

Comparative Assessment of Land Acquisition, Planning and Development in two parallel cases of Land Acquisition in Indian cities -Case study of Greater Noida & Navi Mumbai.

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Abstract

Urban Development is very much required to meet the necessities of growing urban population and urban land due to urbanization. Land acquisition is essential for urban development and socio-economic progress of the society, but it causes agony to the people rehabilitated from their homeland, and their loss of livelihood and communal affections. Also in the land acquisition process, the fruits of development are being enjoyed by, Private people and the government institutes, but not the Project Affected Persons (PAPs). Land being a state subject, the land acquisition for the urban development projects had been a tedious, challenging and disappointing in many cases across India, since independence. After liberalization, private sector participation increased diversely and Government actively assisted the private sector, in acquiring the land. The land acquisition case studies of Navi Mumbai and Greater Noida were studied, to assess the hitches being faced by the government, Project Affected Persons (PAPs) in the process. The Navi Mumbai land acquisition has begun in the year 1970, before the liberalization of Indian Economy, by CIDCO, whereas the U.P. government in 2007, initiated the acquisition of Greater Noida after liberalization. The process of land acquisition has taken different progresses over the years, which was completed, with many agitations, meetings, negotiations, agreements and various compensation packages in Navi Mumbai. In contrary, the situation in Greater Noida has come across, misuse of urgency clause, agitations, negotiations and court cases, which was disciplined only after the interference of the Hon'ble Supreme Court of India. In this paper, the land acquisition processes are compared, before and after liberalization, Compensation and R&R packages and different issues in both Navi Mumbai and Greater Noida. Finally, different variables are identified from land acquisition literature and studied in the both the case studies.

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Key words: Urban development, Land Acquisition, PAPs, Compensation and agitations.

Timelines of Navi-Mumbai and Greater Noida before Liberalization

A. Navi Mumbai (A city developed near Mumbai, the Commercial Capital of India.)

In January 1967, Maharashtra Regional & Town Planning Act, 1966 has been passed and under this Act, during February 1970, Maharashtra State Government has notified privately owned lands in New Bombay for acquisition. In March 1970, CIDCO was formed. Subsequently, during March 1971, CIDCO has been designated, as the New Town Development Authority. During the same year 1970, State Government, started acquisition of lands under the Land Acquisition Act 1894. During the initial stages of acquisition of land, the focus of the project-affected people (PAPs) was against the process of acquiring their lands itself. . However, during the period 1980-90, the focus of the agitation has been shifted, from resistance to demand of remunerative prices for their land. In the initial stages, in addition to the compensation, the PAPs have been allotted lands/ plots under GES (Gaothan Expansion Scheme), for self-use houses for their extended families. Subsequently looking to the slow progress of the process of land acquisition and aggravated agitations from the PAPs, by an order dated 6th March, 1990, the State Government finally announced the scheme, for the allotment of 12.5% of the developed land.

CIDCO has envisaged development of, International Airport for Navi Mumbai, comprising an area of about 1600 Ha (including Aeronautical and Non Aeronautical users). Agitations were seen, during the period of 2010 to 2012. To cope up with this situation, wherein, PAPs are agitating due to losing their core village settlement, that is, the Gaothan land, in the process of land acquisition, CIDCO, has come up with an innovative scheme of 22.5% for the development of Navi Mumbai International Airport, land acquisition, resettlement and rehabilitation

B. Greater Noida (A city developed near New Delhi, the Administrative Capital of India.)

The NCR Planning Board, has revised the Regional Plan in 2005 for the perspective year of 2021– Population of 12 lakhs was envisaged for Noida, development of Greater Noida and Yamuna Expressway. The Government of Uttar Pradesh acquired 70,000 hectares of land out of this potential area, for planned urban development and created the Greater Noida Industrial Development Authority (GNIDA), for a projected population of 3 Lakhs to

be achieved by the year 2001 and population of about 12 lakhs by 2021. It has been established, in the year 1991, under UP Industrial Area Development Act, 1976.

