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Land Pooling Scheme as an Alternative to LARR Act 2013 : An Sustainable Exigency Model in Light of Dilution of LARR Act by State Amendments

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ABSTRACT

In India, the land acquiring procedure had been laid down in the colonial law of Land Acquisition Act 1894. After 120 years of its enactment and being criticized for not having a proper definition of 'public purpose', no proper 'social impact assessment' done, no 'prior consent' the implementation of the colonial law was quite difficult. In order to implement the land acquisition process in an effective manner, the "Right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" was enacted replacing the erstwhile 1894 Act by recognizing the issues related to 'development-induced displacement'. The new Act brought in sea changes like proper definition of public purpose; mandatory Social impact assessment; fixed timelines and therefore it fasten the process of acquisition and in addition it focuses on fair compensation, rehabilitation and resettlement. Although laudable for its purposes and objectives of its enactment, the Act suffered from primary/core issue of "dilution of the Act/rules framed by the central by the state amendments or rules". Recently, the dilution of central law by Tamil Nadu state amendments was struck down in the case of "Caritas India v Union of India". In addition, to dilution, the high cost in acquisition process and forceful acquisition emerged as a blockade for its effective implementation. In such cases, there is increasing tendency among the states to look into alternative land assembly strategy. One of the viable strategies that the states in India are executing is the "Land Pooling" strategy. Therefore, this paper would analyze the core issue of dilution of the LARR Act 2013 and to analyze how land pooling strategy would be considered as viable alternative to LARR Act 2013 in providing sustainable futuristic tool in light of rapid urbanization and to provide suitable suggestions for its better implementation.

Keywords: LARR Act, dilution, state amendments, land pooling, alternative strategy.

I. LAND ACQUISITION UNDER THE LARR ACT 2013 AND ITS DILUTION

“The Right to fair compensation and transparency in Land Acquisition, Rehabilitation and

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Resettlement Act 2013” (hereinafter referred to as “LARR Act 2013”/ “RFCTLARR Act 2013”) is a legislation that was enacted with a purpose “to regulate land acquisition and provides rules for granting compensation, rehabilitation and resettlement to the affected persons in India”. The background of enacting such a law was that the former “Land Acquisition Act, 1894” was enacted for determining the quantum of compensation to be paid for the landowners when there was process of land acquisition. But what later happened was, illegal acquisition of land from the landowners and they were not provided with proper compensation or rehabilitation given after the acquisition was done. As a result, they became landless labourers and also saw the reduction in the agricultural lands. Therefore, in order to override these difficulties, the parliament enacted the LARR Act 2013. Such being the purpose of the LARR Act 2013, the purpose and objective have been diluted recently by the state amendments. The dilution of LARR Act 2013 happens through two-ways:-

1. **DILUTION BY RULES:** - Appropriate governments are provided with the powers to make rules for implementation of the provisions of the Act under Section 109 of the LARR Act², but in reality these rules override the provisions indirectly.

The central rules related to SIA³ was enacted in August 2014 which was later followed by respective state rules in the states like Andhra Pradesh⁴, Assam⁵, Bihar⁶, Himachal Pradesh⁷, Jharkhand⁸, Sikkim⁹, Tamil Nadu¹⁰, Telangana¹¹, Tripura¹² and Uttar Pradesh¹³.

2. **DILUTION BY STATE AMENDMENTS:** - there are states amendments being made to the central LARR Act since “land” is an entry in the state list¹⁴ and “Acquisition and requisitioning of property” (Entry 42 in List III) is a subject matter under concurrent list of the 7th schedule to the constitution of India.¹⁵

Though the subject matter “land” is present in List I, the “acquisition and requisition of

² Section 109 of LARR Act 2013 : Power of appropriate government to make rules : *Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of the Act*

³ RFCTLARR (SIA and Consent) Rules 2014 (08.08.2014)

⁴ Andhra Pradesh RFCTLARR Rules, 2014 (20.11.2014)

⁵ Assam RFCTLARR Rules, 2015 (31.07.2015)

