

Socio-Legal Impact of Land Acquisition On Farmers of The Jewar, Gautam Buddha Nagar District With Special Reference To The Right To Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013

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Abstract-

In the wake of rapid urbanization and industrialization, land acquisition has become a pivotal aspect of development initiatives in many regions worldwide. The process of acquiring land, often for infrastructure projects, urban expansion, or industrial development, has significant implications for local communities, particularly farmers who rely on land for their livelihoods. Jewar in the Gautam Buddha Nagar District, situated in the Indian state of Uttar Pradesh, epitomizes the complexities inherent in the interface between traditional rural livelihoods and modern developmental imperatives. As the district experiences rapidly increasing urban growth and industrialization, land acquisition has emerged as a contentious issue, with far-reaching socio-legal ramifications for the farming population. The aim of this research is to delve into the multifaceted impact of land acquisition on farmers in Jewar of Gautam Buddha Nagar District. By examining the socio-legal dynamics at play, the study seeks to unravel the intricate interplay between development-induced land acquisition and the livelihoods, well-being, and community fabric of the affected farmers. Understanding these dynamics is crucial not only for comprehending the challenges faced by farmers but also for informing policy interventions that can mitigate adverse effects and foster more inclusive and sustainable development.

Keywords: AAI, RERA, SIA, YEIDA, Authorities, Urbanization, Industrialization, land acquisition, sustainable development, right to shelter, right to livelihood, compensation, rehabilitation, resettlement, local self- government, gram sabha, social impact assessment.



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Introduction

Development and protection of the rights of individuals are correlative and both are necessary for us. Government of Uttar Pradesh has planned to establish an international airport in the area of Delhi NCR. In this regard the government of Uttar Pradesh has identified the area of Jewar Tehsil of Gautam Buddha Nagar District. Due to the rapid growth of population, and to control the overburden of the Indira Gandhi International Airport, Delhi and also to make easy the international commercial transportation, the planning by the Uttar Pradesh Government for the International Airport at Jewar, Gautam Buddha Nagar District have started. It is a step to make India's economic strengths more powerful. Land Acquisition is a big issue in this

regard so that Parliament of India passed a national legislation named as Land Acquisition Act, 1894 to deal with the issues. The legislature has passed one more law to deal with the issues of real states that is called as Real Estate Regulatory Authority Act, 2016. Along with the same, the government has passed one more legislation to deal with the issues related in this regard, which is called as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to ensure, in consultation with institutions of local self- government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition industrialisation, development of essential infrastructural facilities and urbanisation.

Statement of Research Problem

The rapid urbanization and industrialization witnessed in Jewar of Gautam Buddha Nagar District, Uttar Pradesh, have necessitated extensive land acquisition activities, profoundly affecting the lives and livelihoods of the farming community. However, there is a notable dearth of empirical research that comprehensively examines the socio-legal impact of land acquisition on farmers in the Jewar of Gautam Buddha Nagar District. Despite the crucial role of agriculture in the local economy and the significant disruptions caused by land acquisition, there remains a gap in understanding the nuanced challenges faced by affected farmers and the adequacy of existing compensation and rehabilitation and resettlement measures. This research paper encapsulates the need to delve into the multifaceted socio-legal impact of land acquisition on farmers in Jewar of Gautam Buddha Nagar District. The researchers have selected this particular area of research because they both are living in the Gautam Buddha Nagar District and their institution is established in the same district and near by area of the Jewar Tehsil that will make easy to deal with the issues. The most important reason to select this particular area of the research interest because land acquisition is a big issue in the Gautam Buddha Nagar District now in these days and the issues associated with the same like criteria and amount of the compensation, rehabilitation, resettlement, protection of the rights of the minors, their cultural, social, environmental, mental health issues, and the biggest problems is the working culture and process of the administration and authority involved in this procedure.

Hypothesis

- (i) Present Legislations are not able to deal with the all concerned issues relating to the affected farmers.
- (ii) There may be certain lacunas in the present Legislations relating to the Land Acquisition.
- (iii) There is a need to amend the present Legislations for enhancing the well-being of affected farmers.