In Greater Noida, an area about 2,000 hectares mostly farmland and 16 villages were acquired by the UP government in 2009. As per the procedure, the Authority prepared a Development Plan for Greater Noida-2021 (for short, "the Development Plan") covering a total area of 21, 570 hectares. This area, has been described as Phase I of Greater Noida. The Hon'ble High Court, in its 2011 verdict, ordered enhanced compensation for villages. In May 2015, the Hon'ble Supreme Court ruled that the lands acquired from farmers in Noida and Greater Noida will not be given, back to them. Furthermore, on 24 June 2017, the Union Ministry of Civil Aviation approved the Jewar Airport project in Greater Noida. 3,000 hectares of land has been notified, for this purpose.

Comparison of Land Acquisition process in Navi Mumbai & Greater Noida

A. Before Liberalization - Navi Mumbai

1. As on 31 August 1980, land acquired after ten years from the date of the original notification, was about 14.45 percent of the private land. About 40 percent of the Government, notified land, has been transferred, to CIDCO.
2. Two schemes for the return of the land to the farmers are, initially the Gaothan Expansion Scheme (GES) and later the Twelve and a half percent (12.5%) scheme.
3. Under the GES, 10 % of the total land acquired from a village is reserved for development and eventual return to the villagers, with a minimum of 100 sq.m to a maximum of 500 sq.m and on a 90- year lease.

B. Before Liberalization - Greater Noida

1. Greater Noida materialized after 1990.

C. After Liberalization – Navi Mumbai

1. Under the Gaothan Expansion Scheme (GES), 10 % of the total land acquired from a village is reserved for development and eventually returned to the villagers, with a minimum of 100 sq.m to a maximum of 500 sq.m and on a 90- year lease, has been replaced with the new schemes.
2. Landless laborers, saltpan workers, and village artisans have been given developed plots of 40sq. meters. 37 villages were under this schemes and remaining 15 were under 12.5 Scheme

3. In 1990, 12.5% scheme with 1.00 FSI for residential use was introduced, as a uniform policy for all PAPs.
4. Additional area was allotted, near the Gaothan or at a different location, if not available near original location.
5. Second notification related to 12.5% scheme was released on 28th October 1994, with 1.5 FSI and as well as, permitting Residential Cum Commercial Use (R+C).
6. **Compensation package for Airport** : CIDCO has come up with an innovative scheme of 22.5% specifically for Navi Mumbai international Airport, PAPs, which includes compensation of land @12.5%, Scheme, as per the Govt. of Maharashtra scheme of 1990-94. Additional 10% of land is offered, in lieu of the monetary compensation.

D. After Liberalization - Greater Noida

1. After the land acquisition process started intensively, in September 2007, Greater Noida had witnessed large protests.
2. In 2009, Land has been acquired at Rs.850/sq.m from Shahberi Village for industrial purpose, and was disposed for residential use, for higher prices at Rs.10, 000 to Rs.12, 000 to private developers.
3. In 2011, there were protests against the enforced land acquisition in Village, Bhatta Parsaul.
4. Based on the judgment by the Hon'ble High Court, in its 2011 verdict, there was an increase in the compensation by 64.7% and 10% of the developed land to be given, against the acquired land, subject to maximum of 2,500 sq.m, to the farmers.
5. In 2011, Uttar Pradesh Government announced "Karar Niyamawali" as the guiding policy for land acquisition. The policy of "Karar Niyamawali" was adopted, to provide protections to the farmers in the land acquisition, process.
6. **Jewar International Airport**: On 24 June 2017, Government cleared a proposal for setting up a Greenfield Airport in Jewar, Greater Noida, in an area of 3000 Ha.