⁶ Bihar RFCTLARR Rules, 2014 (27.10.2014)

⁷ Himachal Pradesh RFCTLARR (SIA and Consent) Rules, 2015 (09.04.2014)

⁸ Jharkhand RFCTLARR Rules, 2015 (30.03.2015)

⁹ Sikkim RFCTLARR Rules, 2015 (02.03.2015)

¹⁰ Tamil Nadu RFCTLARR Rules, 2015 (20.09.2017)

¹¹ Telangana RFCTLARR Rules, 2015 (19.12.2015)

¹² Tripura RFCTLARR Rules, 2015 (22.04.2015)

¹³ Uttar Pradesh RFCTLARR Rules, 2015 (12.05.2015)

¹⁴ Entry 18, List II, Seventh Schedule, The Constitution of India, 1950

¹⁵ Entry 42, List III, Seventh Schedule, The Constitution of India, 1950

property” present in the List III, it can be said that when there is a central law on the subject matter in concurrent list, a state law cannot override it¹⁶. But however, when the state amendment gets presidential assent, then the state law will prevail over the central law pertaining to that subject matter in that particular state.¹⁷ This provision has allowed states like Tamil Nadu¹⁸, Gujarat¹⁹, Maharashtra, Telangana²⁰ to come up with their own enactments for land acquisition also to exempt the application of the central LARR Act from few state laws.

The dilution/exclusion in the state rules/amendment from the central law can be seen with respect to the following parameters:-

1. “Social impact assessment (SIA)”
2. “Consent”
3. “Calculation of compensation”
4. “Food security related provisions”
5. “Return or reversion of unutilized land”

Any successful land acquisition model needs to balance between the objectives and purposes to be sought by the model in one hand and the social acceptance of the model on the other hand. Lands are acquired under the LARR for ‘Public purpose’, but there are difficulties in the implementation of the LARR Act in true spirit. The difficulties are as follows²¹:-

1. Displacement of landowners

¹⁶ Article 254 (1) of The Constitution of India, 1950

¹⁷ Article 254 (2) of The Constitution of India, 1950.

¹⁸ RFCTLARR (Tamil Nadu Amendment Act), 2014 available at: <http://www.stationeryprinting.tn.gov.in/extraordinary/2015/3-Ex-IV-2.pdf>

¹⁹ RFCTLARR (Gujarat Amendment) Act, 2016 available at: <https://vibrantgujarat.com/writereaddata/images/pdf/Amendment-to-landacquisition-act.pdf>

²⁰ RFCTLARR (Telangana Amendment) Act, 2017 available at: http://legislation.telanganalegislatore.org.in:9090/Bills/PassedBills/English/Eng_passbill_S_1_7__40_v_1.pdf

²¹ Sanjay kumar singh, “Should you participate in Land pooling”, *Economic Times*, 2014, available at [https://www.downtoearth.org.in/news/agriculture/-state-govts-acquire-land-by-subverting-rights-and-bending-the-law--62463](https://economictimes.indiatimes.com/wealth/real-estate/should-you-participate-in-land-pooling-or-not/articleshow/31656479.cms?from=mdr_(last visited on June 20, 2020); 12; See Ishani Sonak, “State govts acquire land by subverting rights and bending the law”, Down to earth, (2018), available at <a href=) . (Last visited on 27th June 2020); See Centre for policy research, “Mapping dilutions in India’s 2013 Land Acquisition Law”, (2017), available at <https://www.cprindia.org/news/mapping-dilutions-india%E2%80%99s-2013-land-acquisition-law> (Last visited on 27th June 2020); See National Housing bank, “Study on Land Acquisition v/s Land Pooling”, (2016), available at <https://nhb.org.in/wp-content/uploads/2017/03/Land-Acquisition-vs.-Land-Pooling.pdf> (Last visited on 28th June 2020); See PTI, “Gujarat dilutes Land Act; discards 'consent' clause on Acquisition”. *The New Indian Express*, March 31, 2016. Available at from <http://www.newindianexpress.com/nation/Gujarat-Dilutes-Land-Act-Discards-Consent-Clause-onAcquisition/2016/03/31/article3356224.ece> ((last visited on June 20, 2020); See Sumetha Pal, “Defunct legal provisions being used for land acquisition in 3 states”, *News Click*, available at <http://www.catchnews.com/india-news/how-to-dilute-your-state-s-land-acquisition-laws-in-easy-steps-with-examples-1468323398.html> (Last visited on 27th June 2020)

