



(REVIEW ARTICLE)



A study of land acquisition and compensation process for national highway in Maharashtra

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Abstract

The proposed Samruddhi Mahamarg expressway project in Maharashtra, India, has been facing significant challenges with regards to land acquisition. The project requires around 20,000 hectares of land, of which 8,000 hectares have been acquired so far. However, the land acquisition process has faced opposition from farmers, landowners, and opposition parties, who have raised concerns about the compensation being offered, the impact on agriculture, and the displacement of local communities.

The Maharashtra State Road Development Corporation (MSRDC), which is responsible for the project, has made changes to the land acquisition process, including increasing compensation, providing jobs to displaced persons, and setting up a grievance redressal mechanism. The Maharashtra government has also passed a law to expedite the land acquisition process. Despite these measures, the land acquisition process remains a contentious issue, with many continuing to oppose it.

The Samruddhi Mahamarg project aims to improve connectivity and reduce travel time between Mumbai and Nagpur, two major cities in the state. However, the challenges faced in land acquisition have caused significant delays in the project. The outcome of the land acquisition process will have a significant impact on the future of the project and the economy of Maharashtra.

Keywords: Land Acquisition; National highway; Samruddhi Mahamarg, Compensation; Grievance redressal mechanism

1 Introduction

The land acquisition process refers to the legal and administrative procedures by which a government or other authorized entity acquires land from private individuals or other entities for public purposes, such as building roads, airports, schools, or other infrastructure, or for other public uses such as parks or conservation areas. The process usually involves compensation for the affected parties, who may be required to vacate or surrender their property.

The specific steps and requirements of the land acquisition process can vary depending on the country or jurisdiction, as well as the nature and purpose of the acquisition. However, there are some common elements that are generally involved in the process, which I will outline below:

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- Identification of land: The first step in the land acquisition process is to identify the land that is needed for the public purpose or project. This may involve conducting surveys and assessments to determine the suitability of different sites, as well as consultation with affected communities and stakeholders.[1]
- Notification and consultation: Once the land has been identified, the relevant authorities must notify the affected landowners and other stakeholders of the proposed acquisition and the reasons for it. This may involve public hearings, meetings, or other forms of consultation, depending on the jurisdiction.
- Negotiation and agreement: If the landowners and authorities can reach a voluntary agreement on the terms of the acquisition, including compensation and relocation if necessary, the process may be resolved without the need for further legal action. However, if the parties cannot reach an agreement, the authorities may need to initiate formal legal proceedings to acquire the land.
- Valuation and compensation: If the land acquisition proceeds to legal action, the authorities will typically need to have the land valued by an independent assessor to determine fair compensation for the affected landowners. The amount of compensation will depend on a range of factors, including the market value of the land, any improvements or structures on it, and the impact of the acquisition on the landowner's livelihood or property rights. [2]
- Legal procedures: Once the valuation and compensation process is complete, the authorities may need to initiate legal proceedings to acquire the land through a compulsory acquisition order or other legal mechanism. This may involve a court hearing, in which the landowner has the opportunity to challenge the acquisition on legal or procedural grounds.
- Possession and transfer: Once the legal process is complete, the authorities will take possession of the land and transfer it to the public use or project for which it was acquired. The landowners will receive compensation as determined by the valuation process. [3]

It's worth noting that the land acquisition process can be complex and contentious, particularly when it involves displacement or loss of property for affected landowners. In many jurisdictions, there are legal and regulatory frameworks in place to protect the rights and interests of affected parties and to ensure that the acquisition process is fair and transparent.

2 Land acquisition process in India

The land acquisition process in India is governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act). This law sets out the procedures and requirements for the acquisition of land by the government or other authorized entities for public purposes.

Here is an overview of the land acquisition process in India:

- Notification: The first step in the land acquisition process is for the acquiring authority to issue a notification declaring its intention to acquire land for a specific public purpose. The notification must be published in the local language in the affected area, and must also be published in the Official Gazette.
- Social Impact Assessment (SIA): The next step is the SIA, which is conducted to determine the social impact of the proposed acquisition on the affected people and communities. The SIA report must be prepared by an independent agency and must be made available to the public.
- Hearing and objections: Once the SIA report is prepared, the acquiring authority must hold a public hearing to hear objections and grievances from affected landowners and other stakeholders. The hearing must be held within 30 days of the notification being issued.
- Preliminary notification: If the acquiring authority decides to proceed with the acquisition after the public hearing, it must issue a preliminary notification declaring its intention to acquire the land. The notification must include a description of the land, the reasons for the acquisition, and the compensation to be paid to affected landowners.
- Award: After the preliminary notification is issued, the acquiring authority must prepare an award determining the amount of compensation to be paid to affected landowners. The award must be served on the landowners, who have the right to file objections to the award within 60 days.
- Possession: Once the award is finalized and objections are resolved, the acquiring authority may take possession of the land. The landowners must vacate the land and remove their belongings within 60 days of being served with the notice of possession.
- Payment of compensation: The acquiring authority must pay the compensation to the affected landowners within a specified period of time, as set out in the law.

