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## Agarian Reforms in India: Problems, Challenges And Solutions

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**ABSTRACT:** Agrarian reform can refer either, narrowly, to government-initiated or government-backed redistribution of agricultural land (see land reform) or, broadly, to an overall redirection of the agrarian system of the country, which often includes land reform measures. Agrarian reform can include credit measures, training, extension, land consolidations, etc. The World Bank evaluates agrarian reform using five dimensions: (1) stocks and market liberalization, (2) land reform (including the development of land markets), (3) agro-processing and input supply channels, (4) urban finance, (5) market institutions.

**KEYWORDS:** agrarian, reforms, problems, challenges, solutions, world bank, land, processing, finance, market

### I.INTRODUCTION

The Green Revolution was a period that began in the 1960s during which agriculture in India was converted into a modern industrial system by the adoption of technology, such as the use of high yielding variety (HYV) seeds, mechanised farm tools, irrigation facilities, pesticides and fertilizers. Mainly led by agricultural scientist M. S. Swaminathan in India, this period was part of the larger Green Revolution endeavor initiated by Norman E Borlaug, which leveraged agricultural research and technology to increase agricultural productivity in the developing world.<sup>[3]</sup>

Under premiership of Congress leaders Lal Bahadur Shastri and Indira Gandhi,<sup>[4][5]</sup> the Green Revolution within India commenced in 1968, leading to an increase in food grain production, especially in Punjab, Haryana, and Uttar Pradesh. Major milestones in this undertaking were the development of high-yielding varieties of wheat,<sup>[6]</sup> and rust resistant strains of wheat.<sup>[7][8]</sup> The long-term effects of green revolution have been analysed by environmentalists like Vandana Shiva and others who say that it caused greater environmental, financial and sociological problems like droughts, rural indebtedness and farmer suicides.<sup>[9]</sup> Reports have shown soil deterioration from the use of chemicals which has led to the collapse of agricultural systems in many regions of the country, and negatively affected the farmers, food and water supply.<sup>[10]</sup>

A number of people have been recognized for their efforts during India's Green Revolution.

- M. S. Swaminathan, the main architect or the Father of the Green Revolution in India.<sup>[12]</sup>
- Chidambaram Subramaniam, the food and agriculture minister at the time, a Bharat Ratna, has been called the Political Father of the Green Revolution.<sup>[13]</sup>
- Dilbagh Singh Athwal, is called the Father of Wheat Revolution.<sup>[14]</sup>
- Scientists such as Atmaram Bhairav Joshi.
- Institutions such as Indian Agricultural Research Institute (IARI).<sup>1</sup>

The main development was higher-yielding varieties of wheat,<sup>[6]</sup> for developing rust resistant strains of wheat.<sup>[7]</sup> The introduction of high-yielding varieties (HYV) of seeds and the improved quality of fertilizers and irrigation techniques led to the increase in the production to make the country self-sufficient in food grains, thus improving agriculture in India. Also, other varieties such as Kalyan Sona and Sonalika were introduced by cross breeding of wheat with other crops.<sup>[15]</sup> The methods adopted included the use of high-yielding varieties (HYVs) of seeds<sup>[16]</sup> with modern farming methods.<sup>2</sup>

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The production of wheat has produced the best results in fueling self-sufficiency of India. Along with high-yielding seeds and irrigation facilities, the enthusiasm of farmers mobilized the idea of agricultural revolution. Due to the rise in use of chemical pesticides and fertilizers, there was a negative effect on the soil and the land (e.g., land degradation).<sup>3</sup>The other practices include high-yielding varieties (HYVs) of seeds, Irrigation infrastructure, use of pesticides, insecticides and herbicides, consolidation of holdings, land reforms, improved rural infrastructure, supply of agricultural credit, use of chemical or synthetic fertilizers, use of sprinklers or drip irrigation<sup>4</sup> systems and use of advanced machinery. The Green Revolution in India was first introduced in Punjab in the late 1966-67 as part of a development program issued by international donor agencies and the Government of India.<sup>[17]</sup>

