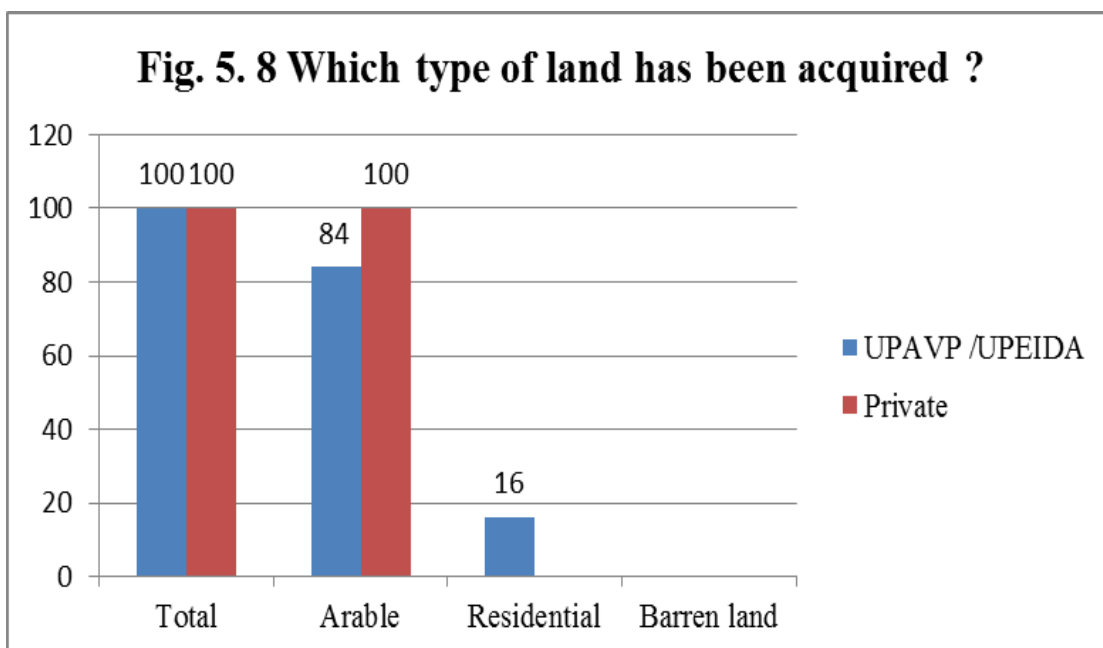


Table 5.9

When (year) your land was acquired?

	Total	1999-2004	2004-2009	2009-2014	2014-2019
UPAVP/ UPEIDA	100	0	25	18	57
Private	100	0	36	20	44

Source: field work

When we ask when your land was taken respondent from UPAVP/UPEIDA project, 25 people said during 2004-2009 while 18 people said during 2009-14 and 57 people said during 2014-2019. Out of 100 people from private sector 36 people said during 2004-2009, while 20 said during 2009-14 and 44 people said during 2014-19.

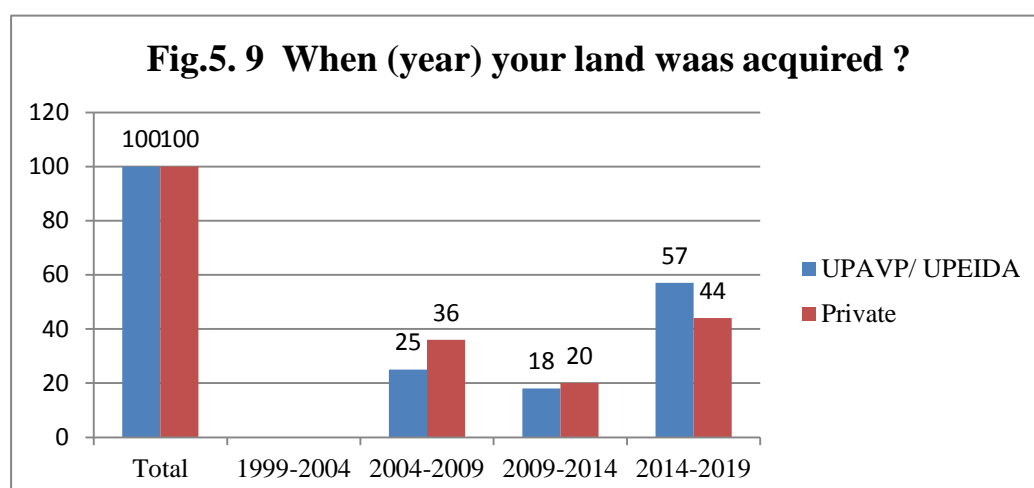


Table 5.10

Did you have trees or garden on your land?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	25	75	0
Private	100	08	92	0

Source: field work

When we ask about trees or garden on their land 25 landowner from the UPAVP/UPEIDA said 'yes' while 75 said 'no'. However who have given their land for private purpose among those only 8 respondent said 'yes' while 92 people replied in 'no'.

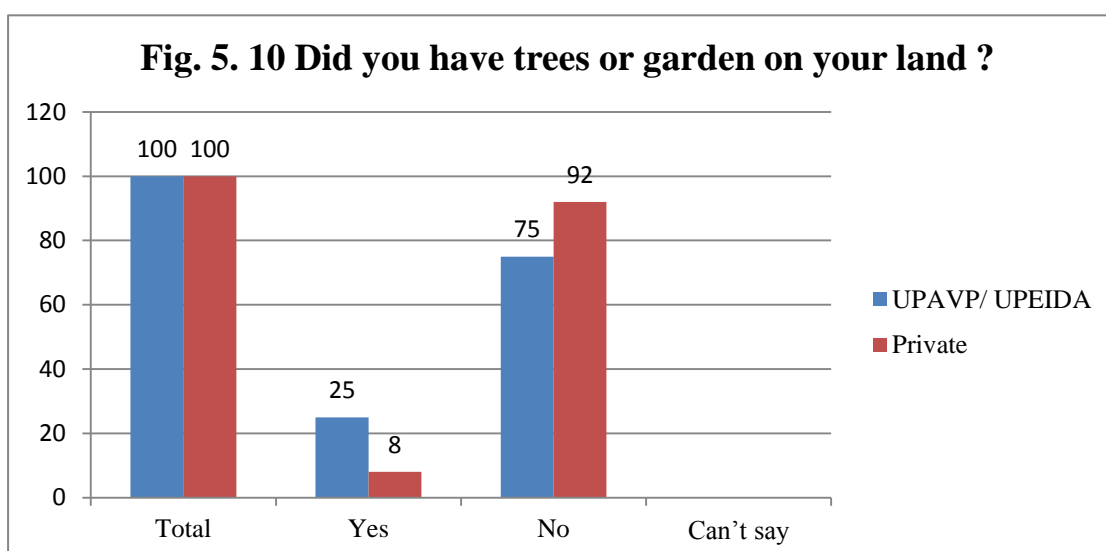


Table 511.

If yes, had the value of tree or garden was also included in compensation

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	100	0	0
Private	100	0	100	0

Source: field work

Respondent who have given their land for government purpose all respondent said 'yes' they told that people from the government forest department has made estimate value of every tree. But who have given their land to private agency said 'no'. There was no idea to private people to give compensation of tree or plant.

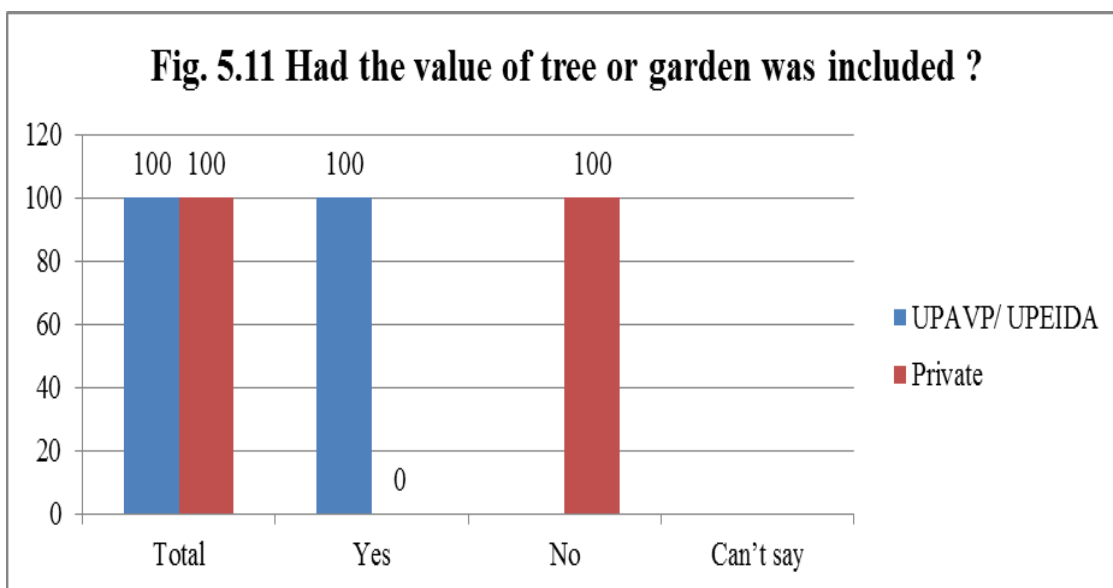


Table 5.12

How these trees and garden were utilized after acquisition?

	Total	Cut down	As it was	Can't say
UPAVP /UPEIDA	100	100	0	0
Private	100	100	0	0

Source: field work

When we ask what happened to those trees, all respondent irrespective of government or private project said trees were cut down and destroyed.

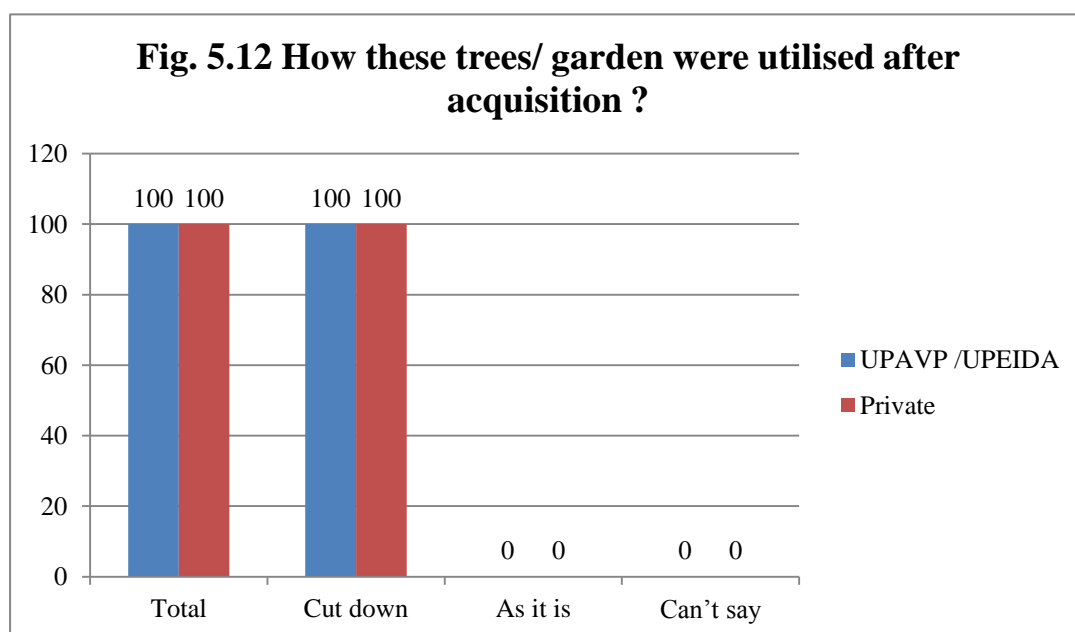


Table 5.13

How much your land has been acquired?

	Total	Full	Partial	More than half
UPAVP/ UPEIDA	100	12	28	60
Private	100	57	25	18

Source: field work

When we ask about how much their land has been acquired 10 respondent said full while 30 said they have given partial while 60 respondent said that they gave more than half of their land to government projects while 65 respondent said that they gave their all land 10 replied partial while 25 people said they have given their more than half of land to private projects.