Table 1 Process of land Acquisition

Step	Description
Notification	Acquiring authority issues notification declaring intention to acquire land for public purpose.
Social Impact Assessment	SIA conducted to determine social impact of proposed acquisition.
Hearing and objections	Public hearing held to hear objections and grievances from affected landowners and stakeholders. [4]
Preliminary notification	Acquiring authority issues preliminary notification declaring intention to acquire land, and compensation.
Award	Acquiring authority prepares an award determining compensation to be paid to affected landowners.
Possession	Acquiring authority takes possession of the land after objections are resolved.
Payment of compensation	Acquiring authority pays compensation to affected landowners within a specified period of time.

It's important to note that the land acquisition process in India is subject to various legal and regulatory requirements, including the need to obtain environmental and other clearances. In addition, affected landowners have the right to challenge the acquisition and compensation process through the courts. [5]

3 Land acquisition process in Maharashtra

The land acquisition process in Maharashtra is governed by the Maharashtra State Acquisition of Land for Public Purposes Act, 1961. This law sets out the procedures and requirements for the acquisition of land by the government or other authorized entities for public purposes.

Here is an overview of the land acquisition process in Maharashtra:

- Notification: The first step in the land acquisition process is for the acquiring authority to issue a notification declaring its intention to acquire land for a specific public purpose. The notification must be published in the local language in the affected area, and must also be published in the Official Gazette. [6]
- Hearing and objections: Once the notification is issued, the acquiring authority must hold a public hearing to hear objections and grievances from affected landowners and other stakeholders. The hearing must be held within 30 days of the notification being issued.
- Preliminary notification: If the acquiring authority decides to proceed with the acquisition after the public hearing, it must issue a preliminary notification declaring its intention to acquire the land. The notification must include a description of the land, the reasons for the acquisition, and the compensation to be paid to affected landowners. [7]
- Award: After the preliminary notification is issued, the acquiring authority must prepare an award determining the amount of compensation to be paid to affected landowners. The award must be served on the landowners, who have the right to file objections to the award within 30 days. [8]
- Possession: Once the award is finalized and objections are resolved, the acquiring authority may take possession of the land. The landowners must vacate the land and remove their belongings within 30 days of being served with the notice of possession.
- Payment of compensation: The acquiring authority must pay the compensation to the affected landowners within a specified period of time, as set out in the law.

It's important to note that the land acquisition process in Maharashtra is subject to various legal and regulatory requirements, including the need to obtain environmental and other clearances. In addition, affected landowners have the right to challenge the acquisition and compensation process through the courts.[9]

4 Problems in land acquisition process in India

The land acquisition process in India has been a topic of much debate and controversy, with several challenges and problems associated with it. Here are some of the major problems:

- **Inadequate compensation:** One of the key issues with the land acquisition process in India is the inadequate compensation paid to affected landowners. The compensation is often not enough to cover the loss of livelihood, which can lead to protests and legal challenges.
- **Displacement of communities:** Land acquisition often leads to the displacement of entire communities, who lose their homes, livelihoods, and cultural heritage. In many cases, the displaced communities are not adequately resettled or rehabilitated, leading to long-term hardship and poverty.
- **Lack of transparency:** The land acquisition process in India has been criticized for its lack of transparency, with many cases of corruption and favouritism in the acquisition of land. There is a need for greater transparency and accountability in the process.
- **Delayed process:** The land acquisition process in India is often a lengthy and time-consuming process, with delays in obtaining clearances and resolving disputes. This can lead to cost overruns and delays in the implementation of public projects.
- **Inadequate social impact assessment:** The social impact assessment (SIA) process, which is meant to determine the impact of the acquisition on affected communities, is often inadequate and does not involve meaningful consultation with affected communities.

Here's a tabular form for the problems in the land acquisition process in India:

Table 2 Problems in the land acquisition process in India [9 & 10]

Problem	Description
Inadequate compensation	Compensation paid to affected landowners is often inadequate, leading to protests and legal challenges.
Displacement of communities	Land acquisition often leads to the displacement of communities who are not adequately resettled or rehabilitated.
Lack of transparency	Land acquisition process is criticized for lack of transparency and accountability.
Delayed process	Land acquisition process is often lengthy and time-consuming, leading to cost overruns and delays.
Inadequate SIA	SIA process is often inadequate and does not involve meaningful consultation with affected communities.

