



OFFICE OF THE DIR (Plg.)
MPR/TC, D.D.A. N. DELHI 2
Dy.No. 3066
Dated 1/5

154

दिल्ली विकास प्राधिकरण
DELHI DEVELOPMENT AUTHORITY

मुख्य योजना - 2021 की समीक्षा
Master Plan Review-2021

पंजीकरण फार्म
REGISTRATION FORM

Suggestion was
handed over to
moderator

"ओपन हाउस मीट्स"
"OPEN HOUSE MEETS"

Zone : H.

फार्म प्रतिभागी द्वारा भरा जाए
Form to be filled by Participant

नाम Name	Man Singh Mathur
प्रतिनिधि : Representing : सरकारी विभाग / फेडरेशन / संघ (एसोसिएशन) / आर डब्ल्यू ए / व्यक्तिगत Government Department/ Federation/Association/RWA/ Individual ✓	Views to be expressed Based on Socio-Economic Research work
वर्तमान स्थिति Present Position	I- 200, Ashok Vihar (Phase-I) Delhi - 110052
फोन : कार्यालय Phone : Office आवास Residence मोबाइल Mobile	27139649 as above
फैक्स : Fax :	-
ई-मेल E-mail	-
पता : Address :	as above
हस्ताक्षर : Signature :	
तिथि : Date :	1/5/12

"अपने पंजीकरण फार्म ओपन हाउस मीट्स के स्थल पर जमा कराएं"

"Submit your registration form at the venue of Open House meets."

The Draft National Land Acquisition and Rehabilitation & Resettlement Bill 2011

- Some comments & suggestions

Man Singh Mathur

1. The Centre's decision to introduce a Land Acquisition Bill 2011 in the monsoon session of Parliament will go a long way in addressing contentious issues involved in land acquisition. Prior to that, a combined draft National Land Acquisition and Rehabilitation & Resettlement Bill 2011 was put in the public domain as part of a pre-legislative consultative process. This raises the hope that the pressing need for a new law on the subject—evident from the slew of controversies including violent protests by farmers that have arisen from land acquisition across the country. Whether it is Singur, Nandigram in West Bengal, anti-Posco in Orissa or Yamuna Express Way and Greater Noida projects in UP. The Special Economic Zone (SEZ) policy announced in 2000 and its enforcement in 2006 had given a fillip to this when huge tracts of even fertile and irrigated lands were acquired in different parts of the country under the archaic 1894 Act. With the rapid growth of industrialization, urbanization, mining hubs, nuclear plants and for other public purposes the process of land acquisition will continue to be inevitable. **The State will have to play limited role given the 'asymmetry of power between those wanting to acquire land and those whose land is being acquired' as referred in his Foreward by Jairam Ramesh, new Union Rural Development Minister himself. But the draft Bill does not provide mechanism to reduce that asymmetry to strengthen the hands of the weaker party for private land purchase negotiations.** The draft Bill seeks to achieve the balance between the rights of the farmers and the demands of economic growth. It shows some improvement over existing laws including 2007 Bill (lapsed in 2009).

2. Some special features of the draft Bill include:-

- (i) Expanding definition of 'public purpose' to include industry and infrastructure
- (ii) Consent of 80% of affected families for acquisition of their land
- (iii) Following the recommendations of the National Advisory Council, the Bill has commendably increased the compensation amount and enhanced the solatium to 100%.
- (iv) Single legislation for acquisition and Rehabilitation & Resettlement (R&R) of affected seeking long term livelihood issues of farmers and landless labour and artisans depending on the land acquired.
- (v) The Bill rightly prohibits the acquisition of irrigated multi cropped agriculture land
- (vi) A pre notification of discussion with local bodies is a procedural innovation that should help reduce

litigation and speed up the process of acquisition.

- (vii) The Bill seeks to ensure that consultations are held with those affected is really a welcome step to make it transparent.

3. Despite several good provisions, the definition of 'public purpose' is an unambiguous and critical. Unfortunately, the draft Bill misses on this. Out of six categories of 'public purpose' given in the draft, the fifth - acquiring 'land for private companies for public purpose' is most debatable. The Bill does not clarify how private and public purpose in a private project will be evaluated. Vague definition often tends to be grossly misused. It has been observed that acquisition of agricultural land for building posh flats beyond the reach of the poor would not serve public purpose. Public purpose should include laying and developing of infrastructure such as highways, roads, canals, bridges and railway establishments and not malls, hotels, shopping complexes and townships where 'aam aadmi' has no access. Private companies are there not for public purpose but for making profits.