During the British Raj, India's grain economy hinged on a unilateral relation of exploitation.<sup>[18]</sup> Consequently, when India gained independence, the weakened country quickly became vulnerable to frequent famines, financial instabilities, and low productivity. These factors formed a rationale for the implementation of the Green Revolution as a development strategy in India.<sup>5</sup>

- Frequent famines: In 1964–65 and 1965–66, India experienced two severe droughts which led to food shortages and famines among the country's growing population.<sup>[19]</sup> Modern agricultural technologies appeared to offer strategies to counter the frequency of famines.<sup>[20]</sup> There is debate regarding India's famines prior to independence, with some arguing they were intensified by British taxation and agrarian policies in the 19th and 20th centuries,<sup>[18]</sup> and others downplaying such impact of colonial rule.
- Lack of finance: Marginal farmers found it very difficult to get finance and credit at economical rates from the government and banks and hence, fell as easy prey to the money lenders. They took loans from landlords, who charged high rates of interests and also exploited the farmers later on to work in their fields to repay the loans (farm labourers). Proper financing was not given during the Green Revolution period, which created a lot of problems and sufferings to the farmers of India. The government also helped those under loans.<sup>6</sup>
- Low productivity: In the context of India's rapidly growing population, the country's traditional agricultural practices yielded insufficient food production. By the 1960s, this low productivity led India to experience food grain shortages that were more severe than those of other developing countries. Agricultural technological advancements offered opportunities to increase productivity.<sup>[20]</sup>

Land reform refers to efforts to reform the ownership and regulation of land in India. Or, those lands which are redistributed by the government from landholders to landless people for agriculture or special purpose is known as Land Reform. Land distribution has been part of India's state policy from the very beginning.<sup>[1]</sup> Independent India's most revolutionary land policy was perhaps the abolition of the Zamindari system (feudal landholding practices). Land-reform policy in India had two specific objectives: "The first is to remove such impediments to increase in agricultural production as arise from the agrarian structure inherited from the past. The second objective, which is closely related to the first, is to eliminate all elements of exploitation and social injustice within the agrarian system, to provide security for the tiller of the soil and assure equality of status and opportunity to all sections of the rural population." (Government of India 1961 as quoted by Appu 1996<sup>[2]</sup>)

There are six main categories of reforms:<sup>7</sup>

- Abolition of intermediaries (rent collectors under the pre-Independence land revenue system);
- Tenancy regulation (to improve the contractual terms including the security of tenure);
- A ceiling on landholdings (to redistributing surplus land to the landless);
- Attempts to consolidate disparate landholdings;
- encouragement of cooperative joint farming;
- settlement and regulation of tenancy.<sup>[3]</sup>

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## II.DISCUSSION

The Green Revolution yielded great economic prosperity during its early years. In Punjab, where it was first introduced, the Green Revolution led to significant increases in the state's agricultural output, supporting India's overall economy. By 1970, Punjab was producing 70% of the country's total food grains,<sup>[21]</sup> and farmers' incomes were increasing by over 70%.<sup>[21]</sup> Punjab's prosperity following the Green Revolution became a model to which other states aspired to reach.<sup>[22]</sup>

However, despite the initial prosperity experienced in Punjab, the Green Revolution was met with much controversy throughout India.<sup>8</sup>

Indian economic sovereignty (negative impact)

Criticism on the effects of the green revolution include the cost for many small farmers using HYV seeds, with their associated demands of increased irrigation systems and pesticides. A case study is found in India, where farmers are buying Monsanto BT cotton seeds—sold on the idea that these seeds produced 'non natural insecticides'. In reality, they still had to pay for expensive pesticides and irrigation systems, which led to increased borrowing to finance the change from traditional seed varieties. Many farmers had difficulty in paying for the expensive technologies, especially if they had a bad harvest. These high costs of cultivation pushed rural farmers to take out loans—typically at high interest rates.<sup>[17]</sup> Over-borrowing entrapped the farmers into a cycle of debt.<sup>[17]</sup>