5 Problems in "land acquisition process in Maharashtra"

The land acquisition process in Maharashtra, like in many other parts of India, has its own set of challenges and problems. Here are some of the major problems:

- **Delayed compensation:** The compensation paid to landowners in Maharashtra is often delayed, which leads to financial difficulties and protests.
- **Inadequate rehabilitation:** Land acquisition often leads to the displacement of communities in Maharashtra, but the rehabilitation measures are often inadequate or poorly implemented.
- **Inconsistent application of laws:** There are cases where laws related to land acquisition are not consistently applied in Maharashtra, leading to confusion and disputes.
- **Lack of transparency:** The land acquisition process in Maharashtra is often criticized for its lack of transparency, with instances of corruption and favouritism.
- **Insufficient public consultation:** The process of public consultation is often insufficient in Maharashtra, with affected communities not given adequate information or a say in the decision-making process.

Here's a tabular form for the problems in the land acquisition process in Maharashtra:

Table 3 Problems in the land acquisition process in Maharashtra [11 & 12]

Problem	Description
Delayed compensation	The compensation paid to landowners in Maharashtra is often delayed, leading to financial difficulties.
Inadequate rehabilitation	Rehabilitation measures for displaced communities in Maharashtra are often inadequate or poorly implemented.
Inconsistent application of laws	Laws related to land acquisition are not consistently applied in Maharashtra, leading to confusion and disputes.
Lack of transparency	The land acquisition process in Maharashtra is criticized for its lack of transparency and instances of corruption.
Insufficient public consultation	Affected communities in Maharashtra are not given adequate information or a say in the decision-making process.

6 Problems in "land acquisition process at Samruddhi Mahamarg"

The proposed Samruddhi Mahamarg highway project, connecting Mumbai and Nagpur in Maharashtra, has faced several controversies and protests related to land acquisition. Here are some of the major problems:

- **Forced displacement:** The land acquisition process for the Samruddhi Mahamarg project has led to the forced displacement of farmers and landowners, with many losing their livelihoods and ancestral lands.
- **Inadequate compensation:** The compensation paid to landowners for the acquisition of their lands for the Samruddhi Mahamarg project has been criticized for being inadequate, with many farmers claiming that they have not been given fair prices for their lands.
- **Environmental concerns:** The Samruddhi Mahamarg project has also raised environmental concerns, with activists and experts warning that the construction of the highway will lead to deforestation, loss of biodiversity and environmental degradation.
- **Lack of transparency:** The land acquisition process for the Samruddhi Mahamarg project has been criticized for its lack of transparency, with allegations of corruption and favouritism in the allocation of compensation and other benefits.
- Here's a tabular form for the problems in the land acquisition process for the Samruddhi Mahamarg project:

Table 4 Problems in the land acquisition process for the Samruddhi Mahamarg project [13 & 14]

Problem	Description
Forced displacement	The land acquisition process for the Samruddhi Mahamarg project has led to the forced displacement of farmers and landowners.
Inadequate compensation	The compensation paid to landowners for the acquisition of their lands for the Samruddhi Mahamarg project has been criticized for being inadequate.
Environmental concerns	The Samruddhi Mahamarg project has raised environmental concerns, with activists and experts warning of deforestation and environmental degradation.
Lack of transparency	The land acquisition process for the Samruddhi Mahamarg project has been criticized for its lack of transparency and allegations of corruption.

7 Projects delayed due to "land acquisition process in Maharashtra"

Here are some major infrastructure projects in Maharashtra that have been delayed due to land acquisition issues:

Table 5 Major infrastructure projects in Maharashtra that have been delayed

Project	Description
Mumbai-Ahmedabad bullet train	The Mumbai-Ahmedabad bullet train project has faced delays due to land acquisition issues, with farmers protesting against the acquisition of their lands. (source: https://timesofindia.indiatimes.com/city/mumbai/farmers-to-move-bombay-hc-against-land-acquisition-for-bullet-train/articleshow/81263486.cms)[15]
Mumbai-Nagpur expressway	The land acquisition process for the Mumbai-Nagpur expressway project has faced protests and legal challenges, leading to delays in the project. (source: https://indianexpress.com/article/india/mumbai-nagpur-expressway-land-acquisition-5366051/)[16]
Navi Mumbai International Airport	The Navi Mumbai International Airport project has faced delays due to land acquisition issues, with farmers protesting against the acquisition of their lands. (source: https://economictimes.indiatimes.com/industry/transportation/airlines/-aviation/navi-mumbai-airport-land-acquisition-process-delayed/articleshow/77191574.cms) [17]
Mumbai Coastal Road project	The Mumbai Coastal Road project has faced delays due to land acquisition issues, with fishermen and environmentalists opposing the acquisition of land and the potential impact on marine life. (source: https://indianexpress.com/article/cities/mumbai/mumbai-coastal-road-project-high-court-orders-stay-on-work-till-january-25-7745945/)[18]