Issues of Land acquisition

Navi Mumbai

In an attempting to understand the trajectory of the local population's opposition to land acquisition, one has to keep in mind, the way in which private land, was actually

acquired. While the State Government issued notification, for bulk acquisition of land in February 1970, the actual process of acquiring the land, was much slower and occurred in a fragmented way depending on CIDCO's Development Plans. At first lands in Thane Tehsil, were acquired. The process began in 1971, and by 1991, that is, twenty years later, maximum extent of the land notified in Thane Tehsil, had been acquired. Acquisition of lands in Panvel and Uran began in the early eighties, and as of 1991 about 30 percent of the land notified in Panvel and much less in Uran, Tehsil has been acquired.

Local opposition was expressed, in "varied forms ranging from simple arguments to court cases to physical assault of CIDCO officials and dumping of construction equipment into the Panvel Creek. In the initial period (1970-72), the CIDCO had to deploy a large police contingent in the more volatile areas to prevent the situation from getting out of hand. Inevitably, this opposition caused enormous delay in the acquisition process.

Protests and Agitations, 1980-91

In the 1980s, the focus of land acquisition activities turned to Uran and Panvel tehsils, and hence during this decade the major agitations by the local population occurred in these tehsils. Both these tehsils are located in Raigad District. Unlike the earlier decade, it was fact that, the protests launched during this decade, were much more violent and involved more arrests and shootings by police. They also claimed wide media attention and high-level political intervention. The agitations ceased to be local in nature and had the support of the entire New Bombay Region and the attention of the entire Maharashtra State, as well.

In the 1980s, the focus of the agitations had also shifted from villagers attempting to prevent the takeover of their lands by physically stopping land acquisition, to demand for more remunerative prices, for their land. With the passage of the first decade, the inevitability of urban growth and CIDCO activities had sunk in.

During the decade of 1980-90, these incidents had many aftereffects that permeated the entire New Bombay area. The opposition parties announced a citywide bandh to be held. Its purpose was to register their protest against the prices being offered, to the Uran farmers, for their lands. The asking price by the farmers was Rs. 40,000 per acre, while the government was willing to give up to Rs. 27,000 per acre, during that, period.

As pointed out earlier, the PAP had continuously been agitating against the inadequate compensation paid for their lands and wanted CIDCO to revert part of the

developed land to them, which would be useful to them for enhancing their financial position. The government accepted the demand of 12.5 percent land allotment to the PAP in lieu of the land acquired from them. Initially in the year 1986, the offer of returning a portion of the developed land to the original owners was formalized. That land-affected farmers would be entitled to 12.5 percent of the developed land was made applicable, to the entire area of New Bombay, but limited to persons, whose land had been acquired on or after February 1986. The agitation in Uran thus succeeded to the extent that, in the future all the process of land acquisition, would be compensated by a return of 12.5 percent of the land, after it was developed by CIDCO.

From CIDCO's point of view, in spite of fair compensation and an elaborate rehabilitation package, the local population's demands never cease. In fact, the construction work in New Bombay is then reportedly hampered, by a different kind of pressure tactic extortions or a kind of tax levied on contractors, on an ad hoc basis, by the leaders of the local population, it is alleged.

As of March 1991, CIDCO had provided forty-three villages (45.26 percent) with water supply and public toilet facilities, eighty-four villages (88.38 percent) with Primary Schools, and nineteen villages (20 percent) with an approach road. However, other social amenities, as promised by CIDCO, such as the development of Community Centers and the building of gutters, Secondary Schools, bus shelters, the repairing of village lakes along with bunds, and overall maintenance have been limited to a very small number of villages.

A detailed study of the economic impact of New Bombay, on the villages of Sanpada, Koparkhairane, Turbhe, and Vashi, was carried out during 1987-88. It reveals the rapid change in occupations among the villagers-the switch from agricultural to nonagricultural work was almost complete by that time. There are some disadvantages of 12.5% schemes. It has resulted in parallel housing supply, competitive to CIDCO housing relatively at a cheaper rate. Compensation in 12.5% is add-on feature, which affects project viability, for CIDCO. It has resulted in lower standards of development & high density. Two distinct forms of city development, have been seen. Differential norms gave rise to areas of second-order citizenry.