India's liberalized economy further exacerbated the farmers' economic conditions. Indian environmentalist Vandana Shiva writes that this is the "second Green Revolution". The first Green Revolution, she suggests, was mostly publicly funded (by the Indian Government).<sup>9</sup> This new Green Revolution, she says, is driven by private (and foreign) interest—notably MNCs like Monsanto—as encouraged by Neoliberalism. Ultimately, this is leading to foreign ownership over most of India's farmland, undermining farmers' interests.<sup>[17]</sup>

Farmer's financial issues have become especially apparent in Punjab, where its rural areas have witnessed an alarming rise in suicide rates.<sup>[17]</sup> Excluding the countless unreported cases, there has been estimated to be a 51.97% increase in the number of suicides in Punjab in 1992–93, compared to the recorded 5.11% increase in the country as a whole.<sup>[17]</sup> According to a 2014 Indian news report, indebtedness continues to be a grave issue affecting the people of Punjab today, demonstrated by the more than 900 recorded farmer committed suicide in Punjab in the last two years.<sup>[23]</sup>

Environmental damage

Excessive and inappropriate use of fertilizers and pesticides polluted waterways and killed beneficial insects and wildlife. It has caused over-use of soil and rapidly depleted its nutrients. The rampant irrigation practices led to eventual soil degradation.<sup>10</sup> Groundwater practices have fallen dramatically. Further, heavy dependence on few major crops has led to loss of biodiversity of farmers, and the increase of stubble burning cases since 1980. These problems were aggravated due to absence of training to use modern technology and vast illiteracy leading to excessive use of chemicals.

Increased regional disparities

The green revolution spread only in irrigated and high-potential rainfed areas. The villages or regions without the access of sufficient water were left out that widened the regional disparities between adopters and non-adopters. Since, the HYV seeds technically can be applied only in a land with assured water supply and availability of other inputs like chemicals, fertilizers etc. The application of the new technology in the dry-land areas is simply ruled out.<sup>11</sup>

The states like Punjab, Haryana, Uttar Pradesh, etc. having good irrigation and other infrastructure facilities were able to derive the benefits of the green revolution and achieve faster economic development while other states have recorded slow growth in agriculture production.

Since its independence in 1947, there has been voluntary and state-initiated/mediated land reforms in several states<sup>[4][5]</sup> with dual objective of efficient use of land<sup>[3]</sup> and ensuring social justice.<sup>[6][7]</sup> The most notable and successful example of land reforms are in the states of West Bengal and Kerala. Other than these state-sponsored attempts of reforming land ownership and control, there was another attempt to bring changes in the regime which achieved limited

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success; famously known as Bhoodan movement (Government of India, Ministry of Rural Development 2003, Annex XXXIX). Some other research has shown that during the movement, in the Vidarbha region, 14 per cent of the land records are incomplete, thus prohibiting transfer to the poor. 24 per cent of the land promised had never actually become part of the movement. The Gramdan which arguably took place in 160,000 pockets did not legalise the process under the state laws (Committee on Land Reform 2009, 77, Ministry of Rural Development).<sup>12</sup>

Soon United Front came into power in West Bengal on 1967 the Communist Party of India (Marxist) leader Hare Krishna Konar and Benoy Choudhury started the India's first land reform on 1967 this was enacted upto the united front loss its power on 1971 and after 6 years in 1977, the Communist Party of India (Marxist) (CPI(M)) kept their word and initiated gradual land reforms, such as Operation Barga. The result was a more equitable distribution of land among the landless farmers, and enumeration of landless farmers. This has ensured an almost lifelong loyalty from the farmers and the communists were in power till 2011 assembly election.<sup>8</sup>

In land reform in Kerala, the only other large state where the CPI(M) came to power, state administrations have actually carried out the most extensive land, tenancy and agrarian labour wage reforms in the non-socialist late-industrialising world.<sup>9</sup> Another successful land reform program was launched in Jammu and Kashmir after 1947.