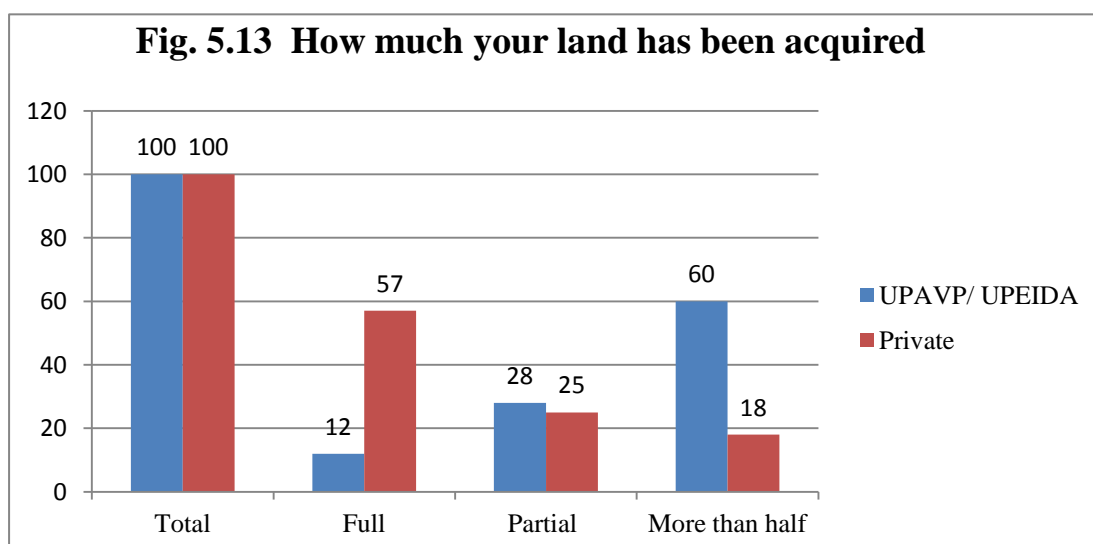


Table 5.14

Do you know about the compensation policy of government?

	Total	Yes	No
UPAVP /UPEIDA	100	63	37
Private	100	42	58

Source: field work

When we ask to our respondent did they know about compensation policy of government? Out of 100 respondent who have given their land to UPAVP/UPEIDA 63 people replied ‘yes’ while 37 replied ‘no’. However out of 100 respondent who gave their land to private agency 42 respondent said ‘yes’ while 58 people replied ‘no’.

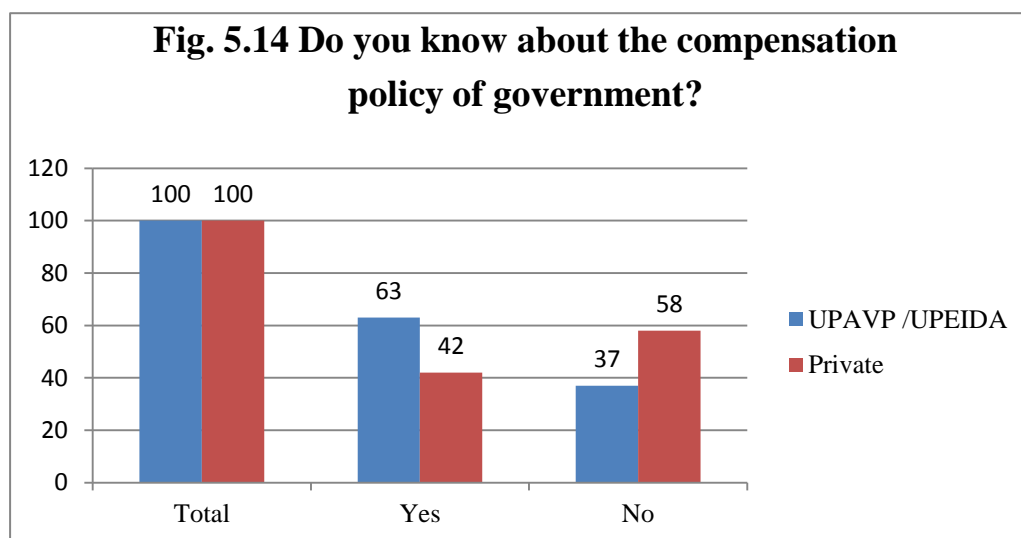


Table 5.15

Can you say confidently that government/ company compensated you according to the compensation policy.

	Total	Yes	No	Can't say
UPAVP /UPEIDA	100	48	28	24
Private	100	0	39	61

Source: field work

When we ask to respondent do you think you are compensated according to compensation policy? Out of 100 respondent who gave land to UPAVP/UPEIDA 48 people said ‘yes’ while 28 people replied ‘no’ and 24 people replied ‘can’t say’. However who have given their land to private agency no one said that ‘yes’ they are compensated according to government policy while 39 people said ‘no’ and 61 respondent said they don’t know about the compensation policy of government so they can’t say.

Have you been provided with benefits/facilities mentioned in the land acquisition policy while giving your land to the government/private company?

Table 5.16

	Total	Yes	No	Can't say
UPAVP /UPEIDA	100	43	37	19
Private	100	0	66	34

Source: field work

When we ask have you been provided all benefits mentioned in government's compensation policy while giving your land to the government/private company, out of 100 respondents who gave land to UPAVP/UPEIDA 43 people said 'yes' while 37 people replied 'no' and 19 said 'can't say'. While out of 100 respondents who gave land to private agency 66 people said 'no' while 34 respondents replied 'can't say'.

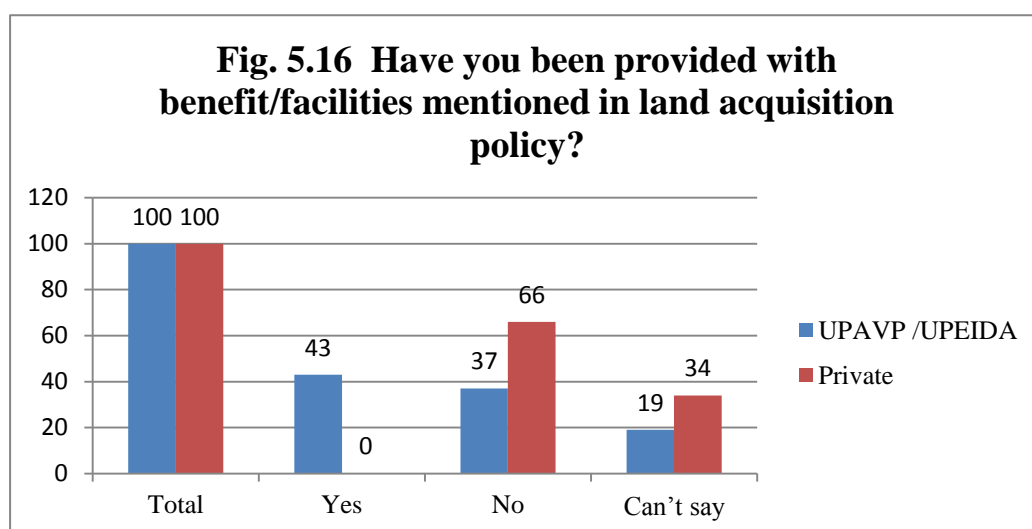


Table 5.17

Do you think benefits/facilities provided by government in lieu of your land are enough to fulfill the requirement?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	47	53	0
Private	100	17	83	0

Source: field work

When we ask question to respondent who gave their land to UPAVP/UPEIDA out of 100 respondent 47 replied ‘yes’ while 53 people replied ‘no’. While who have given their land to private agency out of 100 only 17 people said ‘yes’ while 83 people replied ‘no’.

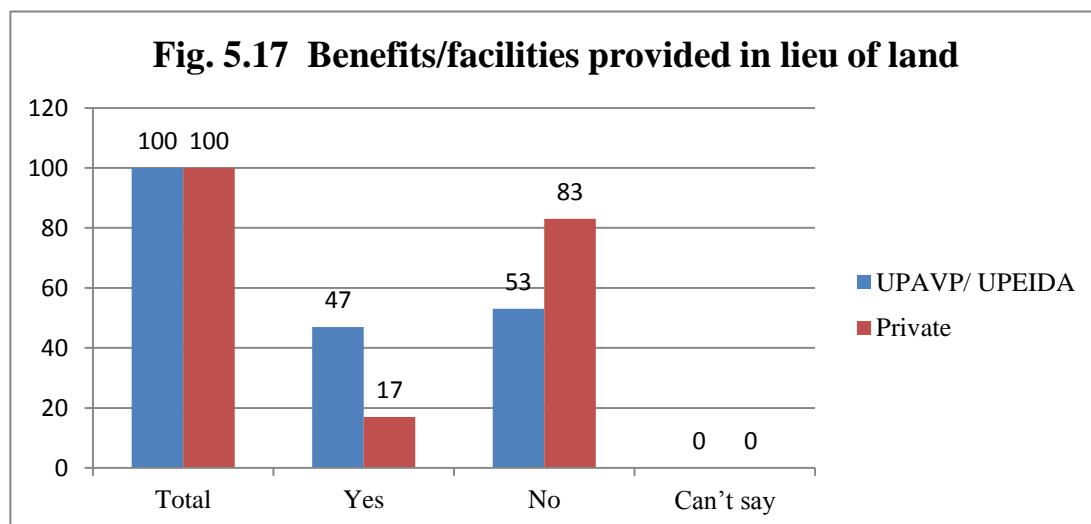


Table 5.18

Which types of compensation have been provided to you?

	Total	Money	Land for land	Job to a family member according to his eligibility	Money with rehabilitation and resettlement
UPAVP /UPEIDA	100	92	3	0	5
Private	100	100	0	0	0

Source: field work

When we ask further which type of compensation you have got from the government, out of 100 people who have given their land for public purpose or UPAVP/UPEIDA 92 people said they have got money while 3 people said about land and 5 people told about the money with rehabilitation. While those respondent who have given their land for private project every one (100 respondent) said they got money only.

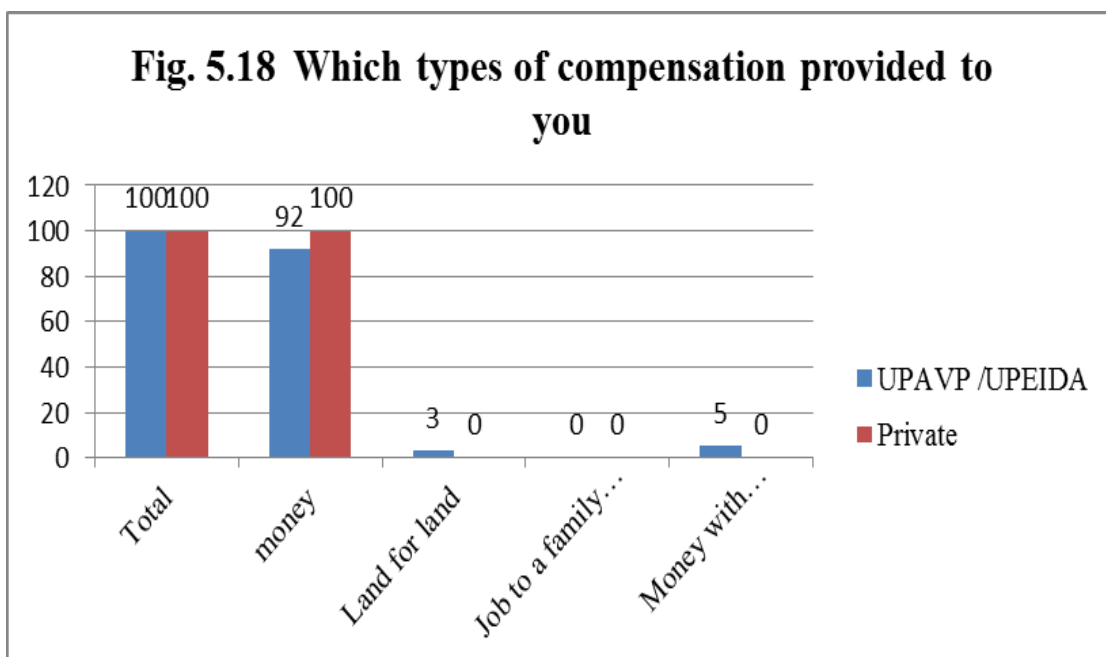


Table 5.19

Do you feel the need of rehabilitation after government acquired your land?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	5	95	0
Private	100	0	100	0

Source: field work

When we ask next question to our respondent out of 100 people who have given their land to UPAVP/UPEIDA only 5 people said that they need rehabilitation while 95 people said they were not required rehabilitation because maximum agricultural land has taken. While those have given their land to private project out of 100 people on one said about the rehabilitation and resettlement.