4. The provisions of 'Emergency Clause' section 17 of that should have no place in the new legislation. It grants the government unbridled power to acquire any private land for a public purpose without inviting objections from the aggrieved land owners. Still the government wants to retain the right of 'eminent domain' as in the British regime. The hon'ble Supreme Court has quashed land acquisition by the UP state government when it had erred in acquiring the land under this clause by denying the land owners their right to raise objections for removal of their grievances.

6. Land is not merely property but source of livelihood and status symbol in rural society. So compensation should be based on this. The hon'ble Supreme Court has ruled that compensation should be determined by taking into account the potential to which the acquired land was capable of being used in future. Compensation should be given with retrospective effect with a cut-off date say early 1990s when land acquisition started on a large scale when the neo-liberalized economic reforms were introduced.

5. There is also no such thing as a 'market rate' when it comes to land in our country. The government is perhaps the biggest culprit to this by keeping the official circle rates unrealistically low and by levying inordinately high stamp duties on land transactions leading to rampant under-reporting of deal values to erode duty. To make up for such transactions, the draft bill proposes to double the value of rural properties identified for acquisition. Any substantial land policy of the future will also have to incorporate some

Dispossessing farmers

Man Singh Mathur

Introduction

Acquisition of land for growth and development has become one of the most burning issues in the country. In the absence of a fair, transparent policy on land acquisition and payment of just compensation to farmers, various state governments have been taking over land for industry, mining, urbanisation and infrastructure development projects etc. This is being done under the colonial Land Acquisition Act 1894 governed by the doctrine of 'eminent domain' where state enjoys sovereign powers in property rights by acquiring any land for public purpose.

In response to popular resentment in countryside on mass scale take-over of land for creation of SEZs with meagre compensation, the law was amended but stand shelved due to differences within UPA allies after Nandigram fiasco. Because of recent farmers' agitation in Western UP districts, coupled with Centre's 'No' to Niamgiri mining major Vedanta on environmental concerns, the Prime Minister in August 2010 assured to bring a new Land Acquisition Bill 2010 before parliament in its winter session.

Problems

The subject of land acquisition is a complex one and requires careful handling. An independent, dispassionate and non partisan approach is necessary in the interest of all stake holders. Despite the wonderful economic strides of the past two decades, the reality is that India is a poor country. A recent study by University of Oxford measured level of education, health and living standards in the world's poorest countries. This study shows that India continues to be predominantly poor. In fact, there are more poor people in 8 Indian states than in the 26 poorest African countries. Unemployment is increasing. Rural-urban divide and disparities are widening. Agriculture is in distress and requires huge public investment. With 54% of the population working in agriculture's low and declining contribution to the GDP has to be reversed, if poverty is to be reduced rapidly. Food security for increasing population has to be ensured. Industrialists are of the view that because of long and complex procedure of land acquisition and environmental clearance, big projects are unduly delayed resulting into escalation of cost. With the chosen path of development and growth by government, requirement for land will continue to grow for industry, development of new towns and expansion. With the passage of the nuclear liability bill 2010, land will also be necessary for about 40 nuclear plants. So, equity and inclusion must underline each and every policy decision. Unless managed properly, land acquisition has a potential of creating new Nandigrams and Tappals. We should have a balanced approach in

securing land for industrial purposes without loosing large fertile tracts and keeping environmental interests intact. Even the hon'ble Supreme Court has defined sustainable development as 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.

Remedial measures

In view of the above, new Acquisition Bill 2010 will have to make provisions and find answers for various questions involved in land acquisition. Some of the issues are interlinked and discussed here.

1. Some of the definitions and rules in the old Act of 1894 are a little vague and ambiguous leaving scope for discretion at different levels of administration. For example, 'public purpose' and 'compensation'. Public purpose should be redefined. Which is the public which benefits, the tribals or the agriculturist whose land is acquired or the developer? What is fair compensation and its timeframe? Market value of the land? If so, who decides what that market value is and how it is to be determined? Cash compensation apart, how do you compensate an individual or the community for the loss not only of land but perhaps the loss often centuries-old way of life and security that the land represented? Such difficult questions have defied an acceptable answer and triggered lot of social unrest and violence. No single set of answers can or ought to be found for these questions. However, an equitable balanced approach will have to be found for which strong political will is required.

