



Land Acquisition Laws and Farmers Protest in India

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Article information

Received: 8th August 2024

Received in revised form: 6th September 2024

Accepted: 14th October 2024

Available online: 21st November 2024

Volume: 1

Issue: 2

DOI: <https://doi.org/10.5281/zenodo.14190458>

Abstract

The concerns with forced acquisition of land and the financial and governmental barriers that prevent voluntary land transfers are the two main topics of this essay. The Land Acquisitions Act of 1894 was completely revised in 2013 to address a number of issues, including the need for landowners' prior consent before private businesses or public partnerships could acquire land, the need for social impact assessments for any and all land acquiring initiatives, and limitations on the purchase of irrigated agricultural land to address some of the issues raised by those impacted by land acquisition. We contend that reform is long required and that the existing structure is untenable in India, a democracy. The takings procedure and regulatory restrictions are major causes of the extreme distortion of land prices that exist today. The most significant barrier to development, particularly in the area of infrastructural development, is land acquisition. The effects of land acquisition on farming and non-farming populations in western Uttar Pradesh are covered in this research. Numerous effects on both farming and non-farming communities have resulted from the land acquisition. Instances of such problems pertaining to land acquisition have occurred throughout India. Following the loss of land, a few enduring problems were Food insecurity, relocation, challenges to one's livelihood, changing occupations, and displacement.

Keywords: - Land Acquisition, Food Insecurity, Land Acquisition Act 1894, Regulatory, Land Transactions, Farming, Non-Farming Groups, Resettlement, Livelihood Challenge, Shifting Occupation.

“A fertile soil Alone does not carry agriculture to perfection.”

—H.Derby.

I. INTRODUCTION

The Lok Sabha has received the Land Acquisition and Rehabilitation & Resettlement (LARR) Bill 2011. The bill's declared goal is to address the shortcomings of the outdated Land seizure Act 1894, which is the current legislation pertaining to the forcible seizure of private property and land. In addition, the measure seeks to protect the interests of those impacted while making it easier to shift land from agricultural to other developmental uses. There are many admirable aspects in the measure.

The most significant is the limitation of the emergencies clause's use, which has been made well-known by the states' repeated abuse of it. Furthermore, the measure acknowledges that the purchase of agricultural property impacts many

individuals whose livelihoods rely on it in addition to the land's owners. Therefore, by establishing a legal right to compensation and Reintegration and Rehabilitation (R&R) for those who suffered property and other livelihood losses, it aims to safeguard the welfare of all impacted parties.

In addition, the measure permits forced purchasing of land for a variety of private company operations by weakening the important public-private divide. In fact, the proposed bill greatly broadens the definition of eminent domain, which encompasses or the state's and its authorities' authority to forcibly take private property for "public purpose" purposes. This article makes the case because any procedure centered around the concept of eminent domain is inherently unjust and inefficient, even if it only entails the forced purchase of a small portion of the necessary property. Furthermore, it is argued that these issues cannot be circumvented even if the compelled purchase is supported by ostensibly charitable programs, such as reimbursement as a result of land-for-land and/or R&R packages, by addressing various forms of eminent domain suggested by some recent works on the subject.

Since independence, those impacted by this forced relocation that results in the state acquiring property have been protesting it. This opposition grew exponentially in response to the quantity of land acquired, accelerated in response to the transition to a market economy, and culminated in a large-scale movement within the previous 20 years. This caused the state to employ force to seize the property, which resulted in the deaths of the farmers who were fighting and injuries to them. It also caused the process of acquiring land to halt or be delayed in various areas.

Academics, non-governmental organizations, and members of civil society groups that work to raise socially conscious issues have long called for the repeal of the a colonial Land Acquisition Act, 1894, which serves as the foundation for such acquisitions, and to be replaced with a democratic, humane law that safeguards the rights of those impacted. They gave the government a thorough study of many legal provisions that severely harm the rights of farmers and other people who depend on land for existence, and they vehemently argued that the law needs to be changed by passing a new legislation that takes their concerns into account.

The more significant changes that were suggested to be contained in the new law included the more significant changes that were suggested to be contained in the new law included the following: a demand that all land acquisitions be done with the consent and knowledge of the individuals who stand to be impacted, limiting the definition of "public purpose" to government initiatives that positively impact the populace, especially those that displace people; prohibiting the acquisition of land by private organizations; requiring ecological and Social Impact Analyses (SIA) prior to making any land acquiring decisions; prohibiting the acquisition of irrigated and multicropped land; and requiring the government of offering appropriate compensation, rehabilitation, and resettlement to everyone, including livelihood losers impacted by land acquisitions, whether or not by state or private entities; and returning any unutilized land acquired beyond the requirements of a currently.