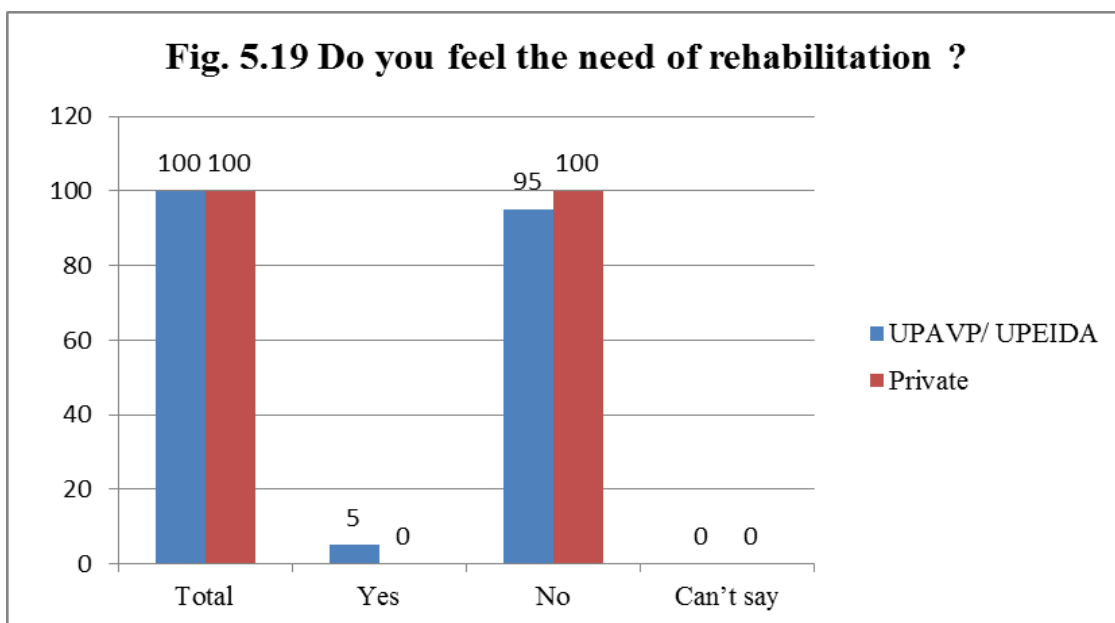


Table 5.20

Are you satisfied with the compensation provided to you?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	44	56	0
Private	100	4	96	0

Source: field work

When we ask next question are you satisfied with the compensation provided to you out of 100 people who gave their land to UPAVP/UPEIDA 44 responded replied 'yes' while only 56 people replied 'no'. But those who have given their land to private agency only 4 people replied 'yes' rest of respondent said 'no'.

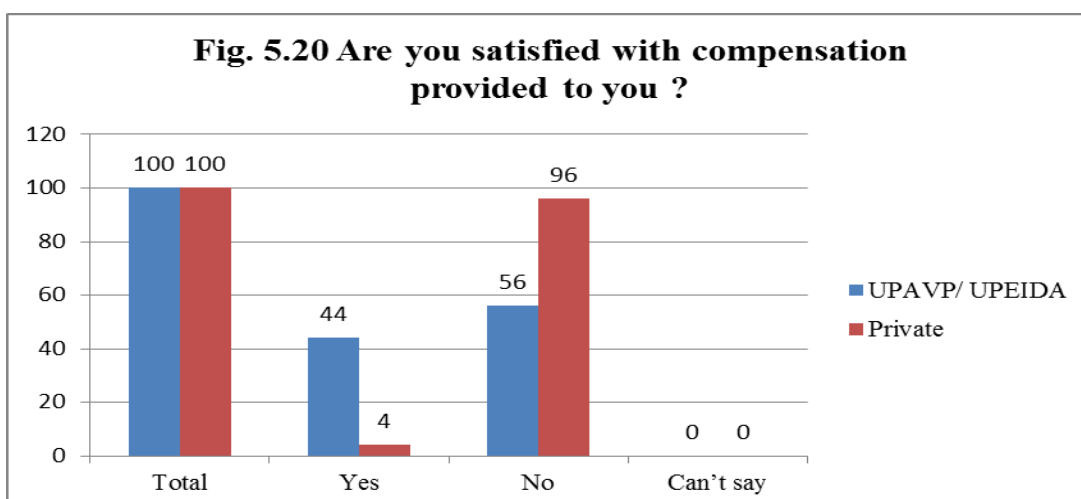


Table 5.21

Government used the term “public purpose” for acquiring the land from the landowner, for what purposes your land was acquired?

	Total	Road Construction	For affordable Housing	Other
UPAVP /UPEIDA	100	70	30	0
Private	100	0	0	100

Source: field work

When we ask for what purposes your land was acquired out of 100 respondents those gave their land to UPAVP/UPEIDA 70 people said for road construction, 30 people said for affordable housing while the respondent who agave their land to private agency said their land were used for other purposes.

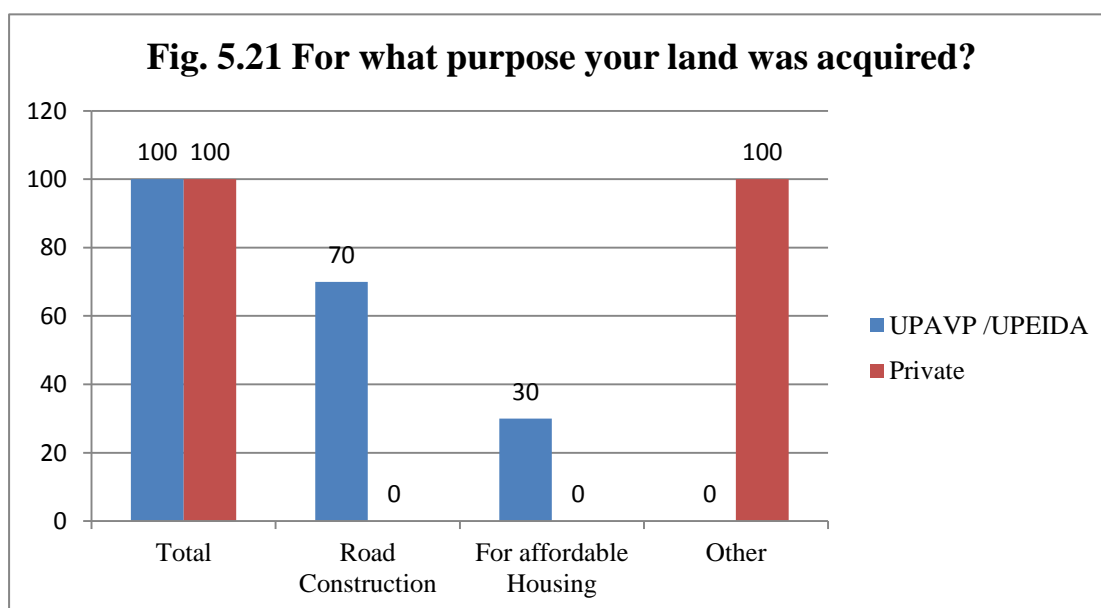
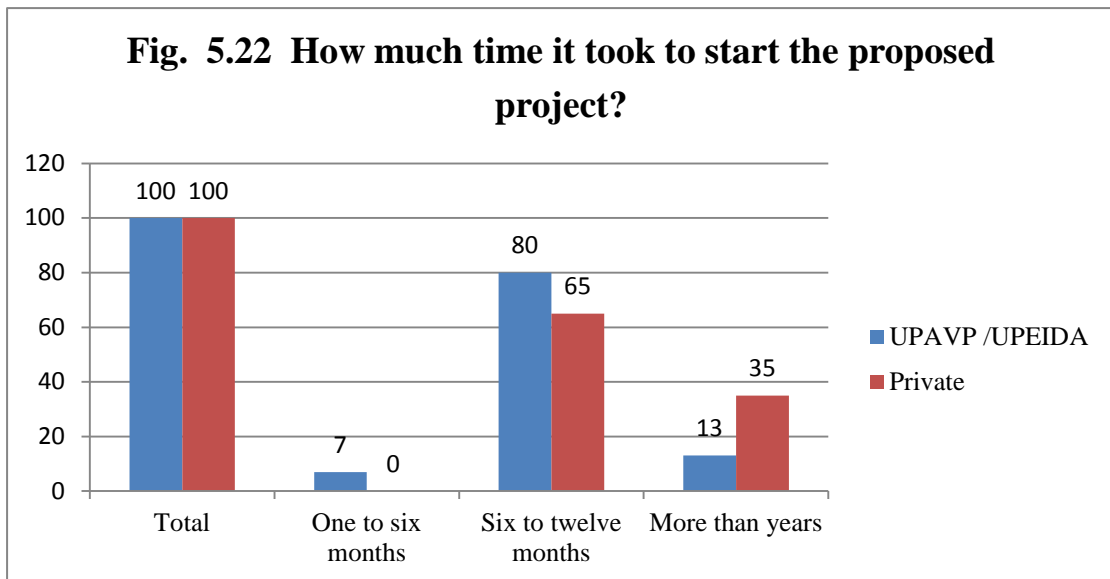


Table 5.22

How much time it took to start the proposed construction project?

	Total	One to six months	Six to twelve months	More than years
UPAVP /UPEIDA	100	7	80	13
Private	100	0	65	35

Source: field work



When we ask how much time acquiring agency took time to start construction work, those gave their land to UPAVP/UPEIDA out of 100 respondent 7 people said it took 7 months, 30 people said it took six to twelve months while 13 people replied it took more than years. While those gave their land to private agency out of 100 respondent 65 people said it took six to twelve months while 35 people said it took more than years.

Table 5.23

Were socio economic impact after taking your land was estimated?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	40	0	60
Private	100	0	30	70

Source: field work

When we ask next question were socio economic impact after taking your land was estimated. Out of 100 respondent who gave their land to UPAVP/UPEIDA only 40 people said 'yes' while 60 people replied they can't say means they don't have knowledge about this. While out of 100 respondents who gave their land to private agency 30 people replied 'no' while 70 people said 'can't say'.

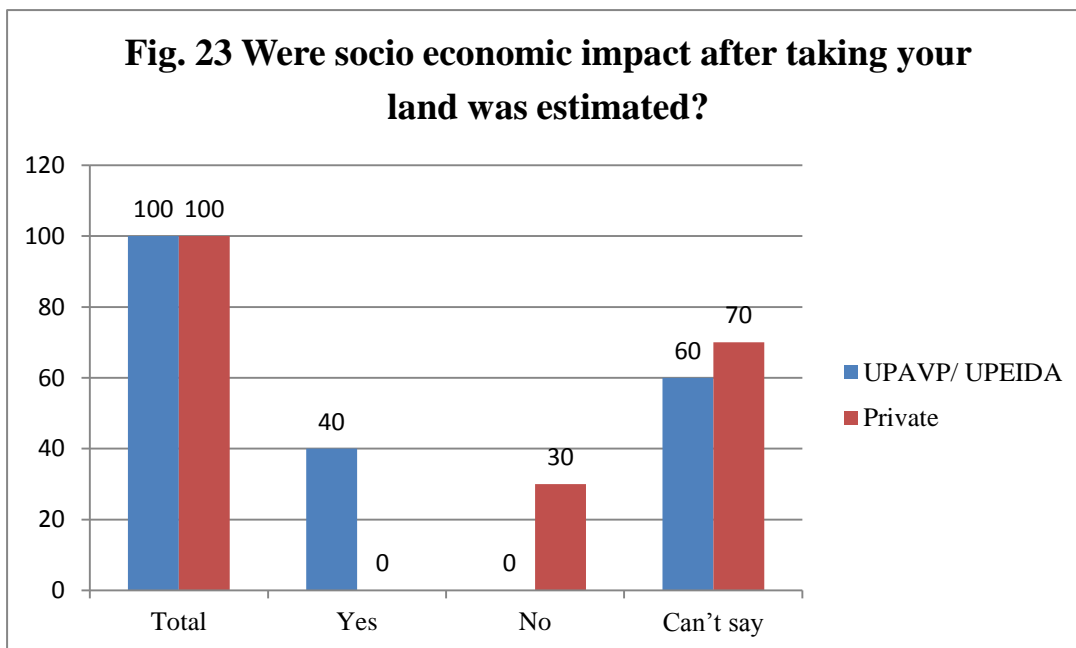


Table 5.24

What changes you experienced in your social status?

	Total	Increased	Decreased	No Changed
UPAVP /UPEIDA	100	0	68	32
Private	100	0	84	16

Source: field work

When we ask questions to respondent what changes you experienced in your social status after losing land so out of 100 respondents who gave their land to UPAVP/ UPEIDA 68 people said their social status has decreased while 32 people replied there is no change on their social status. While who gave land to private agency out of 100 respondent 84 people said they have experienced decrease in their social status while 16 people replied they have no changed in their social status.