Objectives of Study

1. To examine the socio-legal consequences of land acquisition on farmers of the Jewar, Gautam Buddha Nagar District.
2. To identify the factors influencing farmer's perception and response to land acquisition.
3. To assess the effectiveness of existing compensation and rehabilitation policies in mitigating the adverse effects of land acquisition on farmers.
4. To explore the coping strategies adopted by farmers to deal with the challenges posed by land acquisition.
5. To provide recommendations for policy interventions aimed at enhancing the well-being of affected farmers.

Research Questions

1. What are the socio-legal consequences of land acquisition on farmers in Gautam Buddha Nagar District?
2. What factors influence farmers' perceptions and responses to land acquisition in the study area?
3. How effective are existing compensation and rehabilitation policies in mitigating the adverse effects of land acquisition on farmers?
4. What coping strategies do farmers employ to deal with the challenges posed by land acquisition?
5. What are the long-term implications of land acquisition on farmers' livelihoods and community dynamics?
6. To what extent do land acquisition processes in Jewar of Gautam Buddha Nagar District adhere to legal and ethical standards?
7. What policy interventions are needed to address the challenges faced by farmers affected by land acquisition and promote their socio-legal well-being?

Research Methodology

The research methodology used for this study is both Doctrinal and Non-Doctrinal. The study would rely on the collection of data from both Primary and Secondary sources. Primary sources comprise Statutes, Bills, and Case Laws, while secondary sources contain a wide range of materials such as Books, Journals, Newspaper Articles, and online resources relevant to the subject under investigation. Detailed Methodology is given below:

Study Design

This research will adopt a mixed-methods approach to comprehensively investigate the impact of land acquisition on farmers in Jewar of Gautam Buddha Nagar District. The mixed-methods design will integrate quantitative surveys and qualitative interviews to provide a holistic understanding of the research problem.

Sampling Strategy

The study will employ random sampling techniques to select participants from 10 different villages of Jewar within Gautam Buddha Nagar District. Regarding the sampling researchers will try to collect data from the district and Tehsil administration as well as employees of the development authority like Yamuna Expressway Industrial Development Authority (YEIDA), Noida Authority and Greater Noida Authority. Stratified Sampling may also be utilized to ensure representation from diverse socio-legal backgrounds and geographical locations within the district. The sample size will be determined based on the principles of statistical power and representativeness, aiming for adequate coverage of the target population. The data for the research work shall be collected by prescribed tools and techniques and will be analysed accordingly.

Data Collection

a. Quantitative Surveys: Structured questionnaires will be administered to collect quantitative data on socio-legal indicators, including household income, landownership, agricultural productivity, access to services, and perceptions of land acquisition. The survey instruments will be pre-tested and validated to ensure reliability and validity.

b. Qualitative Interviews: In-depth interviews will be conducted with a subset of participants to explore their lived experiences, perceptions, and coping strategies in greater depth. Semi-structured interview guides will be used to facilitate open-ended discussions and capture diverse perspectives in respect to data collection. Researchers will use the Likert Scale Technique for preparing the Questionnaire.

Data Analysis

a. Quantitative Analysis: Survey data will be analyzed using descriptive statistics (e.g., means, frequencies, percentages) to characterize the socio-legal profile of the sample population and assess the impact of land acquisition on farmer's livelihoods. Inferential statistical techniques (e.g., regression analysis) may be employed to examine relationships between variables and identify significant predictors.

Data should be analyzed by the proper tools and techniques prescribed by the Legal Researchers.

b. Qualitative Analysis: Thematic analysis will be employed to analyze qualitative interview data, identifying recurring themes, patterns, and narratives related to the impact of land acquisition on farmers. Data will be coded, categorized, and interpreted to generate rich qualitative insights into farmer's experiences and coping mechanisms.

Role of Judiciary

*Kesavananda Bharati vs. State of Kerala*¹ in the Edneer Mutt, Kesavananda Bharati have possessed a certain piece of land under his name. The Kerala State government had introduced the Land Reforms Amendment Act, 1969. According to the act, the Kerala State government was authorised to acquire a portion of the sect's territory, of which Kesavananda Bharati was the chief head. Kesavananda Bharati has challenged the Kerala

¹ (1973) 4 SCC 225; AIR 1973 SC 1461

government in court on February 1970. It was done under Article 32 of the Constitution of India, 1950. Kesavananda Bharati and his Advocate, Mr. Nani Palkhivala, filed a writ suit in the Supreme Court of India, arguing that this action has violated his fundamental right, that is, Right to Property under Article 31 of the Indian Constitution, 1950.