All in all, land reforms have been successful only in pockets of the country, as people have often found loopholes in the laws that set limits on the maximum area of land that is allowed to be held by any one person.<sup>6</sup><sup>10</sup><sup>11</sup><sup>12</sup>

Ernest Feder, a specialist of rural economics, has said of the matter:<sup>13</sup>

"...though since 1947, India has enacted perhaps more land reform legislation than any other country in the world, it has not succeeded in changing in any essentials the power pattern, the deep economic disparities, nor the traditional hierarchical nature of intergroup relationships which govern the economic life of village society."<sup>13</sup>

## III.RESULTS

In the years since Green Revolution was adopted, issues of sustainability have come up due to the adverse environmental and social impacts. To meet this challenge other alternatives of farming have emerged like small subsistence farms, family homesteads, New Age communes, village and community farming collectives and women's cooperatives with the common purpose of producing organically grown, chemical free food. In green revolution areas of the country increasing numbers of families are experimenting on their own with alternative systems of land management and the growing of crops. Building upon the idea of sustainable development, commercial models for large scale food production have been developed by integrating traditional farming systems with appropriate energy efficient technology.<sup>26</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (also Land Acquisition Act, 2013 or LARR Act<sup>11</sup> or RFCTLARR Act<sup>12</sup>) is an Act of Indian Parliament that regulates land acquisition and lays down the procedure and rules for granting compensation, rehabilitation and resettlement to the affected persons in India. The Act has provisions to provide fair compensation to those whose land is taken away, brings transparency to the process of acquisition of land to set up factories or buildings, infrastructural projects and assures rehabilitation of those affected. The Act replaced the Land Acquisition Act, 1894 enacted during British rule.<sup>14</sup>

The Land Acquisition, Rehabilitation and Resettlement Bill, 2011 was introduced in Lok Sabha on 7 September 2011.<sup>3</sup><sup>4</sup> The bill was then passed by it on 29 August 2013 and by the Rajya Sabha on 4 September 2013. The bill then received the assent of the President of India on 27 September 2013.<sup>5</sup> The Act came into force from 1 January 2014.<sup>6</sup><sup>7</sup>

In December 2014 the Land Acquisition Ordinance 2014 was issued.<sup>8</sup> An amendment bill was then introduced in Parliament. Lok Sabha passed the amendment bill but not the Rajya Sabha.<sup>9</sup> On 30 May 2014, President of India promulgated the amendment as an ordinance for third time.<sup>9</sup> The Supreme Court refused to stay the ordinance following a public interest litigation.<sup>9</sup> The amendment bill was referred to a joint parliamentary committee. The committee was not able to attain a consensus.<sup>2</sup> The amendment bill lapsed.<sup>10</sup>

The Land Acquisition Act, 1894 was a law passed by the Imperial Legislative Council,<sup>11</sup> that governed the process of land acquisition in India until 2013 and continues to do so in Pakistan and Myanmar.<sup>12</sup> It allows the acquisition of land

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for some public purpose by a government agency from individual landowners after paying a government-determined compensation to cover losses incurred by landowners from surrendering their land to the agency. The Government of India believed there was a heightened public concern on land acquisition issues in India. Of particular concern was that despite many amendments, over the years, to India's Land Acquisition Act of 1894, there was an absence of a cohesive national law that addressed fair compensation when private land is acquired for public use, and fair rehabilitation of land owners and those directly affected from loss of livelihoods. The Government of India believed that a combined law was necessary, one that legally requires rehabilitation and resettlement necessarily and simultaneously follow government acquisition of land for public purposes.<sup>[13]</sup>

Forty-Fourth Amendment Act of 1978 omitted Art 19(1) (f) with the net result being:-

