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Land Acquisition Policy and Displacement: A Socio–Legal Study

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ABSTRACT

The complicated connection among buying property and relocation is examined in this article, along with the legal and social problems that result from the act. The purchase of land is frequently portrayed as an essential motor that promotes economic growth and makes it possible to build essential facilities. For relocated groups, nevertheless, it frequently occurs at a high cost—they lose their places of residence, means of subsistence, and cultural legacy. The economic implications of relocation are examined in the article, involving loss of revenue, social breakdown, and artistic degradation. It is suggested that land acquisition laws be guided by the idea of social fairness. Fair reimbursement, involvement of the public in making choices, and openness are all necessary for social justice. It calls for looking into other options, such as land gathering, which enables property holders to profit from development initiatives. The paper concludes by highlighting the significance of environmentally friendly development methods. To reduce relocation and advance both environmental and social wellness, this entails carrying out in-depth evaluations of the social and environmental impacts and applying creative land-use techniques.

Keywords: Land acquisition, relocation, social-economic development, compensation, social justice.

I. INTRODUCTION

The relationship between acquiring land policy and the consequent uprooting of people is a crucial subject of sociological and legal research that needs in-depth examination and conversation. Acquiring property is the process of transferring land from personal or collective ownership to governmental or business organizations. It is frequently motivated by the demands for growth and urbanization. Despite being authorized by law and appearing to serve the public interest, this practice usually causes substantial social unrest, evictions, and disruptions to the impacted populations' means of subsistence. This phenomenon has complex socio-legal aspects that include regulatory structures, economic effects, equitable society problems and

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constitutional concerns. Eminent domain, a legal doctrine that permits the state to appropriate individual assets for its own benefit in exchange for payment to owners of land, has traditionally been employed to support the purchase of land. But there has been a great deal of discussion and disagreement over what constitutes "usage by the public" and whether or not pay is appropriate and equitable. Opponents contend that corporate and business interests are frequently significantly benefited at the cost of disadvantaged and marginalized people by land acquisition laws. Several instances of communities—especially tribal and rural populations—being forcibly uprooted and suffering the loss of their homes, cultural legacy, and customary means of subsistence lend credence to this claim. The movement brought about by purchasing property can result in significant and long-lasting effects from an economic and social standpoint. Recovering one's life after displacement frequently presents substantial obstacles for exiled individuals and societies, such as psychological trauma, fractures in society, and financial loss.

II. THE ESSENCE OF LAND ACQUISITION

At the nexus of social justice and growth, acquiring property holds a special and sometimes disputed place. On the other side, authorities use it like a vital tool to support financial stability and meet the demands of society. Purchasing property creates the conditions for the development of essential facilities such as power lines, utility companies, and transit systems, which in turn improves inhabitants' standard lives and fosters a robust economy. In addition, it makes it easier to construct community development initiatives and commercial areas, which draws investment and creates job possibilities.

But acquiring land in the name of development frequently arrives at an individual sacrifice. The simple process of obtaining private property upends the routines and fortunes of individuals, households, and whole communities—often against the will of the property's inhabitants. Property owners who depend on farming, in specific, may find it difficult to locate adequate replacement land in the event that their primary means of revenue is lost. Economic dislocation can have a domino effect, plunging formerly independent communities into destitution and endangering their capacity to provide for their most basic requirements.

Whenever decades of attachment to property are severed by the purchase of land, societies' social structure also suffers. People are uprooted from their family residences as a result of the relocation, upsetting cultural traditions that are intricately entwined with their natural surroundings and destroying social networks that have been established over centuries. A decrease in interaction with others, emotional discomfort, and loneliness can result from losing

one's sense of being part of to one's environment.

In addition, not everyone usually gains equally from acquiring property projects. Even though certain property owners might get reimbursement, it frequently falls short of accurately reflecting the land's full value, particularly in light of its historical and economic value. Furthermore, ineffective relocation and restoration plans, which aim to lessen the detrimental effects of relocation, can make displaced populations worse off than they were before. Insufficient availability of fresh land, employment prospects, and skill development in the relocated area may intensify the difficulties encountered by displaced communities.

III. SOCIO- ECONOMIC DISPLACEMENT

Relocation goes much deeper than the actual loss of goods, especially when it involves territory. It has an effect on people's social status, financial stability, and sense of ethnicity by tearing apart the foundations of their life. Let's examine the cascade impacts of socioeconomic dislocation in more detail.

(i) Destroyed Lifestyles and Rising Poverty

1. **Decrease in Efficiency:** A community's economy is frequently built on its land. Insufficient nutrition results from farmers losing their land, which upsets the natural process of agriculture and affects not only their family but possibly the whole area. Fishermen who migrate lose accessibility to their customary fishing spots, which affects their capacity to support their villages and oneself.
2. **Lack of Relevance:** People who have relocated frequently have talents that have been developed over generations especially for their area of origin. These abilities may become outdated as a result of an abrupt move, making it challenging to obtain new employment and adjust to a new financial situation. People who relocate have difficulty to find new ways to nourish oneself and their family, which perpetuates an ongoing pattern of poverty.