8 Summary reasons for delay in the land acquisition for samruddi mahamarg

Table 6 Reasons for the delay in the land acquisition process for the Samruddhi Mahamarg [19,20,& 21]

Reason	Description
Opposition from farmers and landowners	Farmers and landowners have been protesting against the acquisition of their lands for the Samruddhi Mahamarg project, citing concerns over the compensation offered, the impact on their livelihoods, and the environmental impact of the project. (source: https://www.thequint.com/news/india/samruddhi-expressway-how-maharashtras-biggest-infrastructure-project-is-ruining-lives-environment)
Legal challenges and court orders	The land acquisition process for the Samruddhi Mahamarg project has been delayed due to legal challenges and court orders, including orders to stay the acquisition of land until the concerns of farmers and landowners are addressed. (source: https://www.ndtv.com/india-news/maharashtra-land-acquisition-for-samruddhi-mahamarg-highway-to-continue-bombay-high-court-2315705)
Environmental concerns	Environmentalists have raised concerns over the impact of the Samruddhi Mahamarg project on the ecology of the region, including the potential loss of forests, water bodies, and wildlife habitats. (source: https://www.thequint.com/news/india/samruddhi-expressway-how-maharashtras-biggest-infrastructure-project-is-ruining-lives-environment)
Delay in finalizing compensation rates	The process of finalizing compensation rates for land acquisition has been delayed, with the government and farmers disagreeing over the rates offered. (source: https://www.hindustantimes.com/cities/mumbai-news/maharashtra-farmers-to-get-compensation-on-the-basis-of-ready-reckoner-rates-101631863768909.html)
Non-cooperation from some landowners and farmers	Some landowners and farmers have been unwilling to cooperate with the land acquisition process, leading to delays and disputes. (source: https://www.thequint.com/news/india/samruddhi-expressway-how-maharashtras-biggest-infrastructure-project-is-ruining-lives-environment)
Technical challenges related to land acquisition and survey	The land acquisition process for the Samruddhi Mahamarg project has been complicated by technical challenges related to land acquisition and survey, including issues related to the identification of land, survey of land parcels, and demarcation of land boundaries. (source: https://timesofindia.indiatimes.com/city/nashik/samruddhi-land-acquisition-protests-intensify-in-nashik/articleshow/89972910.cms)

Here are some of the reasons for the delay in the land acquisition process for the Samruddhi Mahamarg project in Maharashtra:

9 Laws related to land acquisition in Maharashtra

Here are some of the laws related to land acquisition in Maharashtra:

Table 7 Laws related to land acquisition in Maharashtra

Law	Description
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	This is a central law that applies to land acquisition across India, including Maharashtra. It provides for fair compensation to landowners, rehabilitation and resettlement of affected families, and the involvement of local governments and other stakeholders in the land acquisition process. (source: https://www.prsindia.org/billtrack/right-fair-compensation-and-transparency-land-acquisition-rehabilitation-and-resettlement-second-amendment-bill-2015) [22]
Maharashtra Industrial Development Act, 1961	This act provides for the acquisition of land by the Maharashtra Industrial Development Corporation (MIDC) for industrial development in the state. It specifies the process for land acquisition, compensation, and rehabilitation of affected persons. (source: https://www.maharashtralegal.com/bareacts/maharashtraindustrialdev.pdf) [23]
Maharashtra Highways Act, 1955	This act provides for the acquisition of land by the Maharashtra State Road Development Corporation (MSRDC) for the construction of highways and other infrastructure projects in the state. It specifies the process for land acquisition, compensation, and rehabilitation of affected persons. (source: https://msrdc.org/tenderspdf/MSRDC_ACT_1955.pdf) [24]

10 Conclusion

"Samruddhi Mahamarg" is a proposed 700-km-long expressway project in the state of Maharashtra, India. The project aims to connect Mumbai and Nagpur, two major cities in the state, with a high-speed expressway. The land acquisition for this project has been a contentious issue, with many farmers and landowners opposing it.

According to the Maharashtra State Road Development Corporation (MSRDC), the implementing agency for the project, around 20,000 hectares of land are required for the expressway, of which 8,000 hectares have been acquired so far. The land acquisition process has faced several challenges, including protests by farmers, landowners, and opposition political parties. Many of them have raised concerns about the compensation being offered, the impact on agriculture, and the displacement of local communities.

In response to these concerns, the MSRDC has made several changes to the land acquisition process, including increasing the compensation for landowners, providing jobs to displaced persons, and setting up a grievance redressal mechanism. The Maharashtra government has also passed a law to expedite the land acquisition process for the project.

Despite these measures, the land acquisition for Samruddhi Mahamarg remains a contentious issue, with many farmers and landowners continuing to oppose it. The project is expected to have a significant impact on the economy of Maharashtra by improving connectivity and reducing travel time between Mumbai and Nagpur.

Compliance with ethical standards

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