1. The right not to be deprived of one's property save by authority of law has since been no longer a fundamental right. "No person shall be deprived of his property saved by authority of law" (Constitution 44th Amendment, w.e.f. 10.6.1979). The amendment ensured that the right to property" is no more a fundamental right but rather a constitutional/legal right/as a statutory right and in the event of breach, the remedy available to an aggrieved person is through the High Court under Article 226 of the Indian Constitution and not the Supreme Court under Article 32 of the Constitution. .
2. Moreover, no one can challenge the reasonableness of the restriction imposed by any law the legislature made to deprive the person of his property.<sup>15</sup>

State must pay compensation at the market value for such land, building or structure acquired (Inserted by Constitution, Seventeenth Amendment Act, 1964), the same can be found in the earlier rulings when property right was a fundamental right (such as 1954 AIR 170, 1954 SCR 558, which propounded that the word "Compensation" deployed in Article 31(2) implied full compensation, that is the market value of the property at the time of the acquisition. The Legislature must "ensure that what is determined as payable must be compensation, that is, a just equivalent of what the owner has been deprived of"). Elsewhere, Justice O Chinnappa Reddy ruled (State of Maharashtra v. Chandrabhan Tale on 7 July 1983) that the fundamental right to property has been abolished because of its incompatibility with the goals of "justice" social, economic and political and "equality of status and of opportunity" and with the establishment of "a socialist democratic republic, as contemplated by the Constitution. There is no reason why a new concept of property should be introduced in the place of the old so as to bring in its wake the vestiges of the doctrine of Laissez Faire and create, in the name of efficiency, a new oligarchy. Efficiency has many facets and one is yet to discover an infallible test of efficiency to suit the widely differing needs of a developing society such as ours" (1983 AIR 803, 1983 SCR (3) 327)<sup>16</sup>

The Land Acquisition, Rehabilitation and Resettlement Bill, 2011 was introduced in Lok Sabha. Two bills on similar lines were introduced in Lok Sabha in 2007. These Bills lapsed with the dissolution of the 14th Lok Sabha.<sup>[14]</sup> The 2013 Act is expected to affect rural families in India whose primary livelihood is derived from farms. The Act will also affect urban households in India whose land or property is acquired.<sup>17</sup>

Per an April 2010 report,<sup>[22]</sup> over 50% of Indian population (about 60 crore people) derived its livelihood from farm lands. With an average rural household size of 5.5,<sup>[23]</sup> LARR Bill 2011 R&R entitlement benefits may apply to about 10.9 crore rural households in India.<sup>18</sup>

According to Government of India, the contribution of agriculture to Indian economy's gross domestic product has been steadily dropping with every decade since its independence. As of 2009, about 15.7% of India's GDP is derived from agriculture. Act will mandate higher payments for land as well as guaranteed entitlements from India's non-agriculture-derived GDP to the people supported by agriculture-derived GDP. It is expected that the Act will directly affect 13.2 crore hectares (32.6 crore acres) of rural land in India, over 10 crore land owners, with an average land holding of about 3 acres per land owner.<sup>[22]</sup> Families whose livelihood depends on farming land, the number of livelihood-dependent families per acre varies widely from season to season, demands of the land, and the nature of crop.<sup>19</sup>

Act provides to compensate rural households – both land owners and livelihood losers. The Act goes beyond compensation, it mandates guaranteed series of entitlements to rural households affected. According to a July 2011

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report from the Government of India, the average rural household per capita expenditure/income in 2010, was ₹928 per month (US\$252 per year).<sup>[24]</sup>

For a typical rural household that owns the average of 3 acres of land, the Act will replace the loss of annual average per capita income of ₹11,136 for the rural household, with:<sup>[13]</sup>

- four times the market value of the land, and
- an upfront payment of ₹1,36,000 (US\$3,000) for subsistence, transportation and resettlement allowances, and
- an additional entitlement of a job to the family member, or a payment of ₹5,00,000 (US\$11,000) up front, or a monthly annuity totaling ₹24,000 (US\$550) per year for 20 years with adjustment for inflation – the option from these three choices shall be the legal right of the affected land owner family, not the land acquirer, and
- a house with no less than 50 square meters in plinth area, and
- additional benefits may apply if the land is resold without development, used for urbanization, or if the land owner belongs to SC/ST or other protected groups per rules of the Government of India