(ii) Damaged Social Integration

- **Collapse of Society:** For numerous towns, land acts as their material and social foundation. People and their families are dispersed by relocation, which erodes relationships of support and interpersonal relationships. This may result in feelings of loneliness, bereavement, and trouble reestablishing a sense of identity in a new place.
- **Intercommunity Conflicts:** Pressure for employment, accommodation, and welfare services can arise from a large number of homeless people that puts a strain on the assets

of the host populations. Anger and violence between the refugees and the current occupants may result from this.

(iii) Cultural Identities Damages

- i. Historical Loss:** Property is frequently deeply culturally significant. It might house customary rituals, ancient resting places, or tales transmitted through the ages. This link to history is severed by relocation, which results in the loss of one's personality and tradition.
- ii. Displacement of Ancient Techniques:** Numerous societies have rituals and customs related to the property, such as particular farming methods or seasonal religious rites. These customs are disturbed by relocation, which erodes cultural transmission and may result in the complete erasure of traditions.

(iv) Effect on the Mind

- **Trauma and Loss:** Getting compelled to depart from your residence might result in severe trauma. It may cause you to experience powerlessness, rage, and sadness. Anxiety, depressive disorders, and other psychological problems can result from losing one's sense of authority over their lives and the world around them.
- **Lack of Independence:** Being displaced can make people feel helpless and without hope. For people who were independent proprietors in the past and were used to making choices regarding their property and means of subsistence, this could be very harmful.

IV. LEGAL FRAMEWORK AND CHALLENGES IN SOCIO-ECONOMIC DISPLACEMENT IN INDIA

India's complicated legal system for acquiring property aims to strike a balance between the entitlements of communities relocated as well as economic requirements. Even while there is federal regulation, it is frequently not implemented well, leaving homeless people to have difficulty reestablishing their lives and deal with inadequate assistance. In-depth discussion of the Indian legal system, common problems, and pertinent case law will be provided in this part.

1. The Land Acquisition Act, 2013

This act is the main piece of legislation which controls the land acquisition in India. With the help of this act, proprietors will receive adequate reimbursement, the process for acquiring land will be streamlined, and those relocated will be given opportunities for recovery and relocation. Important clauses consist of:

- **Evolution Of Social Impact-** To evaluate the endeavor's psychological and ecological impacts upon the populations affected by it, a required SIA must be carried out.
- **Conditions for Consent:** Before the purchase of land can begin, the act requires approval from a specific proportion of impacted proprietors (70% for private enterprises and 80% for collaborative public-private ventures). Giving people a say in the procedure is the goal of this clause.
- **Equitable Remuneration:** In lieu of additional advantages like solatium (monetary remuneration for annoyance), the act specifies a formula for calculating remuneration determined by market value.
- **Restoration and Relocation:** Under the act, displaced people must receive R&R boxes, which must include relocation in new areas with access to infrastructure as well as job possibilities.

2. Difficulties with Implementation:

Notwithstanding these clauses, there are a number of obstacles to the Land acquisition Act, 2013's execution, which frequently result in economical relocation:

Insufficient Recompense: It might be difficult to determine the correct market value. Landlords, especially those with rich land for agriculture or heritage property, frequently claim that their reimbursement is inadequate for the actual value of their property.

3. Landmark Cases

- **Niyamgir suraksha samiti v/s UOI (2018):** In the struggle for indigenous rights and public support in land acquisition, this decision is remembered as a seminal ruling. The dispute concerned the planned extraction of aluminium in the Odishan hills of Niyamgiri, an area that the Dongria Kondh clan reveres. The Vedanta Bauxite Limited's purchase of land process for the manufacturing project was contested by the NSS, an indigenous rights organisation.

Important Elements:

The Court of Appeals acknowledged the particular difficulties that tribal communities encounter when trying to purchase land. The Court emphasised that financial reimbursement alone would not suffice to compensate the Dongria Kondh for the demise of their ancestral property, given their strong traditional and religious attachment to the Niyamgiri highlands.

The ruling stressed how crucial community permission is when acquiring land, especially when

it affects indigenous populations. The mining proposal was successfully placed on hold by the Court's ruling, which recognised the Dongria Kondh's freedom to defend their lifestyles and holy territory.

- **Olga Tellis v/s Bombay Municipal Corporation (1985):** The provisions of Article 21 of the Constitution of India guarantee the right to life and a means of subsistence. The Olga Tellis case is a key ruling in this regard. In the matter, the municipal authority of Bombay, which is currently known as Mumbai, was threatening to evict slum people in order to make way for growth initiatives.

Important Elements

According to the Supreme Court's reading of Article 21, this includes the right to a dignified existence in addition to the right to remain alive. This covers the ability to support oneself and the right to housing. The ruling proved that simple eviction in the absence of suitable relocation plans is insufficient.