Clearing Andhra Pradesh's acquisition of vast tracts of land to set up an integrated project again the Supreme Court in its judgement in June 2008, gave a wide meaning to the words 'public purpose' and said 'If the project taken as a whole is an attempt in the direction of bringing foreign exchange, generating employment opportunities and securing economic benefits to the state and to the public at large, it will serve public purpose'. It is to be seen whether this order will be valid once the Parliament clears the new bill. Such purposes are seldom served on the ground. Promises of lacs of job opportunities by some SEZs are a case in point, Nature of our laws on property rights is very fragile.

2. The price of land should be determined by the prevailing market price on the date of compensation awarded and not on the date of acquisition notification. There is generally a long gap between the two. The payment should take into account both the current and future potential of land.

When the farmer looses his land he sees darkness for his future generations and so should be provided with

rate of Rs. 2.4 laes per acre (v) farmers becoming landless in the process will get additional Rs. 1.85 laes as agriculutre labour calculated for five years (vi) 7% of total land acquired to be reserved for housing purposes, 17.5% of this will be given to farmers and (vii) each farmer to be given a minimum of 120 sq. mts. of developed land for house construction. It is hoped, the state government will speed up the process of industrialisation rather than going for competitive populism.

To sum up, successful acquisition of land from farmers' depend on a fair and just acquisition Act and rules made under it, transparent procedures, adequate

compensation, good governance and absence of interference by political leaders. We all concerned with country's inclusive growth and developments are looking forward for a comprehensive new law and its honest implementation. We hope the unanimity shown by various political parties and urgency shown by the government for passage of Nuclear Liability Bill 2010 will also be visible on the passage of new Land Acquisition Bill 2010.

I-200 Ashok Vihar, Phase-1

Delhi-110052

Tele. : 011-27139649

Some Thoughts on Land Acquisition, Compensation & Rehabilitation

-Man Singh Mathur

"Growth is meaningless if poor don't benefit"

-Amartya Sen -Nobel Laureate

1. India's economic story is faced with problem of poverty, unemployment, illiteracy, disease, hunger, malnutrition and disparities. Acute crisis in Indian agriculture and rural unrest has awakened us all to think afresh about approach to development and growth. In the context of free liberalized global world, new economic reforms were initiated in the country in 1991. The domination of public sector, which used to 'occupy commanding heights' of the economy, has diminished leaving ground to the private sector. We are on the move from a regulated economic regime to open and competitive market economy.

2. If agriculture equals poverty, a way out is to follow Chinese pattern of growth by creating avenues to allow the millions to move out of agriculture into mass producing industry. They have done this with success, though not without some terrible and familiar hurdles. The rapid industrialization for economic growth is necessary. It is expected to attract huge investment and business from multinational companies both within and outside, which will build infrastructure and generate income and employment opportunities. This will change industrial landscape of the country. Projects can be in public, private or joint ventures popularly known as Public Private Partnership. Industrialization being major engine of economic growth will accelerate exports, remove mass poverty by boosting manufacturing to compete in a globalized world. Country's population is projected to be 116 crores by 2010. New towns and cities will be developed as growth centres. Demographers say that 40% of Indians will live in cities by 2021 and 50% by 2050 from present level of 28%. About 20% of Punjab's fertile land is built up and Haryana is a close second. We simply cannot compromise on food security of the country by ignoring agriculture. For rapid industrialization, huge tracts of land will also be required. Here comes the crucial issue of Land Acquisition, Compensation, Resettlement and Rehabilitation of the displaced. Land being a scarce commodity is required for agriculture, industry and urbanization. Obviously a balance has to be maintained as huge population has to be provided with food, housing and employment.