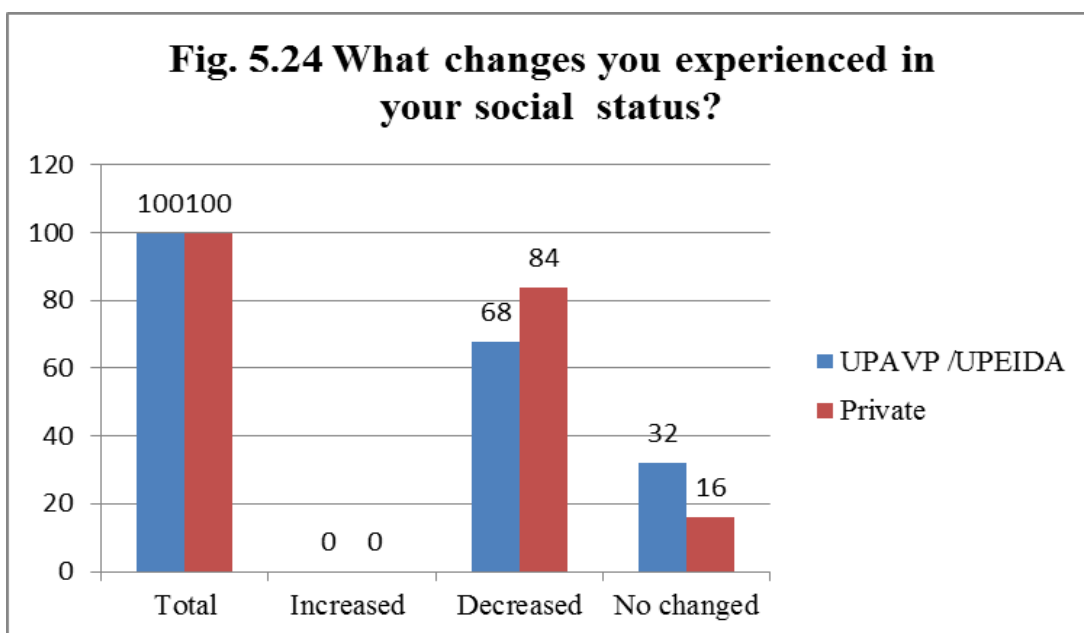


Table 5.25

What changes do you experience in your economic status?

	Total	Increased	Decreased	No Changed
UPAVP/ UPEIDA	100	48	30	22
Private	100	0	87	13

Source: field work

When we ask next question what changes do you experience in your economic status, out of 100 people who gave land to UPAVP/UPEIDA 78 respondent said their economic status has changed but 22 people replied they have no changes on their economic status because after getting compensation their money has been spend on various necessary work.

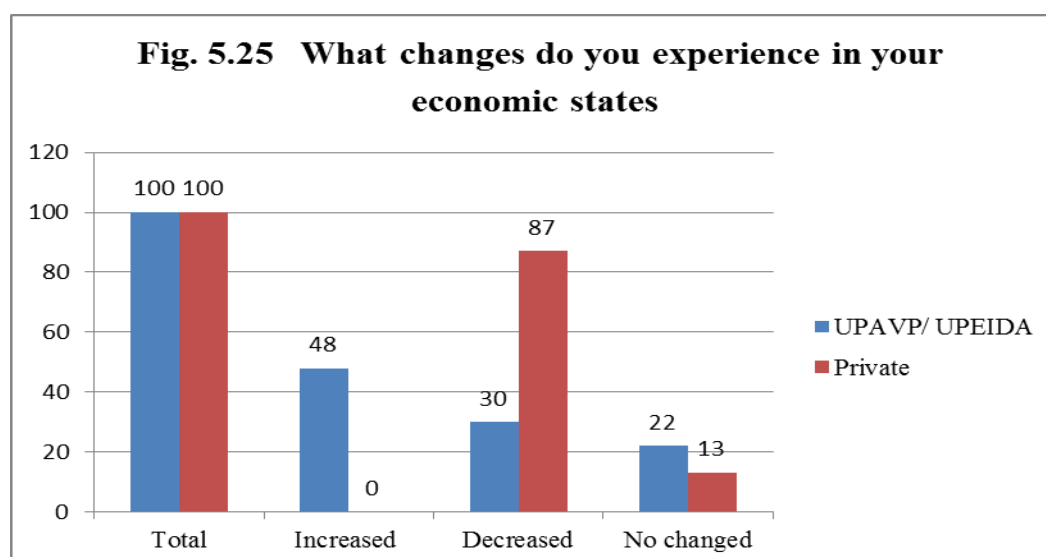
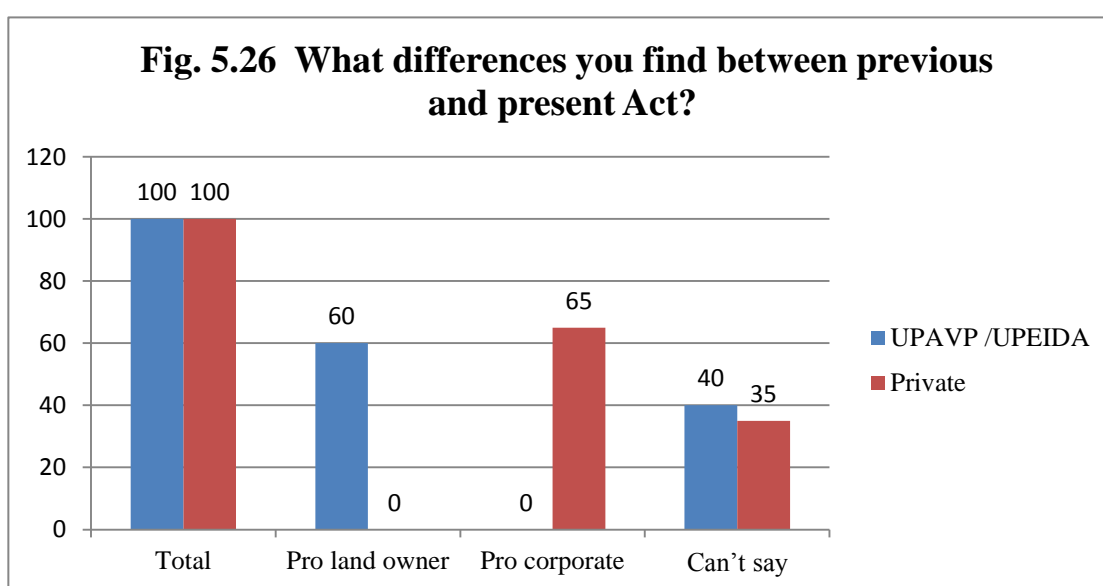


Table 5.26

What differences you find between previous and present Act?

	Total	Pro land owner	Pro corporate	Can't say
UPAVP /UPEIDA	100	60	0	40
Private	100	0	65	35

Source: field work



When we ask next question to our respondent what differences you find between previous and present Act? Out of 100 respondents those who gave land to UPAVP/UPEIDA 60 respondent said it is pro land owner while 40 people replied they don't have information regarding this so they can't say about it.

Table 5.27

Do you know any shortcoming in land acquisition Act?

	Total	Yes	No	Can't say
UPAVP/ UPEIDA	100	37	63	0
Private	100	13	0	87

Source: field work

When we ask next question do you know any shortcoming in land acquisition Act? Out of 100 respondent who gave their land to UPAVP/UPEIDA 37 people replied yes while 63 people replied 'no' while we ask this question who gave their land to private agency out of 100 only 13 people replied 'yes' while 87 people said 'can't say'.

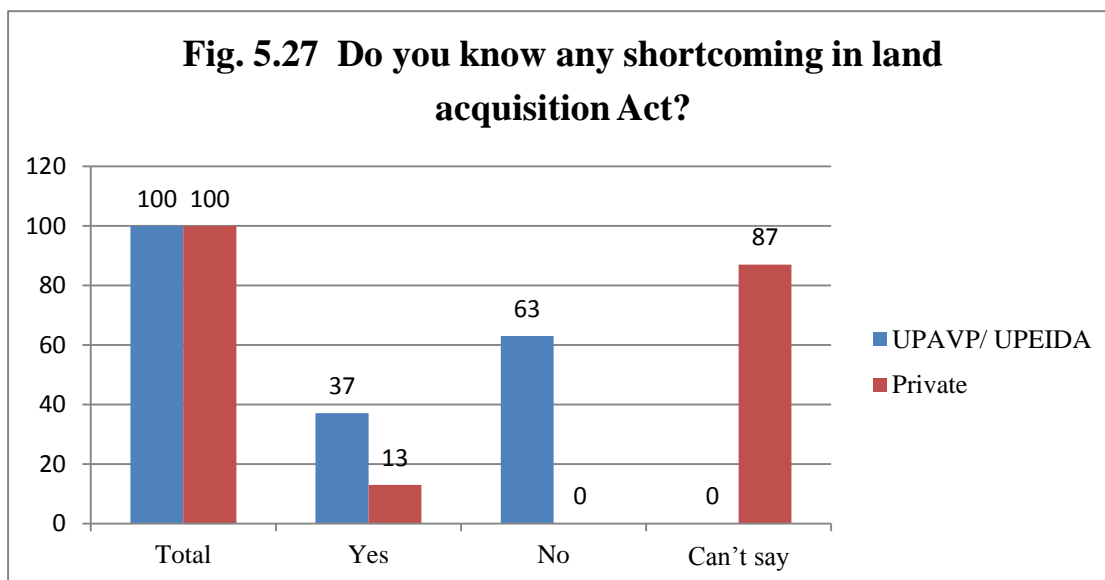


Table 5.28

What is now your source of livelihood after losing land?

	Total	Income from the remaining part of land	Job provided by government/company in lieu of land	Daily wage	Self-business	Others
UPAVP /UPEIDA	100	31	0	37	15	17
Private	100	16	0	52	32	0

Source: field work

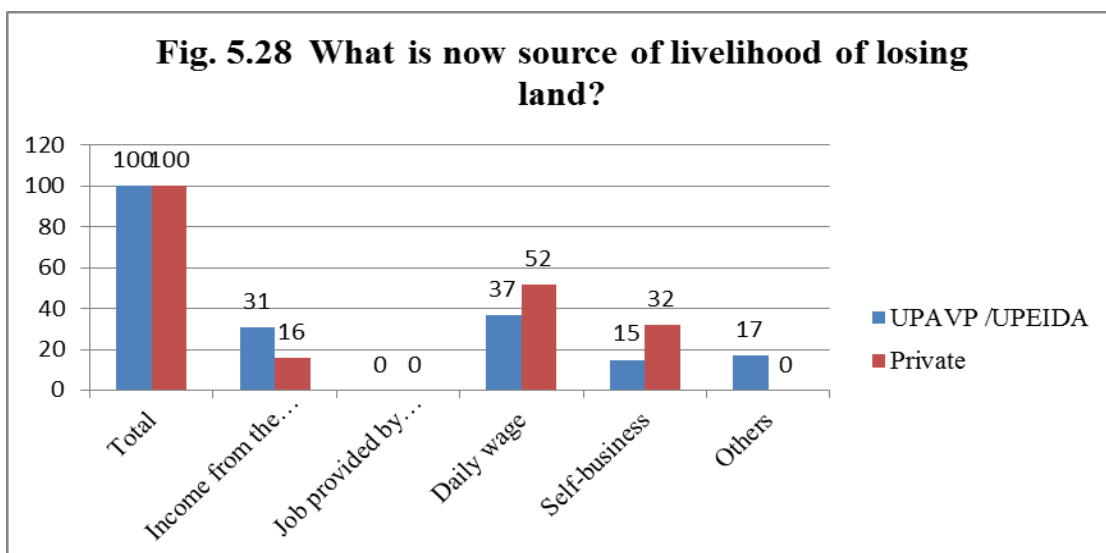


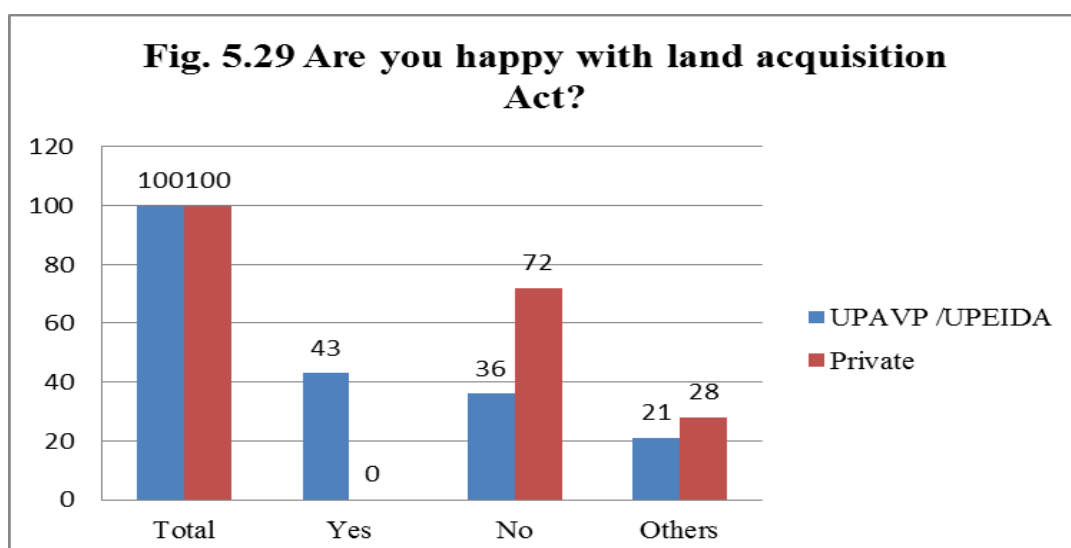
Table 5.29

Are you happy with the provision of land acquisition Act 2013?