The main problem in implementing rehabilitation measures of CIDCO is, getting a correct and updated record of land acquisition status. Other problems are establishing inheritance, exploitation for profit – by both villagers & developers, encroachment of lands around existing gaothans, encroachments on nodal lands by PAPs, as reported.

Experiences of land acquisition in Navi Mumbai suggest that, scheme should be part and parcel of original plan preparation. There should be clear-cut rules and procedures at the time of conceptualization. There should be quick implementation of scheme, transparent method of allotment and fixing of entitlement

Greater Noida

The land acquisitions were originally, carried out by the UP State Government, as a part of the Greater Noida's Industrial Development Plan. Pursuant to the emergency clause, (Article 17) stipulated in the 1894 Land Acquisition Act, whereby the procedures for residents' objections (Article 5A) are dispensed with.

In the entire Greater Noida area, including Shahberi Village, the UP government in 2009 acquired agricultural land totaling to about 2,000 hectares (mostly farmland). In all, 16 villages were affected, by the land acquisition. The land was acquired, at 450-850 rupees per square meter from farmers. GNIDA then resold the land at 10,000 to 12,000 rupees to private developers for the planned construction of residential buildings (About 250,000 flats) in the area. These developers subsequently, sold the same land at Rs 15,000 - 17,000 per Sq Yard.

Farmers of Shahberi Village of Greater Noida, filed writ petitions to quash the land acquisition. Their contention is that the government acquired land from them at lower prices but sold them later to private developers at higher prices.

End result, there has been a growing sense of distrust, about the idea that, land acquisition is being forced in the interests of a few private companies and in the interests of corrupt Central and State Governments, in lieu of sacrifices made by many residents and farmers.

In Shahberi Village, itself, Land Acquisition (for an area of about 156.3 hectares), was carried out in 2009 by the UP government and Greater Noida Industrial Development Authority (GNIDA). Farmers, who were unilaterally evicted from their land, without being given an opportunity to file objections and waged a campaign against the acquisition. On July 6, same year, the Hon'ble Supreme Court, has set aside the land acquisition process and gave judgment to return the lands to the original owners (most of them are farmers). The grounds for the judgment of the Hon'ble Supreme Court were: (1) such urgency was not likely to be present, and (2) GNIDA changed the purpose of land use from industrial use to residential use without the prior approval of the State.

On July 6, when the judgment of the Hon'ble Supreme Court was delivered, only about 3% of purchase agreements (6,500 of 250,000 units) or about 8% of the land area (150 of 2,000 hectares) were affected. Companies who sold flats at first showed an inclination to respond to the issue with reimbursement or provision of alternative flats. However, following this case, landowners in other villages, including Patwari, Rauja-Yakubpur, Bisrakh, Haibatpur, Changhola, Devla, and Iteda, where land acquisitions were carried out concurrently with Shahberi Village, filed a total of 220 writ petitions to the Allahabad High Court, seeking to quash the land acquisitions. As a result, the situation has become more serious.

This situation has raised developers and builders' fears of bankruptcy and of failure to reimburse deposits to those who booked flats and houses in this area. In response to the actions of the former landowners, those who had bought new flats to be built, also organized and established an association of their own. This association (with about 3,000 members) said that, members might participate in the lawsuits filed by former landowners to protect their interests. In addition, they have already organized demonstrations, holding up placards declaring, for example: 'We too are victims'. The representative of the buyers said that, they are not unsympathetic to the farmers who unilaterally lost their land; however, they also cannot accept being victims. Under such turbulent circumstances, the Allahabad High Court has set aside the land acquisition (589 hectares) at Patwari Village. This judgment affected about 20,000 flat buyers and 4,250 people who had bought plots of 120 to 240 square meters (winners of lotteries held in 2009 and 2010 by the Greater Noida Authority). Considerable amounts of construction work, such as for water supply, sewage and roads, had already begun in the district.