The Court underlined the necessity of appropriate relocation locations with sufficient possibilities for employment as well as essential utilities like water and toilets. For the reconstruction and relocation packages in upcoming land acquisition initiatives, this set a standard.

V. THE ROLE OF SOCIAL JUSTICE

A vital compass for negotiating the difficulties of acquiring land is the concept of social justice. It forces us to go above a strictly commercial perspective and put equity, justice, and the welfare of those affected first. Integrity becomes critical, necessitating that communities have easy access to data. This gives them the ability to comprehend the suggested initiatives, their possible effects, and the specifics of the remuneration. It is imperative to have open discussions and communicate effectively in the local dialect in order to provide everyone an equal opportunity to express their worries and receive sincere attention.

But promoting equality is more than just exchanging facts. It forces us to reduce dislocation whenever it occurs. This entails looking into other options, such as brownfield development, which uses abandoned or underutilised property instead of buying productive farmland or green areas. Another option is property-sharing schemes, which allow people to work with builders and share the benefits of the project while maintaining either ownership or authority over their property. Open communication leading to compromises can reduce disruption and produce solutions that all parties can agree upon.

Social justice requires comprehensive recovery and reintegration programmes when relocation is inevitable. These initiatives need to do more than just give out money. The displaced people's future financial and social health ought to be taken into account. Support for lives, such as assets and instruction, becomes essential for displaced individuals to reconstruct their lives. This could entail moving to a place with comparable economic prospects, getting access to small-scale financing, or participating in training programmes. Relocation places ought to be more than a passing whim. Construction of infrastructure is a prerequisite for social justice, as it guarantees the availability of essential services like housing, educational institutions, medical centres, and clean water. This helps the displaced population maintain a respectable quality of life. Moreover, cultural conservation becomes an essential factor. Plans for relocation should take into account the cultural requirements of the communities they affect, allowing areas for customs to be followed and history to be preserved.

Lastly, social fairness necessitates efficient procedures for resolving complaints about the purchase of land. These systems ought to be easily available, reasonably priced, and free from undue paperwork. The procedures should also be carried out in the local tongue. Communities that receive legal assistance and support are better equipped to handle these procedures. But availability is only a single component of the whole. In order to provide a fair and objective review of grievances, complaints settlement agencies must also be neutral and autonomous. Timeliness is yet another important component. Establishing precise deadlines for handling complaints promotes fairness and fosters trust.

VI. FINDING A BALANCE BETWEEN RIGHTS, DEVELOPMENT, AND SUSTAINABLE SOLUTIONS

In the process of acquiring land, striking an equitable equilibrium among the demands of growth and the basic rights of everyone is still quite difficult. Encouraging combining land above more conventional means of purchase is one strategy that shows promise. Investors and proprietors cooperate voluntarily in a process known as combining land. In exchange for contributing their property to a public collection, proprietors may receive a piece of the property that is developed or the venture's earnings. This strategy has a number of benefits:

- **Decreased Movement:** By reducing forced relocation, combining land enables proprietors to keep a portion of their property and profit from growth. In addition to lessening the financial and social turmoil frequently connected with purchasing property, this promotes a sense of possession.
- **Joint Advantages:** By participating in a construction project, proprietors gain access

to its financial advantages. This encourages collaboration and may result in more fair outcomes for all stakeholders.

- **Better Preparation:** Combining land makes it possible to arrange and construct infrastructures more thoroughly. Builders can build better-integrated towns with greater infrastructure and recreational opportunities if they explore a larger area for development.

In the process of acquiring land, striking an equitable equilibrium among the demands of growth and the basic rights of everyone is still quite difficult. Encouraging combining land above more conventional means of purchase is one strategy that shows promise. Investors and proprietors cooperate voluntarily in a process known as combining land. The purchase of land must take a multifaceted strategy in order to support environmentally friendly growth. Performing comprehensive Psychosocial and ecological impact evaluations which proactively involve people in order to detect possible hazards is one way to do this. It is also essential to engage in significant discussions with impacted communities through personal interaction in their native tongue. In addition, by investigating cutting-edge approaches like urban growth, urban development, and smart technology, utilisation of land can be completely minimised, opening the door to a future in which growth and welfare for society and the environment coexist.

VII. CONCLUSION

The purchase of land is still a difficult and complex topic that is torn among the preservation of rights for individuals and groups and the goal of boosting the economy. Even though the land acquisition law of 2013 aims to strike a balance between these opposing viewpoints, problems with execution still exist, especially with respect to reimbursement and relocation. Land purchase strategies ought to be based on principles of social equality in order to guarantee openness, engagement with the community, and equitable remuneration. Other methods, including land collecting, are viable ways to reduce evictions and divide the advantages of growth. In addition, reducing migration and fostering for years ecological and social well-being depend heavily on ecologically environmentally friendly methods like thorough socio and ecological impact evaluations and creative plans for land utilisation. Purchasing land can become an instrument for sustainable development that protects the liberties and lifestyles of people most impacted by it by adopting these ideas and encouraging cooperative solutions.

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