

A Shifting Perspective of Land Acquisition Regime in India: An Evaluation of the proposed “Governance Framework, Pro-poor Development Rights and Urban Policy Management” through “Results Based Management / Evidence Based Approach” to Urban Policy and Management.

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Abstract:

In the last twenty five years, democracy has further ‘deepened’, bringing newer voices, especially marginalized castes and regional parties. In post liberalization India, civil society and private industry also wield influence. Coalition politics is an unavoidable political reality. The State too is far from the uniform behemoth apart from the Executive, Legislature and the Judiciary (held together and yet distinct within the tangle of ‘Separation of Power’ theories), there are numerous Centre-State (and now, some local), debates around federalism. Within the emerging federalism, since various matters pertaining to ‘land use’ were anyway part of the State List in the Constitution, debates around land acquisition too have gradually shifted to the states.

Over the several decades, a sea change has taken place in India’s policy framework with respect to different sectors of economy. But, the land remains a fundamental need for all economic activities and Land acquisition remains at the heart of India’s current developmental predicaments. It is quite bizarre to note that neither the Government nor any of the political parties were serious enough to discuss the efficacy of colonial legislation i.e. Land Acquisition Act, 1894 until few years ago. The Land Acquisition Act, 1894 remained only the important legal instrument of acquiring land for private companies in India even after 60 years of independence, and has replaced all previous laws relating to land which was enacted for acquiring privately owned land by the state for public purposes. The succession of events which led to the enactment of this Act clearly showed that it was need of the time. Mining, plantation, establishment of railway lines, manufacturing industries, beginning of major irrigation works, roads and buildings all needed land which again was already under various forms of state controlled and customary tenurial systems that existed from the pre-colonial period. This enabling Act empowered the state to acquire any privately owned as well as common land property for public purpose.

The Draft National Land Acquisition and Rehabilitation & Resettlement Bill (LARR) 2011 aimed to replace the colonial-era land legislation of 1894 with wider ramifications, as it contains various provisions that can facilitate smoother land acquisitions. The new law seeks to significantly improve the fortune of land owners and even those who are distantly connected with these lands. Apart from the common man being at the centre of this debate, the State Governments, Political Entities and civil societies are actively participating in this discourse that checks the transformation of an essentially agrarian economy into an industrial power and concerns mainly with location of industries, compensation and employment of the displaced person. The very centric relationship between agriculture and industrialization is being questioned and is the premise to this reform and proposed legal framework.

Therefore this paper aims to longitudinally investigate the “Evidence Based Approach” to the various dimensions of land acquisition, viz., compensation, land governance, rights of internally displaced people or project affected persons, role of ladies in land acquisition, rehabilitation and settlement of affected persons due to land acquisition process. This would further portray a the “Results Based Management” strategy to effectively implement the “Governance Approach” to citizen’s participation in such planning and developmental issues, by examining the proposed legislation significantly in terms of altering political economy of land in India, dose of reform that it portrays to address of the intractable challenges that permeate this critical sector.

Key Words: Land Acquisition, Resettlement, Governance, PPP, Pro-poor Rights, Citizens Participation