2. *No proper rehabilitation of landowners*
3. *Obtaining consensus among the landowners is difficult*
4. *Huge amount spend by the government in acquisition process*
5. *Time consuming procedures*
6. *Lots of complaints of low compensation and forceful acquisition*
7. *Dilution of central law/rules by state amendment/rules*
8. *Ordinances to amend the law diluted various provisions in five areas for consent*

II. CARITAS INDIA V. UNION OF INDIA :- A CASE OF DILUTION OF LARR BY STATE AMENDMENT

According to powers given under Section 105 of the LARR Act, the state of Tamil Nadu decided to bring an amendment by insertion of Section 105-A , so as to exclude the application of the LARR Act 2013 for the following three state acquisition Acts, namely :-

1. “Tamil Nadu Acquisition of land for harijan welfare schemes Act, 1978”
2. “Tamil Nadu acquisition for Land for Industrial purposes Act 1997” and
3. “Tamil Nadu Highways Act 2001”.

Writ petitions were filed challenging the amendment (“Section 105A of the LARR (Tamil Nadu Amendment) Act 2014”) as ultra vires Article 14 of the Indian Constitution and the principal Act i.e., LARR Act, 2013. The petitioners claimed that the state enactment was in repugnant to the central law, Section 105-A is a conditional legislation and that the condition prescribed in the legislation was not fulfilled and therefore it is arbitrary and against the spirit of the LARR Act 2013. After detailed examination, the court held that the three enactments was invalid by observing that:-

1. The court held that “*the fact that Tamil Nadu amendment which inserted section 105-A would not save the Tamil Nadu laws which had already incurred repugnance*”.
2. The court held that “*the three enactments have already become null and void on the date on which the new Act became operative*”.

Consequently all the acquisitions made under the three enactments made on or after 27.09.2013 were held to be illegal. Aftermath the judgment, the state passed a bill to revive the three enactments i.e., “Tamil Nadu Land Acquisition Laws (Revival of operation, amendment and validation) Act 2019” which was also given president assent. This presents us a clear picture

on how the state amendments/rules dilute the central LARR Act and there is a failure of “cooperative federalism” between the states for the implementation of the LARR Act, 2013. Therefore, to ease the acquisition of lands for developmental projects the state governments are compelled to search for another viable alternative method of sourcing and developing land that can permit the landowners for partner in and get benefits from development model. The viable alternative model that the researcher would suggest is **Land Pooling Scheme**.

III. LAND POOLING SCHEME : AN SUSTAINABLE FUTURISTIC STRATEGY

Land pooling/readjustment²² has emerged as a viable tool for land assembly procedures and there exists different land pooling models in India. States like Maharashtra, Andhra Pradesh, Delhi, Haryana, Tamil Nadu, and Punjab have used this model as a viable alternative to procedures laid down in LARR Act 2013.²³ The origin of Land pooling scheme can be traced back to the Bombay town planning Act, 1915 and from there this model has been used by the states for land assembly procedures in order to tackle rapid urbanization.

