



CONCEPT NOTE FOR INTERNATIONAL WORKSHOP ON 'LAND POOLING POLICY: PARADIGM FOR SUSTAINABLE DEVELOPMENT'

scheduled on **28th and 29th November 2019** at IHC, New Delhi

The involuntary displacement of millions of people resulting from the unbridled exercise of the power of 'Eminent Domain' under the Land Acquisition Act, 1894 for acquisition of private land for industrialization, infrastructure development and urbanization in Independent India has generated conflicts and unrest across large parts of the country. The enactment of The Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, that overrode the colonial-era law, was the culmination of the long-standing demand for a fair and transparent land acquisition regime. The provision of market-linked cash compensation, social impact assessment, consent and rehabilitation and resettlement in the new legislation are intended to ensure beneficial outcomes to Project-Affected-Families. However, the steep increase in the cost of land acquisition owing to the enhanced compensation for land, coupled with the rehabilitation and resettlement package has prompted the acquiring bodies and industry to explore more economically sustainable land procurement alternatives. The need of the hour is to assess the challenges being faced by states and Union Territories in operationalizing the Central Law with a view to suggest remedial action.

In recent years, the option of land pooling has gained salience because it replaces the obligation for one-time cash payment to title holders by an arrangement wherein the land, for a project, is pooled by land owners who later receive a land parcel from the pooled land, after it is serviced. The plot of land undergoes value appreciation due to infrastructure development and can be utilized for commercial purposes for earning a regular income or monetized by the land owners. The land pooling option also addresses the critical issue of rehabilitation of PAFs, which, as studies indicate, is a major cause of the impoverishing effect of land-expropriation.

Land pooling, also known as land readjustment or land reconstitution, has a long history in India. The Bombay Town Planning Act, 1915 that allowed the use of land pooling and reconstitution in the form of town planning scheme was responsible for the urban development of Bombay Presidency in the first half of the 20th century. Similarly, the town planning scheme of The Gujarat Town Planning and Urban Development Act, 1976 aided the urban development of major cities of Gujarat, particularly Ahmedabad. Chandigarh and Naya Raipur also relied on land pooling to develop their urban infrastructure. Under the aegis of The Andhra Pradesh Capital Region Development Authority (APCRDA) Act, 2014, the Government of Andhra Pradesh has pooled approximately 33,000 acres of private land to build the new state capital at Amaravati. Between 2013 and 2019, Punjab, Rajasthan, Haryana, Uttar Pradesh and Assam have notified the land pooling policies as has Delhi Development Authority. Originally conceived as a mechanism for expansion of cities, pooling is now being applied to green-field projects, for example the Navi Mumbai airport and the proposed adjacent township, Mumbai-Nagpur Expressway and Dolera Smart city in Gujarat.

Given that India's experience of land reconstitution has been confined to urban development, that too, on a limited scale, the adoption of the pooling option across varied sectors and geographical sites must be approached with caution. To begin with, concerns regarding the legal and organizational arrangements, tenancy laws and land record system, impact on local communities and environment, benefit-sharing matrix, institutional capacities, grievance-redressal and dispute resolution mechanism need to be addressed. Also, the issues related to awareness generation, confidence-building among titleholders, the sequencing of activities and

their timelines must be attended to. This calls for extensive discussions and consultations among all the stakeholders that can pave the way for the formulation of suitable laws and policies on land pooling in India.

TERI proposes to organize a two-day international workshop to bring together Central Ministries, state governments, industry,

land-acquiring bodies, project proponents, multilateral and bilateral funding agencies, jurists, international experts, practitioners, consultants, academicians and researchers to deliberate on the challenges and prospects of land pooling in India with the aim of making specific recommendations that will facilitate the drafting of a national land pooling policy.

Specifically, the objectives of the Workshop are:

1. Identify the challenges faced by states and Union Territories in implementation of The RFCTLARR Act, 2013
2. Assess the experience of land pooling in India in the last decade and identify the challenges and suggest suitable remedies.
3. Suggest appropriate regulatory and institutional frameworks for operationalizing land pooling.
4. Examine the likely impacts of pooling on livelihood-dependent communities and common property resources and suggest safeguards.
5. Deliberate on the range of financial structure of pooling policies, including the benefit-sharing packages for land- owners and other affected communities.
6. Learn from global best practices.

Expected outcomes

1. Compilation of proposed remedies to address the challenges of land acquisition under The RFCTLARR Act, 2013.
2. Initiation of wide-ranging dialogue on land pooling option for land procurement.
3. Providing a platform to all stakeholders for experience-sharing and peer-learning on specific aspects of pooling mechanism.
4. Identification of sectors in which pooling is a workable option for land procurement.
5. Compilation of suggestions for a national land pooling policy and its submission to Department of Land Resources, Ministry of Rural Development, Government of India.