If the affected families on the above rural land demand 100% upfront compensation from the land acquirer, and the market value of land is ₹1,00,000 per acre, the Act mandates the land acquirer to offset the loss of an average per capita 2010 income of ₹11,136 per year created by this 3 acre of rural land, with the following:<sup>[13]</sup>

- ₹18,36,000 (US\$41,727) to the rural land owner; which is the total of R&R allowances of ₹6,36,000 plus ₹12,00,000 – which is four times the market value of the land, plus<sup>20</sup>
- a house with no less than 50 square metres in plinth area and benefits from Schedule III-VI as applicable to the rural land owner, plus
- additional payments of ₹6,36,000 each to any additional families claiming to have lost its livelihood because of the acquisition, even if they do not own the land<sup>21</sup>

The effects of LARR Bill 2011, in certain cases, will apply retroactively to pending and incomplete projects. land acquisition for all linear projects such as highways, irrigation canals, railways, ports and others.<sup>[15]</sup>

## Implications

The proposed Bill, LARR 2011, is being criticized on a number of fronts:

- Some criticize the Act citing that it is heavily loaded in favour of land owners and ignores the needs of poor Indians who need affordable housing, impoverished families who need affordable hospitals, schools, employment opportunities and infrastructure and industries.<sup>[25]</sup>
- Some economists suggest that it attaches an arbitrary mark-up to the historical market price to determine compensation amounts, along with its numerous entitlements to potentially unlimited number of claimants. This according to them shall guarantee neither social justice nor the efficient use of resources.
- LARR 2011 as proposed mandates that compensation and rehabilitation payments to land owners and livelihood losers be upfront. This misaligns the interests of land acquirer and those affected. Once the payment is made, one or more of the affected families may seek to delay the progress of the project to extract additional compensation, thereby adversely affecting those who chose long term employment in the affected families. The Bill, these economists suggest, should link compensation and entitlements to the progress and success of the project, such as through partial compensation in form of land bonds. These success-linked infrastructure bonds may also help poor states reduce the upfront cost of land acquisition for essential public projects such as hospitals, schools, universities, affordable housing, clean drinking water treatment plants, electricity power generation plants, sewage treatment plants, flood control reservoirs, and highways necessary to bring relief to affected public during fires, epidemics, earthquakes, floods and other natural disasters. The state of Kerala has decided to pursue the use of infrastructure bonds as a form of payment to land owners.<sup>16</sup>
- LARR 2011 places no limit on total compensation or number of claimants; nor does it place any statute of limitations on claims or claimants. The beneficiaries of the Bill, with guaranteed jobs for 26 years, will have no

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incentive to be productive. The Bill should place a limit on total value of entitlement benefits that can be annually claimed per acre, this entitlement pool should then be divided between the affected families, and the government should run this program if it is considered to be fair.