			Total	Yes	No	Others
UPAVP /UPEIDA	100	43	36	21		
Private	100	0	72	28		

Source: field work

When we ask next question to our respondent ‘Are you happy with the provision of land acquisition Act 2013?’ out of 100 respondents who gave their land to UPAVP/UPEIDA 43 people said ‘yes’ while 36 people replied ‘no’ and 21 people said others. While who gave their land to private agencies out of 100 people 72 respondent said ‘no’ while 28 people said ‘others’ and no one said ‘yes’.



Analysis and Observation:-

When doing household survey and interviewing with land loser people it was new experience to know about the feeling of affected people. I had not expected the much difference of opinion from the affected people. Our household survey start with those people who have given their land for Uttar Pradesh Awas Vikash Parishad and in this project some farmers from the village of Usarbarauli, Piparikheda, Mawaiya, Utrethia , Babukheda, Birura , Lahurakhera were included. It is important to mention here that in all these villages schedule caste people are in large number and they have given their land during 2004-09. During the survey and group discussion they said their life has become very problematic because whatever land they had it has gone to the Awas Vikas project for affordable housing and now they have become landless. Earlier they were able to produce the grain from their own field but now they have to depend on the market. Grains are available at very high rate in market so they have to face double burden after losing land. Another problem to these land losers was that they have not got enough compensation for their land. Officials had said about some other rate of compensation but they got different compensation. Many farmers said they have challenged in court for fair compensation and case is under trial in court. Some of the farmers said what little amount they got from the government they all have spent on paying the fee of court and advocate to get rest amount.

While we conducted survey and group discussion with farmer who have given their land to Purvanchal Expressway, Lucknow Agra Expressway, Lucknow Ring Road here people were also not happy with the compensation because although they have got four times and two times according to the location of their land. But they expressed their dissatisfaction over the amount they received. Many respondents during our group discussion expressed the resentment for circle rate. Complain about the circle rate was common for every public project. They were sad because some of the farmers who have lost their same quantity of land in same project but have received high amount while some have received lesser amount. This was the bigger concerned of farmers. Farmers replied, their conscience was not allowing to give their fertile agricultural land but due to government purpose and good compensation amount they get ready. During survey it is clear that who gave their land after implementing new compensation policy they have got good compensation but still they feel sad after losing agricultural land. One important thing that we found is there

is very little case of rehabilitation and resettlement. Unlike other development projects in other places there is little case of relocation of habitant. There is little doubt among the land loser related to compensation of residential land. Farmers claim that they are living on their land after constructing home but officers do not consider that land as residential land. Because, farmers have no legal document that they can so and prove that land as residential.

While we were conducting survey and interviewing people in Mohanlalganj area we found here the many problems with people. Here large numbers of people are illiterate and living below poverty line. Private developers find more opportunity here to lure the poor people with many false promises. Many private developers are still active there and they use all their tactics to trap the poor farmers to convince them to sell their land. Many farmers there told they have sold their land even below the market value because they were getting cash in hand. Private developers after buying small patch of land they install they hoarding and banners in agricultural land signalling that they will buy the land of nearby field. We also saw many hoarding and banners installed in the cropped field. These private developers do not do 'Bainama' but they do agreement on paper with farmer after taking permission from the Collector. Many farmers told they get very less amount of compensation after completing all documentation work. Because more money spent on paper works and private developers reduce these amounts from their compensation.

While we were discussing with younger man some of them said they feel very sad because now they don't have agricultural land on which they can grow their own crop. Their father has sold the entire land to these private people and we got nothing. We have become landless and now are dependent on our daily wage. What we got as daily wage it all spends on buying daily use things. Our children have no future because we are facing very hard to meet even our daily needs.

During our research and studying other reports related to agricultural land we found that huge amount of arable lands are being utilised for non- agricultural purpose. In Uttar Pradesh alone huge amount of agricultural land has been acquired for making Expressways and Highways. This can be corroborated with this fact that only for Agra to Lucknow Expressway 3000 hectares of agricultural land has been acquired to build this expressway in which almost 30,074 farmers have given their fertile and multi

crop land³. Like was Yamuna Expressway, proposed Poorvanchal expressway, Bundelkhand expressway, Ballia Link expressway, and for Defence corridor huge amount of agricultural land will be converted into non-agricultural land.

Although government do not disclose the data how much it has acquired the land but from the media information it reveals that UPEIDA has planned to acquire 2.68,862 hectares of land in the coming future and so far it has acquired 12,481 hectares of land.

Consequently net sown area of Uttar Pradesh will decline at very vulnerable level. It should be the matter of concern for government and every individual because population of the state and entire globe is increasing at high pace and to feed them in the coming future will be great challenge to society and government. Many international agencies like Food and Agriculture Agency of United Nation has already alerted world through its study that it will be very difficult to feed everyone if the conversion of agriculture land to non-agricultural use continued for many years without making alternative.

Comparison with other research

There are many researches across world which shows the similarity with our research findings and makes it clear that consequences of land acquisition are very much alike all over the world. Some of the noted research study and their major findings are discussed below.

1. A study done by Nikita Sud in Gujrat has shown that after independence government in the name of land reforms and land ceiling has distributed surplus land to the landless and schedule caste and schedule tribe people. Due to this land distribution system they have got some land for their cultivation and harvesting but in the decade of 1990s and adoption of New Economic Policy many developmental projects initiated in Gujrat. For these industrial settlements huge chunks of land was acquired by the government and most land loser were from the schedule caste and

³ Mathur, S.(2015). 'Land acquisition : Modi to learn a lesson from Akhilesh' available at <https://timesofindia.indiatimes.com/uttar-pradesh/Land-acquisition-Modi-to-learn-a-lesson-from-Akhilesh/articleshow/47452485.cms> accessed on 15/06/2020

schedule tribe people. However many people became landless but most sufferer were from the marginalised section of society.

2. A study discussed by Tom Rudel in Cambodia explained that deforestation in those areas has increased where government has given land to private concessionaires. This study reveals that government has allowed domestic and foreign investor to nurture the economic development in the region. This study further explored that investors are getting additional benefit than the local communities of those region. Due to huge deforestation environmental imbalances can be witnessed in those regions.

3. A study done by Eli D Lazarus explained the horrific outcome of huge land grabbing across the world. Research has discussed that global land rush has created the problem for environment and many species of flora and fauna. Lazarus has explained that due to huge global land rush has caused the environmental change across the globe.

4. A research study carried out by Moses Mpogole Kusiluka, Sophia Kongela and others reveals the adverse impact of land acquisition on native communities of Tanzania. This study explores the very wicked effects on local communities. It explained that many poor and indigenous communities have suffer with loss of land, loss of means for sustenance, trouble in economic activities, continuous land related conflicts . This study has indicated that due to improper implementation of land acquisition policy in Tanzania has deteriorated the condition of indigenous community. Further this study adds that weak education and unawareness about the law has made their life worst.

5. A research study carried out by Paul Hufe and Daniel F. Heuermann has analysed the impacts of large scale land acquisitions on Sub Saharan Africa. In this study Researcher has found that although many developmental projects have been started after acquiring large scale of land in Sub Saharan region. These projects were initiated with claim that they will help in employment generation, transfer of knowledge and technology but results were not upto the mark. Indigenous people who have given their land they were in very bad condition. Government had claimed that it will increase the productivity of agriculture by transferring the land to industrial settlements but they have not benefitted with such developments. This study has also

pointed out towards the environmental degradation due to large scale of land conversion.

6. A research study done by the Balaji Pandey in India reveals that in the name of development underprivileged people have suffered a lot. He has done an extensive study of some infrastructural development projects in India and found that people from the downtrodden society bear the cost of development by losing their land, shifting to new places, alienated with their land etc.



CHAPTER-6

CONCLUSION AND SUMMARY



CHAPTER-6

CONCLUSION AND SUMMARY

Land Acquisition is the most discussed and most affecting issue of the country. After Independence, many developmental works started with faster speed incorporating and affecting large people's life into it. However, developmental works has started from the British colonial period but nature of dealing with land acquisition was very different. Britishers acquired land for their purpose to which their intention was to gain and exploit huge natural resources from Indian peoples. They had focused on building only that sort of infrastructure that was essential and useful for them only. To deal with land acquisition issues Britishers had made rule to regulate the Land Acquisition in colonial time that was known as 'Land Acquisition Act 1894' and it had been regulating the land acquisition till 2013 before the enactment of new rule by UPA led government in 2013. However, there had been some nominal modification in old and colonial law by the independent Indian government but it was effective until 2013.

Indian government adopted new economic policy in 1991 under the leadership of Narshimha Rao, the then prime minister of India. After implementing New Economic Policy India soften its export, import policy and opened door for private players and multi-national companies to invest, further allowed them to do business in country. At that time, many multi-national companies entered into country and acquired the land in the name of infrastructure development. Many times, it appeared that these companies had acquired much more land than they were required and had used them in some other profit making projects and not properly compensated to the poor peasants and landowner by whom they got land. In many cases huge number of tribal population has been displaced from their original habitats and they were neither properly compensated and nor properly rehabilitated and resettled in humane condition. Consequently many violent incidents have been reported from across India and many people have ended their lives for the cause of safeguarding their lands. Some of the highly reported conflicts can be recognised by their place of conflict and project's name. Few of them are like Nandigram and Singur from West Bengal, Vedanta and POSCO from Orissa that is bordering state with West Bengal, Yamuna

Expressway project from Uttar Pradesh etc. These projects have been in the news for many days and they were reported widely in national and international media.

It is true that development is necessary and everyone gets benefit with development process but the cost of development should not be a curse for poor people who get their sustenance and livelihood from agricultural land. Rural peasants passed their generations only through the produce of their land, that's why land for poor peoples are important as well industrial development are also necessary because we have passed seven decades after independence but we are still lagging behind in improving standard of life, per capita income, good education level for these basic infrastructures are required. Many incidents show that due to lack of land, many developmental projects are still in pipeline and they have not completed on time, which may have contributed in development process.

This study is an effort to examine the various dimensions of land acquisition and how it is getting influence in new regime. We have tried to explore how the land acquisition in Lucknow is getting influence in neo liberal era. Do the land loser people are being properly rehabilitated and resettled if they are needed. At what extent various welfare measures for land losers have been effective in dealing with the issue of associated problems. Which section of society is getting more affected due to such land acquisition? What is reality of social impact assessment in land acquisitions? What are the different Acts which government has passed in different point of time?

This study is based on field study of Lucknow district, which is the capital city of Uttar Pradesh state. It is among the fastest growing city in India. The main reason behind to select this district is that it is the capital of most populous state and many new developmental projects like Expressways, housing schemes and many such projects are undergoing here at large scale and huge amount of land has been acquired by the public and private entity.

For collecting the data questionnaire, observation and interview method has been adopted and at some places, group discussions were done. Respondent for this study were peasants who have given their land for any sort of projects whether it was for public or private purposes. Maximum respondent were from the rural region and

diverse socio economic background. For better and easy understanding of questions, questionnaire has been applied in diglot (English and Hindi) form.

To complete this research study titled as ‘Land Acquisition Policy under Neoliberal Regime in India: A Case study of Lucknow’ we have tried to include many aspects related to land acquisition and neoliberal theory with five chapters and their briefs are-

In first chapter, we have discussed how Neoliberalism originated in world. How it evolves over time. What were the factors that contributed to grow a new concept as neoliberalism that affected the policies of major part of the world? Which were the countries in beginning that adopted neoliberalism, what are the principles of neoliberalism that makes it important for ruling states. Further, we have discussed how it came in Indian who was the main person to introduce in India. In addition to this, we discussed about the land acquisition policy in Indian. When it came first in existence in India what were the necessity of this law and how it has affected the life of huge people in India.