This study aims to accomplish two things: first, it will determine the "functioning" that property that is typically valuable to landlords in India creates, and secondly, it will explain the worth of these "functioning's" and, therefore, the severity of the loss that results from their loss. An in-depth discussion with landowners to look at the function of land in individual and family development accomplishes the first goal. Analysis of primary sources identifies eighteen ways that land works.

Land purchase in the western region of Uttar Pradesh has recently developed into a convoluted procedure for development that has, either directly or through indirect means, caused a variety of issues for both agricultural and non-farming communities. Their old job is no longer with them. The development cycle has not benefited the villagers, despite their efforts to maintain good roadways. Even ongoing attempts to build roads that would have connected these settlements to larger roadways received little attention. In order to expedite the state's growth, the state of Uttar Pradesh has started the process of purchasing property for both public and private uses under the PPP plan. In this procedure, agricultural groups or not-agriculture groupings have both been disregarded.

Not once the government looks back on them. This procedure has had a greater influence on the agricultural class; they are experiencing some uncertainty in their lives. The agricultural class now lacks the means to meet their fundamental needs in the community, and even after receiving reimbursement, they feel that their financial situation has become worse. Merely monetary compensation is unable to replace the customs they followed for ages, and they were driven off their land in order to accommodate the development. For whatever cause, the corporate, the government, and impoverished peasant classes are at odds again. Following governmental protests against the land acquisitions process in many states, socio-political awareness has increased.

1.1 Significant Effects on Groups That Farm and Don't Farm

1. Farming group:

- Many villages have been relocated as a result of changing occupancy brought on by land loss.
- They used to work as labourers in the village after losing their job since they lacked the skills to pursue another respectable career. For example, building bricks, houses, or roads.

2. Effects on Group Not in Agriculture:

- Relocation as a result of the lack of employment in the fields. They had previously been sharecroppers, but they lost their jobs since there was no land available.
- Loss of employment as a sharecropper.

- Food insecurity: They don't have enough food stored for the whole year, so they have to labour at harvesting, winnowing, threshing, and other tasks.
- Inflation: Previously inexpensive and widely accessible daily consumables (food), such milk and vegetables, now cost more and are sometimes unavailable.

Lastly, we talk about the LARR bill. We contend that some of the continuing abuse of eminent domain authority are not addressed by the bill in its current form. The measure allows the states to favour wealthy and private corporations at the cost of the rights granted to farmers and forest dwellers via a number of open loopholes. Furthermore, it ignores the underlying issues that give rise to frequent disagreements and lawsuits about pay. If anything, its terms are probably going to make the reparations dispute much more intense.

II. LITERATURE REVIEW

(Mukerji, S. 2017) Since India's independence, there has been discussion in the public sphere over land purchase laws. The socialist economic model served as the government's guide when it started land reforms in India, but the landed class's political clout in rural regions prevented them from fully achieving their goal. Nonetheless, land was taken for the construction of infrastructure, mining, and dams. These developmental efforts were rationalized as essential first steps toward the fast economic growth that would ultimately be required for the general good. Additionally, since there were few unorganized political organizations to represent the views and a low degree of political knowledge, there was minimal opposition to land acquisition. Land purchase laws emerged in the post-liberalization era as a consequence of the drive for commercialization and expedited industrial investments.

(Nielsen, K. B., 2015) This paper investigates how subjugated groups trying to challenge the process's marginalizing impacts are forming new arenas of resistance inside the framework of Indian's neo-liberalization process. Through an analysis of the creation of the right to Equal Treatment and Openness in Lands Acquisition, Rehabilitation, and Resettlement Bill, 2013, we specifically concentrate on the rise of India's "new rights strategy."

(Misra, K. 2021) The wealthy in India profited from the involuntary seizure of agricultural land for the establishment of Special Economic Zones (SEZ), at the cost of small farmers, who were and still are the majority voting bloc. Consequently, farmer groups throughout the nation fiercely opposed these regulations on a political level. These groups, however, have a patchy history of opposing governmental and big business ambitions to acquire property. In order to demonstrate how the elite may organize funds to guarantee the protection of their financial objectives even in democracy where they are election minority, this study develops a basic model of the political battle between small-scale farmers and the elite over the acquisition of land. We utilize a newly constructed data set on SEZ projects that were unable to acquire land due to farmer agitations in order to evaluate the prediction of our model.