3. Land acquisition for rapid industrialization is the foremost burning issue of the modern times. There is no doubt that a boost to rapid industrialization is the chosen

path for us to come in the category of the developed nations but projects after projects involving crucial investments are bogged down in controversy over land acquisition across the whole country. The issue is not only of Singur of the Tata Nano car project but it extends to the forest clad Niyamgiri hills in Orissa to Raigarh on the Western ghats, from the lush fields of Punjab, Haryana to the plains of Karnataka. According to a recent report, the total investment worth Rs. 2.43 lakh crore is lying idle. Nearly five lakh farmers, who have been on this land for centuries and survive because of it are affected. The combined land of some big projects is 92,000 acres. A case in point is of land acquisition by Reliance to set up the Maha Mumbai SEZ as an international business centre spread over 10,000 hectares of land with investment of Rs. 25,000 crores by acquiring land of 22 villages. Another big project by them in Jhajjar, Haryana affecting almost the same number of villages. The biggest hurdle in land acquisition is because of local resentment of the people whose land is being acquired as they consider it an unfair deal for various reasons as inadequate compensation, fear of livelihood, lack of transparency and other issues not addressed by the authorities.

4. The two legislations with potential to affect the lives of thousands of people-The Land Acquisition (Amendment) Bill, 2007 and Rehabilitation and Resettlement Bill, 2007 introduced in Lok Sabha last year, are now before the Parliamentary Standing Committee on Rural Development. They are in response to popular opposition in different parts of the country to take over land for creation of Special Economic Zones (SEZs) and setting up of industrial projects. In brief, for export promotion, SEZs are foreign territory within the country with huge tax reliefs and specific exemptions including land use, which lead to land grabbing and thus great resentment. Over the recent years, real estate, the farmers' only asset has become a target of politicians, land mafia and industrial nexus. Complaints of fertile land takeover, false promises for jobs, shortchanging farmers and abuse of government facilities are common. SEZs is still a controversial issue.

5. Land Acquisition (Amendment) Bill, 2007, inter-alia, seeks to amend the colonial Land Acquisition Act, 1894 in an attempt to balance the need for land for development and the interest of persons whose land gets statutorily acquired. The original Land Acquisition Act allows the government to acquire land for 'public purpose' and for improving public services such as transport,

accommodation, land issues can be resolved for a farm-factory balance which the country needs badly. In our democratic set-up these can be settled by lawful means with people's involvement. 'Inclusive growth' is the call of times.

11. The inter-dependence of industrial development with agricultural advancement had been recognized even before partition by Sir Chhotu Ram - pioneer peasant leader. This is clear from his speech in the then Punjab Assembly when he stated that "I am as much interested in the promotion of industries as anybody else, prosperity of agricultural classes, prosperity of producers of raw-

materials is closely bound up with the prosperity of industrial classes". Had he been alive, he would have advised the farming community not to fritter away their compensation money received, in unproductive expenditure by adopting luxurious lifestyle in the form of posh housing, lavish weddings and swanky cars as is being observed. Instead they should go in for non-agriculture pursuits or purchase of alternate land.

1-200 Ashok Vihar, Phase-1
Delhi-110052
Tele. : 27139649

SPECIAL ECONOMIC ZONES : SOME ASPECTS

Man Singh Mathur

Introduction

1. One of the new challenges having serious implications for agrarian economy affecting livelihood of millions in the country, is the new economic policy of 'Special Economic Zones' (SEZs). The policy was announced in March' 2000 and SEZ Act was passed in 2005 which came into force in February' 2006. After the big tax breaks and exemptions were provided for both developers and industrial units to promote exports in such zones, a mad rush started to establish SEZs all over the country. Union Ministry of Commerce is the nodal agency for this scheme. Board of Approvals (BoAs) gives formal sanction and then notification is issued with single window clearance. As on date, formal approval has been granted to 237 SEZ proposals and in-principle approval has been granted to 164 SEZ proposals. At present there are 234 valid formal approvals and 162 in principle approvals. Out of the formal approvals, 63 SEZs have been notified.

Salient Features

2. The concept of SEZ has been established on the pattern adopted in China and Dubai for rapid industrialization. It is expected to attract huge investment and business from multinational companies which will build infrastructure, generate income and employment opportunities with the purpose of rapid economic growth. They can be in public, private or joint ventures. In brief, SEZ is an enclave within the country that is treated as foreign territory for purposes of duties, tariffs with specific exemptions. For instance, industrial units need not pay custom duties on goods they import and local levies on goods bought from rest of the country. There is 100% income tax exemptions on export income for SEZ units for first 5 years, 50% for next five years thereafter and 50% of the ploughed back export profit for next five years. The developers will also enjoy ten year tax holiday. Such geographical regions will be free from labour law restrictions. Stability in fiscal concessions was considered essential to ensure creditability of Govt. intentions and instill confidence in investors. The rules under SEZ Act stipulate a minimum size of 1000 hectares with no upper limit for multiproduct industrial units and as low as ten hectares for single product units. At least 35% (earlier it was 25%) of the area of multi-product SEZ must be used for export/processing. The rest can be used for malls, housing, hotels, golf-courses, educational institutions, dispensaries etc. There is no limit on the number of SEZs. The main idea is to create a policy and legal framework that facilitates exports.