*Maneka Gandhi vs. Union of India*², the petitioner Maneka Gandhi approached the Supreme Court of India by invoking its writ jurisdiction and contended that the State's act of impounding her passport was a direct assault on her Right to Life and Personal Liberty as guaranteed by Article 21 of the Constitution of India. In this case study the Supreme Court held that Right to Life includes other essential rights like Right to Clean Water, Air, Right to freedom from Noise Pollution, Standard Education, Speedy Trial, Fair Trial, Right to Livelihood, Legal Aid, Right to Food, Right to Clean Environment, Right to Medical Care, etc.

*Olga Tellis vs. Bombay Municipal Corporation*³ in this case study, the state government of Maharashtra and the BMC resolved to expel squatters and pavement dwellers from Bombay in 1981. Accordingly, the then Government of Maharashtra gave the order to evict slum and pavement residents from Bombay and deport them to their home countries, which was the violation of the Articles 14, 19, & 21 of the Constitution of India, 1950. The Supreme Court emphasized on the right of livelihood and housing of those who are living in slums. It protected the people against the arbitrary decision of the government.

*Rural Litigation and Entitlement Kendra Dehradun & Ors vs. State of U.P. & Ors*⁴ the petitioner in this case study, pleaded for closing down of large number of leases of lime-stone quarries in the Dehradun Doon valley, which was polluting the environment, causing ecological imbalance and hazard to the human beings and all other species health.

The Supreme Court held for the closing down of (C) category lime-stone quarries. The Supreme Court also held the closure of those lime-stone quarries falling under categories (A) and (B) within the city limits of Mussoorie and permitted the other quarries of lime-stone outside the city limits of Mussoorie in order to make the balance against the need for industrial lime-stone quarrying in the region.

*M.C. Mehta v. Union of India*⁵ in 1985, there happened a vast leakage of oleum gas from a plant which was operated by Shriram Foods and Fertilizers Industries in Bhopal, India. This gas leakage resulted in the death of thousands of people which caused serious injuries to thousands of others too. M.C. Mehta, an advocate by profession, filed public interest litigation (PIL) in the Supreme Court of India seeking relief for the victims of the tragedy and compensation for the damages caused by the Gas Tragedy.

The Supreme Court of India ordered that the right to life under Article 21 of the Indian Constitution, 1950 includes the right to a clean and healthy environment. The court also ordered that the owners of the plant in Bhopal should be held liable for the damages caused by the gas leakage. The court also ordered the owners of the plant to pay compensation to the victims of the gas tragedy and directed the government to take necessary steps and actions to prevent such incidents and accidents in the future.

*Chameli Singh vs. State of Uttar Pradesh*⁶ this case study laid down the fundamental principles of the right to shelter. The Supreme Court of India recognised the right to shelter as a fundamental right under Article 21 of the Constitution of India, had made the following observations-

- The right to live as a human being can only be ensured if all facilities for his mental and physical development are made available to him/her.
- The right to live in any civilised society includes the right to access to clean food and water, a clean environment, well established education system, shelter and medical care.
- Apart from an adequate living space, the right to shelter includes a clean and well-lit living space, access to electricity, roads, etc, that are necessary to lead a reasonable life.
- In absence of the right to shelter, a human cannot develop into a useful citizen of the state and can neither perform his fundamental duties nicely nor he/she can actively participate in the democratic process.

² AIR 1978 SC 597

³ 1985 SCC (3) 545

⁴ 1985 AIR 652, 1985 SCR (3) 169

⁵ AIR 1987 SC 1086

⁶ (1996) 2 SCC 549

*Hinch Lal Tiwari vs. Kamala Devi & Ors*⁷ the present dispute is related with the allotment of a plot of land to an extent of 15 biswa's of the pond area in the village Ugapur, Talluka Asnao. The Court decided that 'the material resources of the society like forests, tanks, ponds, hillocks, mountains etc. are nature's bounty and they maintain delicate ecological balance hence they are needed to be protected. The Court also held that 'ponds' are a public utility, which are meant for common use and thus they cannot be allotted or commercialised.