(Goswami, A. 2016) The present piece examines the main points of the land acquisition, rehabilitation, and settlement act of 2013 (LARR Act), as well as the most current revisions that the federal government has suggested. It also covers the right to adequate reimbursement and accountability. The LARR Act must be interpreted in light of political rivalry, shifting political tides, the Supreme Court's string of rulings prior to its passage, and the importance of the "balancing" opposing viewpoints view. The federal and judicial twin categories take centre stage in such an environment. The LARR Act's relevance and continuing existence will depend on how it responds to both. This article looks at the legal aspects of topics like "public purpose" and "eminent domain name," as well as R&R, compensation, protections for project-affected families, along with additional pertinent procedures.

2.1 Objectives of the study

- Examine all of the nation's current land acquisition legislation, particularly those that affect farmers' rights and protection, such as the Right to Fair Compensation and Openness in Land Acquisition, Rehabilitation, and Resettlement Act (2013).
- To evaluate how land acquisition laws are used by federal, state, and municipal governments, as well as the efficiency of the enforcement systems in defending the rights of farmers.

2.2 The Scope of the study's

This research on land acquisition laws and farmer security in India usually involves a number of important areas:

- **Legal Framework:** This will include a review of the different Indian laws pertaining to land purchase, including the Land purchase Act of 2013 and pertinent state laws and regulations. An examination of the clauses controlling the procurement procedure, recompense, rehabilitation, and relocation of impacted farmers would be part of it.
- **Impact Assessment:** evaluating how land acquisition would affect farmers and other impacted groups from a socioeconomic standpoint. Examining problems including relocation, loss of livelihood, resource accessibility, and modifications to sociocultural dynamics would be necessary for this.
- **Legal Safeguards:** assessing the efficiency of current legislative protections and other processes intended to safeguard farmers' rights throughout the process of acquiring land. This can include researching how organizations like the court, grievances redressal mechanisms, and land acquisition authorities ensure that laws are followed and complaints are resolved.

Some of the major topics that might be included in a thorough analysis of India's land acquisition laws and farm protections could be included in this scope, which may vary based on the study's particular goals and emphasis.

III. METHODOLOGY

An academic study's methodology section usually describes the methodologies used in the research, such as the data gathering strategies, research design, and analytic approaches. When examining land acquisition legislation and farmer protections in the nation of India, the following elements of the approach might be included: Keep your text and graphic files separate until after the text has been formatted and styled. Do not use hard tabs, and limit use of hard returns to only one return at the end of a paragraph. Do not add any kind of pagination anywhere in the paper. Do not number text heads-the template will do that for you.

Research Design:

- Explain the study's general methodology, including any mixed, qualitative, or quantitative approaches.
- Justify the research design selection and discuss how it fits with the goals of the study.

Techniques for Gathering Data:

- Describe the data collection techniques, including surveys, interviews, literature reviews, and archival research.
- Describe how information sources were located and accessed.
- Describe any ethical issues and how they were resolved, especially with regard to participant rights and privacy.

Sampling:

- Explain the sampling technique used to choose participants or data sources.
- Describe the study's inclusion and exclusion criteria.
- Talk about any restrictions or prejudices related to the sample strategy.

Data Analysis:

- Describe the methods utilized to analyse the data, including statistical, content, and theme analysis.
- Describe how the data were understood and coded.
- Talk about any data analysis software or tools and how relevant they are to the research.

IV. CONCLUSION

The terms of the property purchase Act of 1894, as revised in 1984, include intrinsic perversities that give birth to a great deal of dangers involved in the process, as well as protests that usually accompany the purchase of enormous tracts of property. In addition to substantial transactions revenue taxes, other policies that are collectively referred to as "regulatory restrictions on land use" and are not directly related to the Land Use Act (LAA) have severely distorted the land marketplaces by driving down the price of land that is presently farmed but may continue to be used for other uses. The demand for Non-Agricultural (Use) authorization has been the most significant. All existing land use limitations must be removed, with the exception of those pertaining to the zoning of planning areas under urban development authority. The necessity for non-agricultural use clearance has to be removed most urgently. Similarly, it is necessary to lift the restrictions that certain states, most notably Gujarat and Maharashtra, have placed on non-agriculturalists purchasing agricultural property for agriculture and other reasons.

Suggestions

- Before acquiring land for development, the government should get the approval of the peasantry. It should be the duty of the government and private investors to quickly and effectively relocate them.
- The 2013 Land Acquisition Act should be taken into consideration while making the purchase.
- Steer clear of purchasing fertile or cultivable land. It shouldn't be purchased or disregarded until a public purpose is no longer required.
- The government should avoid acquiring fertile land and should plan its land acquisitions before acquiring them for various objectives.
- To enable farmers who lost their jobs as a result of land acquisition to simply make a living, the government should provide them with skills.

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