In second chapter, we have discussed about the development and different paradigm prevalent in various sector. We have explained the development in detail and different definition given by noted scholar like Amartya Sen, Gunnar Myrdal, Amit Bhaduri, Bernstein, and Seers etc. In addition to this, we have discussed about the development according international institutions like International Labour Organization. We have also explained about the component of development like equality, employment, education and other things. Further, we discussed about the theoretical framework of land acquisition and neoliberalism. We have discussed classical economics, neoclassical economics, right to property etc.

In third chapter, we have discussed in detail about the political economy and land acquisition how they are associated. We have discussed about the component of political economy like liberal political economy, Marxist political economy. Further, we have discussed about the land and revenue administration in ancient and medieval time. We have discussed in detail about land revenue system during Mughal period, as some of them are Batai, Kankut, and Zabti. Further, we discussed about the land revenue system during the period British colony like Mahalwari and Raiyatwari. We

have also discussed about SEZ policy of India, how the idea of SEZ evolve and how it get implemented what were the phases that SEZ has travelled to arrive at today's level. We have discussed in detail about the law that UPA government has passed in 2013 and it was active law for land acquisition in India.

In chapter fourth, we have discussed about the historical importance of Uttar Pradesh from very early period even during the time of people when they were living as hunter and gatherer without any civilisation. Next we have discussed about role of Uttar Pradesh in Indus Valley civilisation, Vedic and Buddhist period, we have discussed about the significance of Uttar Pradesh during the Mahajanapada. Further, we traced the position of Uttar Pradesh during Delhi Sultanate, Mughal, post Mughal era, and further during Maratha and British colonial regime.

While discussing historical importance of Uttar Pradesh we have highlighted the importance of agriculture in U.P. how it is the backbone of economy and livelihood of people living in Uttar Pradesh. While discussing land use pattern in Uttar Pradesh we have discussed about the some very ambitious development projects that have acquired much amount of land and that has left many families without land.

In chapter fifth, we have discussed about the some important information related to Lucknow district and have discussed the data that we have collected from the ground during field study. We have presented it in tabulation form and have analyzed it.

Although development is need of hour and it is ray of hope for better future for coming generation but only creating buildings on land is not development, it demands inclusive development of people in which people can fulfill their all the necessity without having trouble. After implementing new economic policy in which globalization, liberalization and privatization were encouraged many new private players came in various fields to capture the market with the intention to earn more from the market. Likewise many private builders entered into the real estate sector and acquired huge amount of land from the peasant, tribal and poor people without following the land acquisition laws. Many reports have published worldwide that reveals that maximum times such land losers have not properly compensated and they trapped into poverty. Such situations are also similar in our chosen district and we realized the problem of land loser who have given their land for private companies.

During the survey we came to know that agent of private players comes to poor peasant, allures them with fancy promises, and tries to grab their land. We found that many households especially poor landowner has sold his land to such private people and not got equal benefits in lieu of promised one. Now fight among the family member is common problem. Father does not talk to their son as well as son also does not want to talk to their parents because they have sold the land of their share. After discussing with people, it emerged that some time poor peasant and landowner after listening about cash to their hand they get ready to sell their land to private players. After buying, even a small patch of land private players established their hoarding and banner in that area and now they claim that they will buy maximum amount of land in the earmarked area.

In some cases, it became known that even peasants who have lost their land for public purpose have received compensation according to existing rule but they are worried that they did not get equal amount of money. Because in some places due to high rate of market value of land peasant got more money while where the market value was low there farmers got little less amount. Due to this, farmers have objection that if two people have lost the same quantity of land in same project they must be equally compensated.

During survey and collecting data, it appears that there are a few people who had required the partial rehabilitation and resettlement for government projects like in Lucknow Metro and ring road in Lucknow. Although it is true and they have been comfortably resettled but the other side is who have given their land for private projects they are not getting the same amount. Although the land is being acquired in both projects but who are acquiring land for real estate sector or similar projects in that case land loser are getting very less amount in comparison to public projects.

Hypothesis testing

First hypothesis

Under the neo liberal policy vulnerability of marginalized section increases manifold.

To test this hypothesis we include question in questionnaire and after analysing data it comes out that land loser belonging to schedule caste and other backward caste has more impact than upper caste people. It clears from the data discussed in chapter 5 in which 87 people belonging to schedule caste and backward caste said their economic status has decreased. It is considerable that these were respondent who gave their land to some private companies while who gave their land to government in that category 22 people said there is no impact on their economic status. Hence it's clear that those people who have given their land to government they are better than those who have given their land to private projects. One more noticeable thing is that those people who gave land to government after implementation of new Land Acquisition Act 2013, they are only in better condition but other marginalised section has bear huge loss after giving their land despite good compensation because the compensation they received as cash has spent on various other works so they don't have enough land to cultivate. People who have gave their land to private projects are mostly belong to schedule caste and other backward cast now after giving land they have become land less and they don't have any option to cultivate crop even for their own use and for their livelihood maximum people are dependent on daily wage.

Hence after analysing the data and figures we can say that due to neoliberal policy because many private players are now active in real estate sector and they are approaching to farmers and acquiring huge land and people from marginalised section after losing small landholding they became landless and are slipped into severe poverty.

Second hypothesis

Due to land acquisition under the neo liberal era, environmental concerns like wild life conservation and protections are being neglected.

To verify this hypothesis we included questions in our questionnaire and after analysing the data it appears that in the name of development many green trees and gardens have been cut by government and private authorities. Many other sources published in print and electronic form also corroborate this fact to whom we have discussed in chapter 5 and chapter 4 that a huge number of green trees and plants are getting cleared. Hence we can say that for the desire of a lavish and comfortable life people are creating many infrastructures and for those infrastructures environmental concerns are being neglected.

Third hypothesis

Uttar Pradesh government has remained successful to manage all the compensation issue in a proper way.

After analyzing the entire data, it shows that Uttar Pradesh government has been acquiring the land since long back but we included the respondents who have given land since the year of 2000. After interviewing them, it appears that only that compensation issue has been managed properly who are provided after the implementation of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, before its implementation, people have not got sufficient compensation, we observed during the survey many land losers are still wondering the government offices for their compensation and doing protest.

Suggestions:

1. Equal amount should be paid to every land losers who is giving their land for any public purpose project irrespective of circle rate. Because there is many fault in deciding the circle rate of any land. Many times it has appeared that circle rate of particular region has not been updated since long time. Therefore, in such instance poor and illiterate peasant get cheated.
2. Government should avoid acquiring land permanently from peasants, it will be best option to take land on lease from the farmers, and those farmers have given their agricultural land for public purpose they should be given every month rent to landowner according to dependent on the land.

3. Real estate sector should be strictly prohibited to acquire private agricultural land. If it is necessary, Government should fix limit for private player to acquired agricultural land. If any private player exceed the limit must be punished.
4. Because due to use of agricultural land to non-agricultural purposes, net sown areas are decreasing and it is matter of concern for our future generation. If we will use such agricultural land to another use, it may create problem and may pose threat to food security.
5. If private players are making any building for commercial purpose, some benefits must be share to original landowner. It will help to poor landowners to cope with the loss after losing the land.
6. Government should make special provision to provide special training for employment to those land losers who have given their land for public purpose project, are poor, and belong to the marginalized section and whose livelihood is dependent on agricultural land.
7. If government is giving enough compensation to land loser, then government must provide advice and suggestion to such land loser to invest that money in other productive work by which they can secure the life of their children and they can handle the problem arising after losing their land.
8. In many cases, it appeared that government cut the large no. of trees and garden after acquiring it for any development projects. However, government claims that they have planted manifold plants than were cut. Nevertheless, many reports and environmentalist claim that such plant could not survive for longer time after plantation because of negligence and laxity in care of such plants. Therefore, government should appoint people who can care such plants and trees until these plants became big.



BIBLIOGRAPHY



BIBLIOGRAPHY

1. Ananth, V. (2015, May 22). <https://www.livemint.com/Politics/T2tN2OWzJIy9SuFgsGsmHN/The-evolution-of-the-Land-Acquisition-Act-from-1824-to-2015.html> retrieved on 27 November 2016
2. Steger, M. B., and Roy, R. K. (2010). *Neoliberalism: A very short introduction*. Oxford: Oxford University Press, pp 24
3. Mirowski P. and Plehwe D. (2009) *The Road From Mont Pelerin: The making of the Neoliberal Thought Collective* : England, Harvard University Press, pp.9-10
4. Peet R. and Hartwick E. (2009) *Theories of development: Contentions, Arguments, Alternatives* : New York, The Guilford Press, pp.85
5. Sen, Amartya (1988), "concept of development" In Hoollis Chenery & T.N. Srinivasan (Eds.), *Handbook of Development Economics* (9th edition pp.12). Amsterdam, Netherland: ELSEVIER NORTH HOLLAND
6. Singh, A.P. and Murari, K. (2018). *Governance Issues and Challenges* : Noida, Pearson India Education Services Pvt. Ltd, p. 72
7. Bhaduri, A. (2005). *Development with dignity: A case for full employment*. New Delhi: National Book Trust, p. 11
8. Bernstein, H. (1973), *Underdevelopment and development*. London: Penguin Book
9. ILO (1976), *Employment Growth and Basic Needs, One World Problem*, International Labour Organization, Geneva
10. Seers, D. (1997) *Forty years in development: The search for social justice* , Volume 40, No. 1
11. Haq, Mahbub ul. (2008). *The human development paradigm*. In Giorgio Secondi (ed.), *The development economics reader*, London: and New York: Routledge. P. 29

12. Meir, G.M. (1995) *Leading issue in Economic Development*, Oxford University Press Sixth addition
13. Todaro, M.P. and Smith, S.C. (2008). *Economic Development*, New Delhi: Pearson Education, p. 56
14. Sen, A.(2000), *Development as freedom*, New York: Anchor Books, pp. 1-11
15. Chauhan, S.S.S. & Singh, S. (2005). *Poverty and Interstate Disparities in Development*. In K. Nageswara Rao (Eds.), *Poverty in India Global and Regional Dimensions*: New Delhi, Deep & Deep Publication pp.121
16. Sinha, A.K. & Sen, R.K.,(2001), *Economics of Amartya Sen*, : New Delhi, Deep & Deep Publications, pp.232
17. Sengupta, D. (2017). India ranks 148 in women representation in government retrieved from <http://www.newindianexpress.com/states/tamil-nadu/2017/mar/17/india-ranks-148-in-representation-of-women-in-government-1582359.html>
18. NSSO Survey on unemployment in India. Retrieved from <https://iasscore.in/economy/-nssso-survey-on-unemployment-in-india>
19. Brundtland Commission report (1987) 'Our Common Future' Oxford University Press, London
20. Raghavan, V. P. (2009). *History of economic thought*. New Delhi: Kunal Books.
21. Reddy, VV (2009). 'History of Economic Thought: Ancient Times to Modern Times' New Century Publications, New Delhi, India
22. Singh, C. K. (2014). *Basics of economics*. London, UK: Koros Press Limited.(pp.104)
23. Locke, J. (1689) 'Second Treatise on Civil Government' p. 27
24. Ishay, M. (2008), *The History of Human rights: From Ancient Times to The Globalised Era*, University of California Press, pp.91-94

25. Peet, R. and Elaine H. *Theories of Development: Contentions, Arguments, Alternatives*. The Guilford Press: New York, 2009
26. Rafi Khan, S. (2011) "Towards New Developmentalism: Context, Program, and Constraints" in Rafi Khan, Shahrukh; Christiansen, Jens (eds.) *Towards New Developmentalism: Markets as Means rather than Master*. Routledge Press: New York, Abingdon,
27. Sen, Amartya K. (1987), 'The Standard of Living: The Tanner Lectures', Cambridge: Cambridge University Press.
28. Sen, Amartya K. (1999), *Development As Freedom*, Oxford: Oxford University Press.
29. Ten things to know about Arvind Panagariya available at <https://www.ndtv.com/business/10-things-to-know-about-arvind-panagariya-722829> accessed 18/12/2020
30. Khandelwal, A. (2017, January 03). What economist Arvind Panagariya really believes. Retrieved April 30, 2018, from <https://scroll.in/article/700420/what-economist-arvind-panagariya-really-believes>
31. Sen, Amartya K. (1992), *Inequality Re-examined*, Oxford: Clarendon Press
32. Polanyi, Karl (1944) 'The Great Transformation', Boston: Beacon Press
33. Stiglitz, J. (2002). 'Globalisation and its Discontent' New Delhi : Penguin Books
34. Frieden, J.A. and Lake, D.A. (2003). *International Political Economy: Perspectives on Global Power Wealth*. (Eds.) Fourth Edition. New York: St. Martin's Press pp 1
35. Caporasa, J. A. & Levine, D.(1992), '*Theories of Political Economy*', New York: Cambridge University Press, p. 34
36. Mill, James (1821), '*Elements of Political Economy*', London: C. Baldwin, Printer, New Bridge Street pp.3