Critical Issues and Opinions

3. Right from its inception, SEZ policy is perhaps one of the most contentious issues. It is an issue that has pitted

ministries against each other, farmers against States and political parties against their own governments. And that is the beauty of our democratic set-up. Strong arguments have been expressed against and in favour of SEZs. The proponents of SEZ policy argue that SEZ is one of the major engines of economic growth by accelerating exports, generating employment and removal of mass poverty by boosting manufacturing to compete in a globalized world. To quote Mohd Yunus, Nobel Laurite, "Faster growth rate is essential for faster reduction in poverty. There is no other trick to it". Agriculture accounts for 24% of our Gross Domestic Product but provides a livelihood to about 57% of the population, making it unviable and drifting away rural youth from it. India is a country of youth where 60% of the population is below 25 years and we have to create new job avenues for them. According to recent National Sample Survey (NSS), about 58% employable population was jobless in 2004-05. Further only 44% of the people living in rural areas were employed. For urban India the figure is 37%. That is why various State Govts. are competing to attract investments by setting up SEZs. It is estimated that by 2010, about 15 lakh new jobs will be created in the country. The benefits derived from 'multiplier effect' of investment and added economic activity in the SEZs and employment generated may outweigh the tax exemptions. The development of SEZs, allowing 100% Foreign Direct Investment (FDI) in some sectors like housing is a tremendous opportunity for foreign developers to participate in creating world class infrastructure and show case their capabilities. This would also lead to development of new towns and cities, which would become a new centre of growth in that region. The announcement of this Act has witnessed a rush of corporate houses and developers to establish these zones. For instance, in Haryana, Reliance Ventures Ltd. has got 25000 acre prime land in the proximity of Delhi and proposes to invest Rs. 40,000 crores.

4. Reservations have been expressed about lack of transparency, viability, terms and conditions, commitment of developers, time limit, size of land required and its utilization. The detractors of SEZ policy argue that government will lose revenue by way of liberal exemptions. During initial days of SEZ debate, Finance Ministry was against the sops offered by the Govt. to SEZs. The National Institute of Public Finance and Policy had estimated that the Govt. could lose about one lakh crore rupees on revenue in fiscal concessions to SEZs. Even the Deputy Chairman, Planning Commission supported RBI's move to tighten credit flows to SEZs. The Asian Development Bank in its Outlook 2007 has attacked the Indian Govt's intentions to offer unnecessary tax incentives to SEZ developers and units. Some industries may be tempted to divert units to such areas to avail of the special facilities without creating additional employment. Trade unions have been among the largest critics of lax labour

laws. The fear is accentuated in our country by the fact that what is being proposed is not a few SEZs but hundreds of them spread all over the country against a few in China. Huge tracts of land including fertile farm lands are being acquired with intervention of State Govts. The type of land use could result in real estate developers taking away prime land in the proximity of metropolitan cities and may create 'island of urban prosperity in a sea of rural poverty'. There is an apprehension and with some basis that this will uproot millions of not only land owners but also tenants/share croppers, agricultural labourers, fishermen and all other village functionaries linked with agriculture.

5. Some of the loudest opposition to SEZ projects comes from the landless, who may not receive compensation for the land conversion and who lack resources to become self-employed. Compensation paid is much below the market rates and there is no concrete scheme of 'Resettlement and Rehabilitation' (R&R) of the displaced. This has led to resentment and unrest in the countryside as has been witnessed in Nandigram (since scrapped) and Singur, West Bengal. The NSS Organisation has shown about 10% of rural households are landless - owning either no land or less than 0,002 hectare. There is not much awareness amongst the farming community on the benefits of SEZ that it can bring in the long run. One of their main concerns expressed is to ensure that SEZs do not turn into real estate rackets. It is felt that SEZs will also lead to regional imbalance as majority of the applicants for SEZs so far have been from States like Maharashtra, Karnataka, Gujarat, Haryana and Andhra Pradesh which are comparatively more developed.

