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Land Acquisition and National Highways

The National Highways Authority of India (NHAI) has embarked on a grand project of four- and/or six-laning of the existing roads to a target of 14,000 km, especially the east-west and north-south corridors. This is a good thing because the country needs proper roads for its development and road construction provides employment. This aspect of development, nevertheless, is also harmful if not managed carefully, because road development requires the basic ingredient of land. People may be displaced or otherwise adversely affected due to land acquisition. The government has been acquiring additional land through the eminent domain power for the NHAI and other road development projects. The NHAI acquires land for road projects through the National Highways Act 1956, which is more draconian than the much analysed and criticised Land Acquisition Act 1894 (as amended in 1984).

The land acquisition matter gets complicated with senseless specifications. An NHAI circular in 2004 indicates that the right of way (ROW) should be 60 metres wide even in the built-up areas – which is a thoughtless specification. Obviously, the Indian road establishment likes the lateral growth of roads as in the US where land is available aplenty. What is missing here is the management aspect of the traffic volume that should take care of a relatively narrower corridor of impact and row. The social cost is ignored, and the consequent huge economic cost too is taken lightly in these administrative directives.

Given the high density of population along the major roads, construction works

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are typically awarded to the successful bidders without actually giving them an encumbrance-free site. In practice, immediately on issue of the letter of award, another letter is issued to the contractors stating that all sites are available and the contractor should commence work – irrespective of whether the land is actually available or not, the contractor is also asked to refer to the clause recently introduced in bidding documents that makes him responsible for liaising with the concerned authorities (especially, the forest and utility departments) for getting the necessary clearances. It is usually ignored that land acquisition and giving the contractors an encumbrance-free site are the responsibility of the project authorities.

In such circumstances, resettlement and rehabilitation (R&R) of the project-affected people becomes a victim in the hands of the NHAI functionaries actually running the

projects. The project documents usually have precious little planning aspect for the resettlement of lost residences and the rehabilitation of livelihoods. Often, the affected people are asked to vacate within a week of making the acquisition payment to them. Generally, the major R&R road-blocks in the NHAI projects have been the following:

- Imbalance in the time frame between the resettlement consultants (NGOs) submitting the micro plans and their approval by the NHAI headquarters.
- In the R&R parlance we talk of offering tomorrow's price for today's land acquisition to prevent impoverishment. In practice, the project-affected people are paid old estimated compensation rates, often two to three years after the compensation estimates were made.
- In a particular case the director of the project implementation unit has refused to accept the compensation award declared by the "competent authority" (the district collector) as being high and has contested

to bring down the compensation amount through arbitration. This is an unheard of precedent.

– The prevailing notion within the NHAI is that the affected people try to take advantage of the government's generosity by demanding more and more.

These are major social roadblocks to the successful implementation of a project, mostly due to the insensitivity and relative inexperience of the project management, which ultimately result in the overshooting of the time frame and cost overrun. It is recognised that social development is not the mandate of organisations like the NHAI and the public works department, but the implementation of large infrastructure projects today requires a development approach to be adopted, especially to ensure that the project-affected poor people do not become further impoverished due to the loss of their productive assets.

Biswanath Debnath

NEW DELHI

Notes for Contributors

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EPW welcomes original research papers in any of the social sciences.

- Articles must be no more than 8,000 words including notes, references and tables. Longer articles will not be processed.
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- Articles accepted for publication can take up to six to eight months from the date of acceptance to appear in the EPW. However, every effort is made to ensure early publication. Papers with immediate relevance for policy will be considered for early publication. Please note that this is a matter of editorial judgment.

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