37. S.T. Akindele, A.S. Obiyan, O.R. Olaopa & T.O. Asaolu (2003). A Theoretical Examination of the Perspective on Political Economy, *Journal of Social Sciences* Volume 7 Issue 3 p. 242
38. Marx, K. (1979). Marx, *Engels Pre-capitalist Socio-Economic Formation*. Moscow: Progress Publisher. pp.137-138
39. Habib, I. (1999), *The Agrarian system of Mughal India 1556-1707*, New Delhi: Oxford University Press p. 237
40. Chopra, P.N., Puri, B.N. & Das M.N. (1974) *A Social, Cultural And Economic History Of India Volume III* New Delhi: Macmillan Indian LTD. p. 179
41. Aggrawal A. (2012) *Social and Economic Impact of SEZs in India*: New Delhi Oxford University Press p.03
42. Srivastav, R. (2017) *Uttar Pradesh Day: How the state was born 67 years back* available on <https://www.hindustantimes.com/lucknow/uttar-pradesh-day-how-the-state-was-born-67-years-back/story-Y2JhCTBIo2UuQYvQSTBNgN.html> accessed on 14/09/2018
43. Desikan, S. (2020). *Early humans lived in northern India 80,000 years ago* available on <https://www.thehindu.com/sci-tech/science/early-humans-lived-in-northern-india-80000-years-ago/article30924041.ece> retrieved on 17/07/2020
44. Allchin, B. G., Allchin, B., Allchin, R. (1982). *The rise of civilization in India and Pakistan*. Kiribati: Cambridge University Press. pp. 77
45. Anwar, S. (2017) *List of Ancient Janapadas and Mahajanapadas* available on <https://www.jagranjosh.com/general-knowledge/list-of-ancient-janapadas-and-mahajanapadas-1492491365-1> retrieved on 17/07/2018
46. *Harvardha Era* available on <https://www.jagranjosh.com/general-knowledge/harshavardhana-era-1397648001-1>

47. Shafvi, R. (2018) Awed by Sharqi architecture available at <https://www.thehindu.com/opinion/columns/awed-by-sharqi-architecture/article25464562.ece>
48. Dutta K., P. (2017). Africans in India: Forgotten history of slaves, soldiers and rulers available at <https://www.indiatoday.in/india/story/africans-racial-attack-greater-noida-india-history-slaves-soldiers-rulers-968631-2017-03-30?espv=1>
49. Census of India (2011). 'Brief History of District Jaunpur' Government of India.
50. Chandra, S. (2006) Medieval India: From Sultanate to the Mughals Part – II.p.17 Har Anand Publication New Delhi
51. Second Battle of Panipat available on <https://panipat.gov.in/second-battle/> retrieved on 03/10/2018
52. Uttar Pradesh govt presents ₹ 4.79 lakh crore budget for 2019-20 (2019) The Hindu available at <https://www.thehindu.com/news/national/uttar-pradesh-govt-presents-479-lakh-crore-budget-for-201920/article26203003.ece#:~:text=The%20Uttar%20Pradesh%20government%20on,of%20%E2%82%B94%2C28%2C384.52%20crore.>
53. Uttar Pradesh Budget Analysis 2019-20 available at <https://www.prsindia.org/parliamenttrack/budgets/uttar-pradesh-budget-analysis-2019-20> accessed on 18/07/2020
54. 20th Livestock census 2019-All India Report available on <https://dadf.gov.in/sites/default/files/20th%20Livestock%20census-2019%20All%20India%20Report.pdf>
55. Progressive Uttar Pradesh: Building Uttar Pradesh of Tomorrow(2015) PHD chamber of Commerce and Industry
56. "Uttar Pradesh Budget Analysis 2019-20" (PDF). *PRS Legislative Research*. Retrieved 15 February 2019

57. "Minor industries". Rediff.com. Archived from the original on 10 October 2012. Retrieved 25 September 2012
58. Office of the Development Commissioner (Small Scale Industries). *Report on the second all-India census of small scale industrial units*. Development Commissioner, Small Scale Industries, Ministry of Industry, Govt. of India. p. 72. Archived from the original on 23 May 2013. Retrieved 4 August 2012
59. "Industries that play a vital role in the economy of the district". Maps of India. Archived from the original on 9 September 2012. Retrieved 24 September 2012.
60. Prashant Gupta, Rajat Gupta & Thomas Netzer (2009) "Building India, Accelerating infrastructure Projects" Mckinsey Report
61. Annual Report (2019-20) Ministry of statistics and Programme Implementation , Government of India available on
62. Indian Red Cross Society, Programmed and Activities
63. Disaster Management in India: Ministry of Home Affairs India NDMD
64. Development of 8 lane Controlled Expressway Government of U.P. Department of Infrastructure development, 28 September 2011 available at <http://upeida.in/site/writereaddata/siteContent/package/PE-P1.pdf>
65. IMF : 'India: Rapid Growth with Promising Medium term Prospects'
66. World Bank, 'World Development indicators
67. Press Release (2012) 'Agra Lucknow green field Expressways gets expedited' Infrastructure and Industrial Development Uttar Pradesh
68. UPEIDA (2020), 'Agra Lucknow Access Controlled Expressway project' available at <http://upeida.in/en/page/agra-lucknow-expressway> accessed on 16/06/2020
69. Mathur, Swati (2015). 'Land acquisition: Modi to learn a lesson from Akhilesh' <https://timesofindia.indiatimes.com/uttar-pradesh/land-acquisition->

modi-to-learn-a-lesson-from-akhilesh/articleshow/47452485.cms. *The Times of India*. Accessed on 18 May 2020.

70. Know how land was acquired for Agra Lucknow Expressway available at <https://www.businessinsider.in/know-how-land-was-acquired-for-agra-lucknow-expressway/articleshow/47459105.cms> available at 28/05/2015
71. UPEIDA (2020), 'Agra Lucknow Expressway' available at <http://upeida.in/en/page/agra-lucknow-expressway>
72. IAF fighter jets make touchdowns, takeoffs on Lucknow-Agra Expressway available on <https://www.thehindu.com/news/national/iaf-fighter-planes-touchdown-lucknow-agra-expressway/article19911039.ece> accessed on 16/05/2020
73. Purvanchal Expressway(2020) available at <http://upeida.in/en/page/the-purvanchal-expressway> accessed on 18/08/2020
74. Rawat, VS (2019), 'UP aims to finish 2 highways before 2022 polls, steps up land acquisition' available at https://www.business-standard.com/article/economy-policy/up-aims-to-finish-2-highways-before-2022-polls-steps-up-land-acquisition-119051200523_1.html accessed on 20/07/2020
75. Mishra, S. (2019) 'Poorvanchal expressway will now extend to Ballia' available at <https://timesofindia.indiatimes.com/city/lucknow/poorvanchal-expressway-will-now-extend-to-ballia/articleshow/69684138.cms> accessed on 20/07/2020
76. Rawat, VS (2019), 'UP aims to finish 2 highways before 2022 polls, steps up land acquisition' available at https://www.business-standard.com/article/economy-policy/up-aims-to-finish-2-highways-before-2022-polls-steps-up-land-acquisition-119051200523_1.html accessed on 20/07/2020
77. Rawat, V. S. (2020), 'UP raises bank loans worth Rs 5,900 crore for Bundelkhand Expressway' available at <https://www.business->

standard.com/article/current-affairs/up-raises-bank-loans-worth-rs-5-900-crore-for-bundelkhand-expressway-120082601072_1.html accessed on 20/11/2020

- 78.** Gupta, P. (2020) 'UP Budget 2020: 1,020-Km Long Ganga Expressway, State's Sixth And Longest, Gets Rs 2,000 Crore Allocation' available at <https://indiainfrahub.com/2020/commentary/up-budget-2020-1020-km-long-ganga-expressway-states-sixth-and-longest-gets-rs-2000-crore-allocation/> accessed on 20/07/2020
- 79.** Gorakhpur link Expressway available at <http://upeida.in/en/page/gorakhpur-link-expressway> accessed on 26/12/2020
- 80.** Rawat, V.S. (2019) PM Modi lays foundation for Rs 20,000 crore defence corridor in UP available at https://www.business-standard.com/article/economy-policy/pm-modi-lays-foundation-for-rs-20-000-crore-defence-corridor-in-up-119021500646_1.html accessed on 20/07/2020
- 81.** UP Defence Corridor available at <http://www.upeida.in/en/page/up-defence-corridor> accessed on 15/11/2020
- 82.** Press Information Bureau (2018) 'New Greenfield Noida International Airport at Jewar picking momentum – Progress Report' Ministry of Civil Aviation, Government of India
- 83.** Final Draft Resettlement Action Plan of Priority Section of N-S Corridor of LMRP (2016) Final phase priority section From Transport Nagar to Charbagh: Lucknow Metro Rail Corporation Limited.
- 84.** UP Govt. to expedite land acquisition for Kanpur & Agra metro rail projects Available on metrorailnews.in/up-govt-to-expedite-land-acquisition-for-kanpur-agra-metro-rail-projects/ accessed on 14/08/2020
- 85.** DPR for Agra metro (2019). Supplementary document to DPR for rail based Mass Rapid Transit System in Agra available at <https://lmrcl.com/project/dpr-of-agra-metro/> accessed on 17/11/2020

- 86.** Tyagi, H. (2020). Agra Metro project inaugurated. Check route, stations and details available on <https://www.timesnownews.com/business-economy/industry/article/agra-metro-project-inaugurated-check-route-stations-and-other-details/691507> accessed on 09/12/2020
- 87.** Builders in Lucknow available at <https://www.proptiger.com/lucknow/all-builders?page=1> accessed on 28/12/2019
- 88.** All India Indo Asian News Service 50,000 Trees To Be Cut In UP's Tiger Reserves For Road Project: Officials available on <https://www.ndtv.com/india-news/50-000-trees-to-be-cut-in-ups-tiger-reserves-for-road-project-officials-1930107> published on 11\10\2018
- 89.** India State of Forest Report (2019) Forest Survey Of India, Ministry of Environment and climate change Government of India available at <https://fsi.nic.in/isfr19/vol2/isfr-2019-vol-ii-uttar-pradesh.pdf>



LIST OF PUBLICATIONS



LIST OF PUBLICATIONS

- 1. Dinesh Kumar** (2018), Land Acquisition and Its Impact on Women, International Journal of Innovative Social Science & Humanities Research, Vol (5), No.1 ISSN: 2349-1876 (Print), PP. 272-276.
- 2. Dinesh Kumar** (2019), Development and Availability of Land: Emerging Issues, Review of Research, Vol (8), No.7, ISSN: 2249-894X, PP. 1-6.



APPENDICES



INTERVIEW SCHEDULE

Dear Respondent,

I am requesting you to fill up this questionnaire. The topic of my research work is Entitled “**Land Acquisition Policy under Neoliberal Regime in India: A Case Study of Lucknow**”. The information you provide will be kept completely confidential and will only be used for research work. The researcher will always be grateful for your cooperation.