6. During the course of implementation of SEZ policy when land acquisition notices were put up in some areas, it sparked protests by the farmers. Seeing the public resentment against forceful acquisition, UPA Chairperson and Congress Chief Ms. Sona Gandhi voiced her concerns about SEZ policy and signaled its slowdown. While addressing the Congress ruled State Chief Ministers' conclave at Nainital in Sep. 2006, she asked them not to divert prime agriculture land to non-agriculture uses. Even if it was unavoidable farmers should be fully compensated. She also asked for the R&R policies to be strengthened and implemented so that necessary confidence could be generated amongst displaced. This by sheer coincidence, was made at a time when opposition to SEZ was growing on the ground. An internal Congress Report prepared by Veerappa Moily had gone to the extent of seeking a review of the model as he felt that it would widen imbalances and spur social conflicts. He had also pointed out that unlike China, SEZ in India are monopolized by IT sector. Further he stated that by not giving due importance to the manufacturing industry, the possibility of employment generation has been stifled.

Middle Path

7. Setting aside these controversies, it is felt that while industrial development is essential for the progress of the country, it is equally important that agriculture gets its due share.

The decline in agriculture growth to 2.7% this year should be a matter of grave concern. It not only highlights the plight of the farmers but also results in widening rural-urban divide which ought to shrink fast. As per the 57th Round of NSS, the per capita monthly expenditure in urban areas is almost double that of individuals in rural areas. Let us not forget India still lives in villages. A large majority of its population depends exclusively on agriculture for its livelihood. It is cruel paradox of our time that the farmers in one corner of the country commit suicide owing to a decline in income from farms while elsewhere they are on hunger strike to protect their occupation. Real is the fear of the people who earn a living from farms that the State may not ensure a fair deal for them when it acquires land. SEZs are required for the growth of the economy but it should not be at the cost of farmers. We should not displace self-reliant farmers and giving away fertile land to capitalists. Government has to dispel the notion that it is indulging in chronic capitalism and favouring corporate sector. People have a right to know for whom the SEZ is meant for and who is the beneficiary of the project.

8. Not many people are against industrialization but the point is why should the farmers who are producing crops to earn a living for generations, be asked to make a sacrifice. Instead, barren land or single-crop land should be identified and earmarked for industries to come up. Ideally, land purchased by industry should be voluntary and without coercion. The new SEZs will only bolster lopsided economic development and leave the suffering farmers in acute distress making them paupers. We need to develop a policy that will ensure that agriculture flourishes and industry continue to grow. 'Green revolution' is petering out and we have again started importing food grains. We simply cannot afford to compromise on food security by ignoring agriculture. Industry and agriculture are not necessarily opposed but can and should complement each other. The Chairman of the National Commission on Farmers has recently said that 'it is not just the money that is needed but also the right economic environment and overall direction for agriculture. The corporate sector should also share the social responsibility by playing an important role in agriculture development, which is the engine of rural development.'

Main Issues

9. The two most important issues in the context of SEZs are 'Land Acquisition' and 'Resettlement and Rehabilitation' of the displaced. Under the Land Acquisition Act 1894 as amended, the Govt, whether at the Centre and State level is free to acquire any land provided it is for 'public purpose' overruling and objection by the land owner. The State could even acquire land even for non-State body like a company as in case of 'Tata Car Project' in Singur. Land owners can only challenge the compensation decided by the Govt. This Act made the Collector's award of compensation final unless altered by a decree of civil court in a regular suit. However, critics of the Act see this as a colonial legacy with the entire process of acquisition put in the hands of 'administrators' giving too much power to the

executive of the day. The objective of the Act is largely unnermined due to cumbersome and lengthy nature of the procedure for getting compensation as well as due to lack of education among the outeers and urban-centred attitude of the administrators.