- LARR 2011 as proposed severely curtails free market transactions between willing sellers and willing buyers. For example, DLF Limited – India's largest real estate developer – claims that the current bill may limit private companies such as DLF from developing affordable housing for millions of Indians. DLF suggests that direct land transactions with owners on a willing voluntary basis, at market-determined rate, should be kept out of the purview of the bill. There should be no conditions imposed on free market transactions between willing sellers and willing buyers.<sup>18</sup>
- An article in The Wall Street Journal claims that the proposed LARR 2011 rules will apply even when any private company acquires 100 acres of land or more. For context, POSCO India seeks about 4000 acres for its US\$12 billion proposed steel manufacturing plant in the Indian state of Orissa. In most cases, even small companies planning US\$10-US\$300 million investment, seeking 100 or more acres will be affected by the compensation plus rehabilitation effort and expenses of LARR 2011. The WSJ article further claims that the proposed LARR 2011 bill doesn't actually define the word "acquisition," and leaves open a loophole that could allow government agencies to continue banking land indefinitely.<sup>22</sup>
- The Observer Research Foundation's Sahoo argues that the bill fails to adequately define "public purpose". The current definition, he claims, can be interpreted vaguely. In leaving public purpose too vague and porous, it would ensure that land acquisition will remain hostage to politics and all kinds of disputes. More clarity is needed, perhaps with the option that each state have the right to hold a referendum, whereby the voters in the state can vote to approve or disapprove proposed public purpose land acquisitions through the referendum, as is done through local elections in the United States for certain public acquisition of private or agricultural land.<sup>23</sup>
- The Confederation of Real Estate Developers' Association of India claims that the proposed LARR 2011 bill is kind of one-sided, its ill-thought-out entitlements may sound very altruistic and pro-poor, but these are unsustainable and will kill the goose that lays the golden egg. This group further claims that the bill, if passed, will increase the cost of acquisition of land to unrealistic level. It will be almost impossible to acquire 50-acre or 100-acre land at one place for planned development. They suggest that if India does not facilitate urbanization in an organized manner, all the incremental population will be housed in disorganized housing developments such as slums with dire consequences for Indian economy. In the long run, even farmers will suffer as fringe development of urban centres will largely be in the form of unauthorized developments and they will not realize the true economic potential of their lands.<sup>19</sup>
- The bill inflates the cost of land to help a small minority of Indians at the cost of the vast majority of Indian citizens, as less than 10% of Indian population owns rural or urban land.,<sup>[22]</sup> The LARR Bill 2011 favours a privileged minority of land owners as the Bill mandates above market prices for their land plus an expensive rehabilitation package. The Bill does not mandate a process by which the time involved in land acquisition is reduced from current levels of years. Nor does the Bill consider the effect of excessive costs upfront, and expensive rehabilitation mandate over time, on the financial feasibility of large-scale, socially necessary infrastructure projects needed by 90%+ of Indians who are not landowners. In an editorial, Vidya Bala writes that the most important weakness in the Bill is bringing non-government transactions too under its purview. Private players buying 50+ acres of urban land tracts or 100+ acres of rural areas would be required to comply with the R&R package stated in the Bill.
- LARR 2011 Bill's sections 97, 98 and 99 are incongruous with other laws of India in details and intent. Section 98, for example, says that the provisions of the Bill shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule of the Bill. According to Indian Legal Code, the Fourth Schedule referred to by LARR 2011 Bill, consists of 16 bills, including the ancient monuments and archaeological sites and remains Act, 1958, the atomic energy Act, 1962, the special economic zones Act, 2005, the cantonments Act, 2006, the railways Act, 1989 amongst others. Laws can not be in conflict with each other. LARR Bill carve outs through Sections 97, 98 and 99 add confusion, offering a means for numerous citizen petitions, lawsuits and judicial activism. The LARR 2011 Bill thus fails to deliver on the goals motivating it.<sup>20</sup>

## IV. CONCLUSIONS

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When government declares public purpose and shall control the land directly, consent of the land owner shall not be required. However, when the government acquires the land for private companies, the consent of at least 80% of the project affected families shall be obtained through a prior informed process before government uses its power under the Act to acquire the remaining land for public good, and in case of a public-private project at least 70% of the affected families should consent to the acquisition process.<sup>[16]</sup>

The Act includes an urgency clause for expedited land acquisition. The urgency clause may only be invoked for national defense, security and in the event of rehabilitation of affected people from natural disasters or emergencies.<sup>22</sup>

The Act forbids land acquisition when such acquisition would include multi-crop irrigated area. However such acquisition may be permitted on demonstrable last resort, which will be subjected to an aggregated upper limit for all the projects in a District or State as notified by the State Government. In addition to the above condition, wherever multi-crop irrigated land is acquired an equivalent area of cultivable wasteland shall be developed by the state for agricultural purposes. In other type of agricultural land, the total acquisition shall not exceed the limit for all the projects in a District or State as notified by the Appropriate Authority. These limits shall not apply to linear projects which includes projects for railways, highways, major district roads, power lines, and irrigation canals<sup>23</sup>

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