The LP practices are being successfully carried out in many states including

- Gujarat (“Gujarat Town Planning Scheme, 1976”);
- Punjab (“Punjab Land Pooling Policy, 2012”);
- Andhra Pradesh (“Andhra Pradesh Capital Region Land Pooling Policy, 2014”);
- Raipur (“Chhattisgarh Town and Country Planning Act, 1973”);
- Delhi (“Delhi Land Pooling Policy, 2013”);
- Haryana (“Haryana Land Pooling Policy, 2013”);
- Maharashtra (“Magarpatta Landowners’ initiative”);
- Rajasthan (“Rajasthan land pooling Act, 2016”);
- Tamil Nadu government has announced the draft guidelines of land pooling recently in February 2020. (“Tamil Nadu Land Pooling area development scheme rules, 2020”)²⁴

²² There is an important legal distinction between land readjustment and land pooling. In land readjustment, there is no transfer of title to the development entity. The original landowners retain title to their land throughout the process and the title is simply modified at the end to show the new property designation. In land pooling, the original landowners actually transfer title to the development entity at the beginning of the process and receive a new title after reconstitution.

²³ “Land pooling instead of acquisition”, *The statesman*, 2016, available at <https://www.thestatesman.com/supplements/land-pooling-instead-of-acquisition-160617.html>, (last visited on June 20, 2020)

²⁴ Tamil Nadu Land Pooling area development scheme rules, 2020, available at <http://www.cmdachennai.gov.in/pdfs/DraftRulesLandPoolingAreaDevelopmentScheme.pdf>

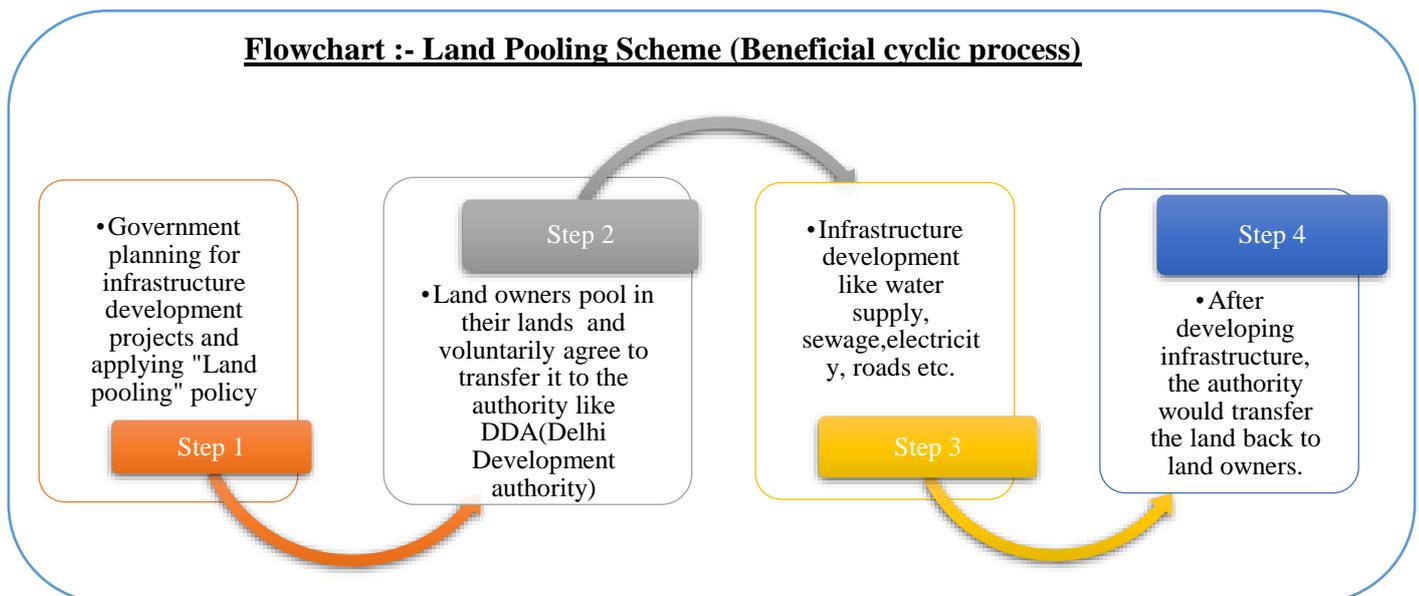
WHAT IS LAND POOLING ?