*Land Acquisition Collector vs. Jai Prakash Tyagi & Ors*⁸ this case is related to the acquisition of land in the revenue estate of the village, Wazirabad, with the Land Acquisition Collector, as the appellant and Jai Prakash Tyagi and Ors. as the respondents. The High Court of Delhi had allowed the writ petition challenging the acquisition proceedings, deeming them to have lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In this judgment, the Supreme Court has quashed a decision of the High Court of Delhi. The Supreme Court of India stated that the High Court's interpretation was erroneous, as it relied on a previous decision that had been overruled by the Constitution Bench.

Research Design

The first part deals with the Introduction of the research study, which is properly placed at the beginning of the research study. The introductory part gives an idea about the roadmap of the research study and also tells us about different National Legislations that the Parliament of India has passed to deal with the certain issues arising out in the Land Acquisition process.

Then in the second part, the research study deals with the Historical Perspective of Land Acquisition Process. In this, it first deals with the International Perspective of Land Acquisition Process, as in the case of USA and then it deals with the National Perspective, which talks about various Legislations that are created by the East India Company such as the Bengal Regulation Act, 1824. This act addressed the following two Concerns-

- Possession of land for constructing roads, bridges and canals at 'fair prices';
- Dealing with the issues concerning the requirement of land for salt manufacturers.

Soon, the act became insufficient to cover the growing need for land as now, the institution of the railways made the land acquisition necessary. Then, the Land Acquisition Act, 1894 was enacted. This act acted as the principal enactment for compulsory acquisition. But, the landmark case of *Keshvananda Bharati vs. State of Kerala*⁹ highlighted the likelihood of the provisions of the said Act contradicting the Right to Property¹⁰. However, after various amendments over a century, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 finally repealed the Act of 1894. The act goaled to provide adequate compensation for resettlement and rehabilitation process. Then after, the act laid down an adequate procedure for acquiring the land after examining the Social Impact Assessment Report.

The next part deals with the certain Constitutional Provisions relating to the Land Acquisition Process, as after obtaining the freedom from the Britishers, the constitutional experts included certain provisions that guarantees some rights related to the land and property ownership to the citizens of India. Before the 44th Constitutional Amendment Act, the right to property was considered to be a Fundamental Right under Part III of the Constitution of India, 1950 under the 'Article 19(1)(f)'. But after the 44th Constitutional Amendment Act, the right to property became a Constitutional Right. 'Article 31' states that 'no person shall be deprived of his property by the authority of the law'. The 44th Constitutional amendment removed Article 31 and replaced it with Article 300A. Article 300A was introduced to discourage and abolish the Zamindari System and to redistribute the land to the landless people of the Indian State.

The preamble of the Constitution of India, 1950 deals with the Land Acquisition Process in the indirect sense as the Preamble of the Indian Constitution contains the word 'Sovereign' and which provides complete power or authority to the Central Government to acquire any land. As we know that the Constitution of India is the Grund Norm or the Supreme law of the Land and all other laws derives their validity from the Constitution of India and hence as we talks about Section 15 of the Delhi Development Act, 1957 which deals with the

⁷ (2001) 6 SCC 496

⁸ (2023) 3 JT 595

⁹ (1973) 4 SCC 225; AIR 1973 SC 1461

¹⁰ Article 31 of the Constitution of India

compulsory Acquisition of Land and states that ‘If in the opinion of the Central Government, any land is required for the purpose of development, or for any other purpose, under this Act, the Central Government may acquire such land under the provisions of the Land Acquisition Act, 1894 (1 of 1984)’.

The next part deals with the certain Statutory Provisions or Legislations that are enacted by the Parliament of India from time to time such as the Bengal Regulation Act, 1824, and then the Land Acquisition Act, 1894 and then the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and then the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Act, 2015 and then the Real Estate Regulatory Authority (RERA) Act, 2016 and at the latest the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Act, 2020 for protecting the interests of the farmers and land owners of the Jewar Tehsil of the Gautam Buddha Nagar District.

Conclusion

The proposed research aims to shed light on the impact of land acquisition on farmers in Jewar of Gautam Buddha Nagar District, providing valuable insights into their socio-legal well-being and coping strategies. By addressing the knowledge gaps in this area, the study seeks to contribute to more equitable and sustainable land acquisition practices that prioritize the interests and rights of affected farmers. The research work will be concluded with the overall discussion and with the result of data analysis in the form of concluding remarks. The major findings will be drawn with the result of concluding remark and on the basis of major findings the suggestions will be made accordingly.

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