In addition, former landowners in the Noida District, where development was completed, quite a long time previously, started to dispute the legality of land acquisitions executed from 1976 to 1997, making the turmoil more serious. Noida District experienced land acquisitions beginning during years, when the rights of citizens were suppressed, following the declaration of a state of emergency in 1975. Residents suffered acquisition of their houses as well as agricultural land.

Final judgement and order of Hon'ble Supreme Court of India on 30 May 2012 is as follows:

1. The Petitioners shall be entitled for restoration of their land subject to deposit of compensation, which they had received under agreement/award before the authority/Collector.
2. All other writ petitions except as mentioned above at (1) are disposed of with following directions:
 - a. The Petitioners shall be entitled for payment of additional compensation to the extent of same ratio (i.e. 64.70%) as paid for village Patwari, in addition to the compensation received by them under 1997 Rules/award which payment shall be ensured, by the Authority at an early date. It may be open for Authority to take a decision as to what proportion of additional compensation be asked, to be paid by the flat/ plot allottees. Those Petitioners who have not yet been paid compensation may be paid, the compensation as well as additional compensation as ordered above. The payment of additional compensation shall be without any prejudice to rights of landowners
 - b. All the Petitioners shall be entitled for allotment of developed Abadi (Residential/ developable) plot to the extent of 10% of their acquired land subject to maximum of 2500 square meters. We however, leave it open to the Authority, in cases where allotment of Abadi plot, to the extent of 6% or 8%, have already been made, either to make allotment of the balance of the area or may compensate the land owners by payment of the amount equivalent to balance area, as per average rate of allotment, made of developed residential plots.
3. The Authority may also take a decision as to whether benefit of additional compensation and allotment of Abadi plot to the extent of 10% be also given to;
 - a. Those land holders whose earlier writ petition challenging the notifications have been dismissed, upholding the notifications; and
 - b. Those landholders, who have not come to the Court, relating to the notifications which are subject matter of challenge, in writ petitions mentioned, at direction No. 3.(a) above.
4. The Greater NOIDA and its allottees are directed, not to carry on development and not to implement the Master Plan 2021, until the observations and directions of the National Capital Regional Planning Board are incorporated in Master Plan 2021 to the satisfaction of the National Capital Regional Planning Board. We make it clear that, this direction shall not be applicable in those cases, where the development is being

carried on, in accordance with the earlier Master Plan of Greater NOIDA, duly approved by the National Capital Regional Planning Board.

5. We direct the Chief Secretary of the State, to appoint officers, not below the level of Principal Secretary (except the officers of Industrial Development Department who have dealt with the relevant files) to conduct a thorough inquiry regarding the acts of Greater Noida, on (a) in proceeding to implement Master Plan 2021, without approval of N.C.R.P. Board, (b) decisions taken to change the land use, (c) allotment made to the builders and (d) indiscriminate proposals for acquisition of land, and thereafter, the State Government, shall take, appropriate action in the matter.”

The Full Bench has quashed acquisition only where substantial part of the land, had not been developed. The category of the judgment where, acquisition has not been quashed covers the entire village where land of the respondents is located.

This case aptly highlights that, though the Greater Noida Industrial Development Authority had seized lands in the name of industries, it were redistributed among the builders. When the farmers realized they had been cheated by, they filled the petition. The apex court though gave a judgment in the end supporting their cause; the others who had invested in their property were left in a mere shadow. The act was thus a clear example of how the breach of rules by local municipal government had led to passive reactions among different stakeholders, in which majorly farmers were, settled of with its queries in the end. However, this had created problems for real estate market, which ultimately proved disastrous for the very own municipal government, which had brought about this state of affairs (Land Acquisition in Greater Noida). Had there been more transparency and regulation in the functioning of the development authority, this problem had not occurred. On closer analysis, it is revealed that land acquired was for private developers. This was due to adoption of the Public Private Partnership at local levels since the Urban Local Body (ULB) was in destitute of funds, due to improper decentralization, having no scope for its self-revenue generation.