Research Supervisor

Prof. Sartik Bagh

Research Scholar

Dinesh Kumar

**Department of Political Science
Babsaheb Bhimrao Ambedkar University, Lucknow**

Section- A

Socio-Economic Profile of Respondent

1. Name:

2. Age:

3. Gender: (A) Male (B) Female (C) Other

4. Community: (A) General (B) OBC (C) SC/ST (D) Minority

5. Marital Status of the respondent: (A) Married (B) Unmarried

(C) Divorced

6. Religion : (A) Hindu (B) Muslim (C) Christian (D) Sikh (E) Other

7. Education: (A) Literate (B) Illiterate (C) Up to high School

(D) up to Intermediate (E) Graduate (F) Post Graduate

8. Source of Income: (A) Agriculture (B) Government Jobs (C) Private Jobs (D) Self occupation

9. Total no. of member in family:

10.Land Holding:

11.No. of family Dependent on the land:

साक्षात्कार अनुसूची

प्रिय उत्तरदाता,

मैं आपको इस प्रश्नावली को भरने का अनुरोध कर रहा हूँ। मेरे शोध प्रबंध कार्य का विषय "भारत में नवउदार शासन के तहत भूमि अधिग्रहण नीति : लखनऊ का एक अध्ययन" है। आपके द्वारा प्रदान की गयी जानकारी को पूर्णतः गोपनीय रखा जाएगा और केवल शोध कार्य के लिए उपयोग किया जाएगा। शोधकर्ता आपके सहयोग के लिए सदैव आभारी रहेगा।

शोध निर्देशक

प्रोफेसर सार्तिक बाघ

शोधकर्ता

दिनेश कुमार

राजनीति विज्ञान विभाग
बाबासाहेब भीमराव अम्बेडकर विश्वविद्यालय, लखनऊ

खण्ड—अ

उत्तरदाता की सामाजिक—आर्थिक रूपरेखा

1. नाम:
2. उम्र:
3. लिंग: (अ) पुरुष (ब) महिला (स) अन्य
4. समुदाय: (अ) सामान्य (ब) ओबीसी (स) एससी/एसटी (द) अल्पसंख्यक
5. उत्तरदाता की वैवाहिक स्थिति: (अ) विवाहित (ब) अविवाहित (स) तलाकशुदा
6. धर्म: (अ) हिन्दू (ब) मुस्लिम (स) ईसाई (द) सिख (य) अन्य
7. शिक्षा: (अ) साक्षर (ब) निरक्षर (स) उच्च विद्यालय (द) इंटरमीडिएट (य) स्नातक (थ) पोस्ट ग्रेजुएट
8. आय का स्रोत: (अ) कृषि (ब) सरकारी नौकरी (स) निजी नौकरी (द) स्व व्यवसाय
9. परिवार में सदस्य की कुल संख्या:
10. भूमि क्षेत्र/नियंत्रण:
11. भूमि पर आश्रित परिवारों की संख्या:

Section -B

Inputs regarding land acquisition, Compensation policy and issue of rehabilitation and resettlement from the ground

- 1) Do you know about the land acquisition act?
(i) Yes (ii) No (iii) Can't say
- 2) Have your land been acquired by the state/government for any purpose/project?
(i) Yes (ii) No (iii) Can't say
- 3) Are you voluntarily ready to give up your land ?
(i) Yes (ii) No (iii) Can't Say
- 4) How your land was acquired?
(i) Forcefully ii) Peacefully iii) by your consent
- 5) Were you informed while acquiring the land that for what purposes your land will be utilised?
(i) Yes (ii) No (iii) Can't Say
- 6) If yes, for what purpose it was told?
(i) For private purposes (ii) For government purposes
(iii) For any other work (iv) For PPP project
- 7) Which type of your land has been acquired?
(i) Arable (ii) Residential (iii) Barren land
- 8) When (year) your land was acquired?
(i) 1999-2004 (ii) 2004-2009 (iii) 2009-2014 (iv) 2014-2017
- 9) Had there any trees or garden on your land?
(i) Yes ii) No (iii) Other

खण्ड—ब

भूमि अधिग्रहण, मुआवजे नीति, पुनर्वास और पुनर्स्थापन के मुद्दे से सम्बन्धित जानकारी हेतु प्रश्नावली।

- 1) क्या भूमि अधिग्रहण अधिनियम के बारे में जानते हैं ?
(अ) हां (ब) नहीं (स) कह नहीं सकते
- 2) क्या आप की जमीन किसी राज्य/सरकार द्वारा किसी उद्देश्य परियोजना के लिए अधिग्रहित की गई है ?
(अ) हां (ब) नहीं (स) कह नहीं सकते
- 3) क्या आप स्वेच्छा से जमीन देने के लिए तैयार हो गए?
(अ) हां (ब) नहीं (स) कह नहीं सकते
- 4) आपकी जमीन कैसे अधिग्रहित की गई?
(अ) दबाव डाल के (ब) शांतिपूर्वक (स) आपकी सहमति से
- 5) क्या आपको सूचित किया गया था कि आपकी जमीन किस उद्देश्य के लिए प्रयोग की जाएगी?
(अ) हां (ब) नहीं (स) कह नहीं सकते
- 6) यदि हां, तो किस उद्देश्य के लिए बताया गया था?
(अ) निजी कार्य हेतु (ब) सरकारी कार्य हेतु (स) किसी अन्य कार्य हेतु
(द) पी.पी.पी. मॉडल पर आधारित परियोजना के लिए
- 7) आपकी किस तरह की जमीन अधिग्रहित की गई?
(अ) कृषि योग्य (ब) आवासीय (स) खाली एवं अउपजाऊ
- 8) किस वर्ष आपकी जमीन अधिग्रहित की गई?
(अ) 1999—2004 (ब) 2004—2009 (स) 2009—2014 (द) 2014—2017
- 9) क्या आपकी जमीन पर वृक्ष या बगीचा था?
(अ) हां (ब) नहीं (स) कह नहीं सकते

- 10) If yes, had the value of tree or garden was also included in compensation?
(i) Yes (ii) No (iii) Can't say
- 11) How these trees and garden were utilised after acquisition?
(i) Cut down (ii) destroyed (iii) As it is
- 12) How much your land has been acquired
(i) Total (ii) Partial (iii) More than half
- 13) Do you know about the compensation policy of government?
(i) Yes (ii) No (iii) Can't Say
- 14) Can you say confidently that government compensated you according to the compensation policy?
(i) Yes (ii) No (iii) Can't Say
- 15) Have you been provided with benefits/facilities mentioned in the land acquisition policy while surrendering your land to the government?
(i) Yes (ii) No (iii) Can't say
- 16) Do you think benefits/facilities provided by government in lieu of your land are enough to fulfil the requirement?
(i) Yes (ii) No (iii) more than the value of land
(iv) Others
- 17) If no, have you approached to competent authority for those facilities?
(i) Yes (ii) No (iii) Can't say

10) यदि हां, क्या वृक्ष/बगीचा का मूल्य मुआवजा में अलग से शामिल किया गया था?

(अ) हां (ब) नहीं (स) कह नहीं सकते

11) वृक्ष या बगीचा का अधिग्रहण के उपरान्त किस रूप में प्रयोग किया गया?

(अ) काट दिया गया (ब) क्षत-विक्षत कर दिया गया

(स) उसी रूप में स्थित है

12) कितनी जमीन आपकी अधिग्रहित की गइ?

(अ) पूरा (ब) थोड़ा (स) आधा से ज्यादा (द) अन्य

13) क्या आप सरकार की मुआवजा नीति जानते हैं?

(अ) हां (ब) नहीं (स) कह नहीं सकते

14) क्या आप विश्वास के साथ कह सकते हैं कि सरकार ने आपको मुआवजा, मुआवजा नीति के अनुसार प्रदान किया है?

(अ) हां (ब) नहीं (स) कह नहीं सकते

15) क्या आपके द्वारा सरकार को जमीन देने के उपरान्त सभी लाभ मुहैया कराए गए जिनका ब्यौरा भूमि अधिग्रहण नीति में किया गया है?

(अ) हां (ब) नहीं (स) कह नहीं सकते

16) क्या आपको लगता है कि जमीन के बदले प्रदान किए गए लाभ आपकी जरूरतों को पूरा करने के लिए पर्याप्त हैं?

(अ) हां (ब) नहीं (स) जमीन की कीमत से अधिक हैं (द) अन्य

17) यदि नहीं, क्या आप उन लाभों/सुविधाओं के लिए सक्षम प्राधिकारी के पास गए?

(अ) हां (ब) नहीं (स) कह नहीं सकते

- 18) Which types of compensation have been provided to you?
- (i) Fair compensation (money) decided by the government
 - (ii) Land for land
 - (iii) Job to a family member according his eligibility
 - (iv) Appropriate rehabilitation and resettlement
 - (v) All
- 19) Do you feel the need of rehabilitation and resettlement after government acquired your land?
- (i) Yes (ii) No (iii) Can't Say
- 20) If yes, was rehabilitation and resettlement done by the government conducive to you?
- (i) Yes (ii) No (iii) Can't Say
- 21) How you experienced after moving to new place?
- (i) Horrific (ii) better than previous (iii) not so different
- 22) Are you satisfied with the compensation provided to you?
- (i) Yes (ii) No (iii) Can't Say
- 23) Government used the term “ Public Purpose” for acquiring the land from the landowner, for what purposes your land was acquired
- (i) Road Construction (ii) Government house building construction
 - (iii) For Army work (iv) Others
- 24) How much time it took to start proposed construction work?
- (i) Immediately after acquiring (ii) one to six months
 - (iii) Six to 12 months (iv) more than years

- 18) किस तरह का मुआवजा आपको प्रदान किया गया है?
- (अ) सरकार द्वारा निर्धारित उचित धनराशि (ब) जमीन के बदले जमीन
(स) परिवार से एक व्यक्ति को योग्यता के अनुसार नौकरी
(द) उचित पुनर्वास एवं पुनर्स्थापन (य) सभी
- 19) सरकार को अपनी जमीन देने के उपरांत क्या आपको पुनर्वास एवं पदस्थापन की आवश्यकता महसूस हुई?
- (अ) हां (ब) नहीं (स) कह नहीं सकते
- 20) यदि हां, क्या यह पुनर्स्थापन एवं पुनर्वास आपके अनुकूल था?
- (अ) हां (ब) नहीं (स) कह नहीं सकते
- 21) नए स्थान पर बसने पर आपको कैसा लगा?
- (अ) दुःखद (ब) पहले से बेहतर (स) कोई बहुत अंतर नहीं
- 22) क्या आप प्राप्त किए गए मुआवजा से संतुष्ट हैं
- (अ) हां (ब) नहीं (स) कह नहीं सकते
- 23) सरकार जमीन अधिग्रहण करते वक्त 'जन उद्देश्य' के प्रयोग हेतु शब्द का प्रयोग जमीन स्वामियों से करती है, आपकी जमीन को किस उद्देश्य हेतु अधिग्रहित किया गया?
- (अ) सड़क निर्माण (ब) सरकारी भवन निर्माण
(स) किसी सैन्य कार्य उद्देश्य के लिए (द) अन्य
- 24) प्रस्तावित निर्माण कार्य को आरंभ होने में कितना समय लगा?
- (अ) अधिग्रहण के उपरान्त शीघ्र (ब) 1 से 6 महीने
(स) 6 से 12 महीने (द) साल भर से ज्यादा

- 25) Were socio economic effect after taking your land was estimated?
(I) Yes (ii) No (iii) Others
- 26) If yes, which type of assessment was done?
(i) Socio cultural (ii) Economic (iii) Religious (iv) Political
(v) Others
- 27) What changes you experienced in social status?
(i) It increased (ii) It decreased (iii) Status Quo (iv) Other
- 28) What changes you experienced in your economic status?
(i) It increased (ii) It decreased (iii) Status Quo (iv) Other
- 29) What differences you find between previous and present Act?
(i) It is pro land owner
(ii) It is pro corporate
(iii) No differences
(iv) No idea/ Don't know
- 30) Do you know any shortcoming in land acquisition Act?
(i) Yes (ii) No (iii) Can't Say
- 31) What is now your source of livelihood after losing land?
(i) Income from the remaining part of land
(ii) Job provided by government in lieu of land
(iii) Daily wage labourer
(iv) Self-business
- 32) Are you happy with the provisions of land acquisition Act?
(i) Yes (ii) No (iii) can't say

25) क्या आपकी जमीन लेने से पूर्व समाजिक आपात आकलन किया गया था?

(अ) हां (ब) नहीं (स) कह नहीं सकते

26) यदि हां, किस प्रकार आकलन किया गया था?

(अ) सामाजिक सांस्कृतिक (ब) आर्थिक (स) धार्मिक (द) राजनीतिक
(य) अन्य

27) सरकार को जमीन देने के उपरान्त आप अपनी सामाजिक स्थिति में कैसा अनुभव करते हैं?

(अ) सामाजिक स्थिति बढ़ गई है (ब) सामाजिक स्थिति घट गई है
(स) कोई परिवर्तन नहीं (द) अन्य कोई

28) आप अपनी आर्थिक स्थिति में कैसा परिवर्तन महसूस करते हैं?

(अ) आर्थिक स्थिति मजबूत हुई (ब) आर्थिक स्थिति कमजोर हुई
(स) कोई परिवर्तन नहीं (द) अन्य कोई

29) आप पिछले एवं वर्तमान अधिनियम में क्या अंतर पाते हैं?

(अ) यह भू-स्वामी के पक्ष में है (ब) यह निजी कारपोरेट के पक्ष में है (स) कोई अंतर नहीं है

30) क्या आपको भूमि अधिग्रहण नीति में कहीं कमी लगती है?

(अ) हां (ब) नहीं (स) कह नहीं सकते

31) सरकार को जमीन देने के उपरान्त अब आपकी आजीविका का साधन क्या है?

(अ) बची हुई जमीन से आय (ब) जमीन के बदले प्रदान की गई नौकरी
(स) दिहाड़ी मजदूरी (द) स्वयं का व्यवसाय

32) क्या आप भूमि अधिग्रहण के प्रावधानों से संतुष्ट हैं?

(अ) हां (ब) नहीं (स) कह नहीं सकते