Land pooling is a model wherein landowners owning small areas of land, pool in their land for a development project and therefore, transfer their ownership rights to the developing authority. In return the landowners get share of their pooled land with an increased land value and with better infrastructure and other essential facilities. Therefore, the landowners and government attain mutual benefit, wherein the government will put in place development in the urban region and the landowners will be land with increased land value and other benefits.

WHY LAND POOLING IS USED AS A VIABLE LAND ASSEMBLY STRATEGY?

Land pooling can be successful model for both urban and rural development. After the enactment of the LARR Act 2013, the land acquisitions are done through the procedure laid down in the Act, but there have been exclusions and dilutions of the central law and rules on land acquisition by the state amended laws as 'land' are a state subject. The difficulty in the implementation of the LARR Act has forced the states to look for viable alternative. The land acquisition process does not help in large-scale infrastructure projects as land acquisition becomes difficult. Therefore, through effective land pooling policies, authorities are able to speed up the land acquisition and also lead to development. According to Bimal patel, "*Land Pooling and Land Reconstitution is a very versatile and effective planning, plan implementation and plan financing mechanism*".²⁵ Thus, Land pooling model can be considered as "**the Beneficial Cyclic Process**".

Flowchart :- Land Pooling Scheme (Beneficial cyclic process)



The land pooling scheme strategy can be expressed in the following way:

²⁵Bimal Patel, "Various uses of Land pooling and Land reconstitution in Gujarat", (2018), available at https://www.niua.org/sites/all/files/consultation-workshop/BimalPatel_LandPoolingandLandReconstitution.pdf, (last visited on June 21, 2020)

$$L * P < L1 * P1$$

Where,

- “L = Initial Area (Land plot size) before Land Pooling”
- “P = Initial Land price”
- “L1= Land plot size after Land Pooling development/reconstitution”
- “P1 = Land Price after development/reconstitution”

IV. LAND POOLING SCHEME : A SWOT ANALYSIS

BENEFITS OF LAND POOLING SCHEME TO VARIOUS STAKEHOLDERS :-

- **BENEFITS FOR LANDOWNERS**

1. **INCREASE IN LAND VALUE**

One of the primary issues with the land acquisition is the unfair distribution of land values.²⁶ When acquisition is made, the landowners are made to resettlement in the lands which they may have a low land value which subsets the landowners and makes them to raise objections to the land acquisition. But in case of land pooling, the land with certain portions are returned back to the landowners. When there is a urban development projects, the land value will increase owing to the better infrastructure and other essential facilities. Therefore, the land which the landowners get in return will be asset for them and there will be increase in the land value which will be beneficial to the landowners.

2. **NON-DISPLACEMENT OF LANDOWNERS**

Another issue with the land acquisition process is the forceful acquisition of the land and displacement of the landowners to other place in the name of rehabilitation and resettlement process.²⁷ Therefore, there is resistance from the landowners’ side to consent for the acquisition process because they may be displaced from the place. But the land pooling scheme ensures that the landowner gets back the reconstituted plots within the vicinity of the original land or within 5km radius of their original plot. The landowners are also provided with an option of selling their returnable lands and buy lands elsewhere (Example: AP land pooling scheme).²⁸ Therefore, the non-displacement of the landowners in turn brings in voluntary consent from

²⁶ National Housing bank, “Study on Land Acquisition v/s Land Pooling”, (2016), available at <https://nhb.org.in/wp-content/uploads/2017/03/Land-Acquisition-vs.-Land-Pooling.pdf> (Last visited on 28th June 2020)

²⁷ Ibid

²⁸ Andhra Pradesh Capital Region Development Authority, *Amaravati The People’s Capital- Innovative & Inclusive Land Pooling Scheme*, Government of Andhra Pradesh (2018)

the landowners to pool in their lands for the land pooling scheme.