Comparative study of different variables, arising in the process of Land Acquisition, in Navi Mumbai and Gr. Noida

Sl. No	Variable Description	Navi Mumbai	Greater Noida	Identification of variables for further survey and interaction with PAPS
1	Rehabilitation & Resettlement	Rehabilitation programme was formally incorporated by CIDCO in 1973.	Not provided	These four variables can be part of policies of Govt. and Acts.
2	Public consent	Not taken	Not taken	
3	Negotiations	Partially taken place, for higher compensation and better package.	Not happened	
4	Stake holders	Involved village sarpanchs and other public representatives. Some of them have become partners in development contracts.	Not involved	
5	Compensated Dwelling Unit space	10 % of the total land acquired from a village is reserved for development and eventual return to the villagers, with a minimum of 100 sq.m to a maximum of 500 sq.m. Landless laborers, saltpan workers, and village artisans were to be given developed plots of 40sq. meters. Additional FSI for those who did not accept monetary compensation.	No returnable land compensation given, initially.	These variables are directly related, to the perspective of the PAPS. Hence, these can be studied, further.

6	Market Value Appreciation	During acquisition the market value of land is Rs. 500-1000/ Sq.m, which has got appreciation value upto Rs.1,00,000/- per Sq.m in a decade.	Forced Land acquisition. Land acquired at Rs.850 / Sq.m from the farmers for industrial purpose was later disposed for residential use, for higher prices at Rs. 10,000 to Rs. 12,000/ Sq.m to the private developers.
7	Livelihood opportunities	Livelihood and addl. opportunities provided such as a job per family, Priority in awarding contracts.	Loss of existing livelihood and, no additional opportunities provided.
8	Dependency Ratio	Not reflected in case of Land acquisitions in India, however in certain countries, other than India, this variable is considered, in Land Acquisition process.	
9	Purchasing power	Not reflected in case of Land acquisitions in India, however in certain other countries this variable is considered, in LA process.	
10	Ability to Save (Income Expenditure Ratio)	No direct reflection of this issue is seen, in any secondary data of the case study areas. However, this is reflecting in certain projects in India and across the world.	
11	Access to education and training	There are specific provisions made for designation of seats for PAPs.	No specific provision made
12	Social network and associations	Not reflected in case of Land acquisitions in India, however in certain other countries, this variable is considered, in LA process.	

13	Access to social infrastructure facilities	Specific provisions of developed plots for PAPs are School, Playground, Health, Community Centre, Religious Complex with Mahila Bhavan, etc. Administrative Complex, Market & Parking	No specific provision made	
14	Access to health and Sanitation	There are specific provisions made for fee concession and designation of beds for PAPs.	No specific provision made	

Conclusions of Navi Mumbai and Gr. Noida Case Studies

- The four variables of i) Rehabilitation & Resettlement (R&R) ii) Public consent iii) Negotiations and iv) Stake holders participation have facilitated the process of Land acquisition. The ten variables identified above are directly related to perception of the PAPs.
- PAPs make agitations and protests as well as court cases for want of higher compensation, livelihood and appreciation of land value, taken away through land acquisition, process.
- Developed returnable plots to Landless labourers, saltpan workers, and village artisans along with PAPs appears accelerated the LA process. The returnable plots thus given, has the higher appreciation values, when compared to original agricultural land values.
- Providing Livelihood and addl. Opportunities, such as a job per family, Priority in awarding contracts may help PAPs for having alternative mode of employment, as they have lost the agricultural activity, the only source of income for the farmers.
- Provisions made for designation of seats in Education, Health and other Social Facility plots (*School, Playground, Health, Community Centre, Religious Complex with Mahila Bhawan, Market & Parking*) for PAPs may further enhance the process of the LA as well improve the social life

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