10. The policies aimed at large acquisition of land seem to have been formulated with a handful of business zars in mind and land owners obviously feel betrayed. For generations relation of man and land is very sacred in many rural societies and is a symbol of socio-economic status. So we should have a persuasive approach in acquiring land. We may also consider for a comprehensive legislation on land acquisition taking care of compensation, rehabilitation and turning those giving land for big projects into stakeholders. The Compensation should be in commensurate with the changes in inflation rates. There is also a danger of compensation money being frittered away. It is imperative that some action plan should be prepared in advance to advise and help the victims of land acquisition to take up alternative vocation and utilize the compensation money in productive purposes. A committee headed by Deputy Commissioner comprising MP, MLA and sarpanch of the village concerned could do all the land acquisition. Ministry of Rural Development is working on the revision of this Act in the changed scenario. The Govt. is reported to be thinking to bring legislative measure for limiting its role in SEZs asking the developers to acquire 70% of the land of their own before it steps in. The R&R and compensation package has to be attractive and will have to precede any displacement by development projects.

11. With the rapid growth of urbanization and industrialization, migration of rural people from countryside to towns and cities, and will continue to be acquired. According to 2001 census details released recently, over 98 million people migrated from one place to another within the country in the 1990s. The figure was the highest for any decade since independence because of combination of 'push' and 'pull' factors. Further the data show that almost 28% Indians live in cities and the figure is likely to go up to 40% by 2021. Coupled with SEZ, land acquisition will be on a massive scale, which seems to be the most crucial issue with its ramifications to village India. Our country might be adding to its number of billionaires but according to recent study by NGO Urban Health Resource Centre, slum population in urban cities is increasing rapidly with nearly 30% or 90 million people living in urban areas are poor.

12. According to Urban Development Ministry recent estimates, 1000 hectares are lying idle in many States due to improper and unclear land titles because of mired family disputes, litigation and without proper registration. This is deterrent in attracting FDI in real estates and retail. The States have been told by the Centre to computerize land records. The subject of land reforms also needs to be reviewed in the present context.

13. Issue of Resettlement and Rehabilitation (R&R) is equally important. An efficient and corruption free delivery mechanism and monitoring system is necessary. Assurances and promises are observed more in breach than in practice. Our schemes are well planned but mostly flawed during implementation

and benefits do not reach to the intended beneficiaries because of various reasons. That rehabilitation has seldom been properly done in any of India's dams and industrial projects is a 'well documented fact'. We can learn from the past experience. A case in point is 'A Brief Note on Assessment of Resettlement and Rehabilitation Sites and Submergence of Villages of the Sardar Sarovar Project' (The Hindu, April 17, 2006). This note submitted by Group of Ministers to Hon'ble Prime Minister wherein it was, inter-alia, observed "The complaints from various quarters that the R&R of oustees of Sardar Sarovar Dam has not taken place in consonance with the orders of the Supreme Court have been found to be correct". Another example is that of implementation of rural job project under National Rural Employment Guarantee Act 2005 (NREGA) being implemented in 200 of the poorest districts across 27 States from 02 Feb. 2006. According to CASA (Church's Auxiliary for Social Action) which surveyed 113 districts in 14 States, it has been observed that rampant corruption, widespread irregularities, delay in payment, fewer working days and lack of awareness are some of the hurdles that this project is facing.

Conclusion

14. The government has stated in Lok Sabha on 18th March 2007 that number of representations on various issues pertaining to SEZs have been received.

These include cap on the number of SEZs in different categories, giving thrust to manufacturing and exports, environmental impact, prescribing maximum number of SEZs, land required for and its use within the zones and revamping of BoAs. These are being examined by the empowered GoM appointed for SEZ. However, it was made clear that there is no proposal to review the tax and tariffs concession for the zones as provided in the SEZs Act. The government has also issued a notification on 21 Mar 2007 saying that developers of SEZs will be solely responsible for rehabilitating those persons whose land has been acquired for such projects as per R&R policies of the State Govts. It also makes meeting of environmental requirements mandatory for the developers.

15. The Prime Minister had also stated last year that compensation for land acquired is not enough as the cost of the land escalates manifold once infrastructure project is over. This is not passed on to the farmers leaving them bitter. Setting all doubts aside, the PM while addressing the India Today Conclave on 23rd March 2007 stated that 'SEZs are here to stay and is irreversible'. However, he has admitted that implementation has created some problems, which cannot be dismissed. He has promised 'more humane, more effective and more just policy' with regard to resettlement of oustees. R&R policies are being formulated and Land Acquisition Act is under revision. Pending further directions, fresh applications on SEZs are presently on hold.

1-200, Ashok Vihar,
Phase-I, Delhi-110052