3. CONVERSION OF SCATTERED LAND PARCELS INTO REGULAR PLOTS

Due to rapid population increase and rapid urbanization, the livelihood of the people to have a housing in the urban areas are quite difficult and also the government have a tough task in identifying and providing suitable housing strategy because the lands are not properly arranged but they are scattered in parcels. Through the land pooling scheme, the small scattered parcels of land can be pooled together and development projects can be executed by the concerned development authority which in turn provides better infrastructure and housing pattern in urban.

4. BETTER INFRASTRUCTURE

For development projects and for providing better infrastructure, the land acquisition process is considered not to be financially feasible option because the high costs spend by the government on acquisition and in providing compensation in terms of two times or four times the land value causes severe financial constraints on the government. The land pooling strategy as a alternative to land acquisition is considered to be financially feasible option because of low cost in the development projects and in turn better infrastructure with less financial spending is done. This in turn gives the landowners with the better infrastructure and livelihood.

5. EXEMPTION OF TAXES IN LAND ASSEMBLY PROCEDURE.

The central government is also in favor of land pooling procedure by providing capital tax exemption for lands pooled for the land pooling scheme. For example, former finance minister Arun jaitley announced that capital tax exemption for the land pooling scheme in Amravati and in this way it can be projected that government is in favor of land pooling and not land acquisition. He stated that *“The new capital for state of Andhra Pradesh is being constructed by innovative land-pooling mechanism without use of the Land Acquisition Act. I propose to exempt from capital gain tax, persons holding land on June 2, 2014, the date on which the State of Andhra Pradesh was reorganized, and whose land is being pooled for creation of capital city under the government scheme”*.²⁹

²⁹ Anupam Chakravathy, “Does government favour land pooling over land acquisition”, (2017), available at <https://www.downtoearth.org.in/news/governance/does-government-favour-land-pooling-over-land-acquisition-56943>. (Last visited on 27th June 2020)

- **BENEFITS FOR GOVERNMENT**

- 1. NO INITIAL MONETARY COST FOR THE GOVERNMENT**

In case of land acquisition process, the government has to spend the initial monetary cost for acquisition of land by providing the landowners with the market value of the land and also the compensation and rehabilitation of the affected is borne on the land acquisition authority. But in case of land pooling, there is no initial monetary cost for the government as the landowners voluntarily pool the lands in exchange of getting an increase in the value of the land by the development projects. Therefore, both the government and landowners share their risk and return from the development project.

- 2. LESS CONFLICT RIDDEN PROCESS**

The land acquisition has emerged to be a high conflict ridden process. Starting from the acquisition where the prior consent of the landowners may be difficult as the landowners would show resistance against displacement and anything which affects the status quo of the property rights of the land owners will be resisted by the unwilling landowners. Also the unfair distribution of land value, the unfair compensation, land not acquired for public purpose etc. are the conflicts that are serious impediments in the acquisition process. In the land pooling model, it is a less conflict ridden process as there is voluntary and consent for them the landowners to pool in their lands for the scheme as they get in return the increased land plot and better infrastructure. Also when there are any conflicts, proper negotiations are made at each level by the authority concerned.

- 3. TAX REVENUE TO THE GOVERNMENT WITH INCREASE IN LAND VALUES**

After the land pooling scheme is finished with the better infrastructure and facilities, the land value of the landowners will increase and eventually the tax to be paid to the government will also increase when any land is bought or sold. Therefore, this will act as revenue to the government.³⁰

CHALLENGES AGAINST LAND POOLING SCHEME

1. No dedicated proper grievance mechanism³¹
2. Legal framework does not provide for stringent conditions for non-adherence to time frame for completion of land pooling.³²

³¹ Majumdar, Nandini, "Amaravati: An Example of Flawed Urban Policy", *The Wire*, August 2016, available at <https://thewire.in/58016/amaravati-an-example-of-flawed-urban-policy>, (Last visited on 27th June 2020)

³² Chari, Mridula, "Land Pooling Strategy for the New Andhra Capital Could Become a Model for India's Smart

3. Lack of penalty clauses for discrepancies between plans and its eventual infrastructure development³³
4. Limited transparency regarding land valuation.³⁴
5. Weak institutional mechanism for implementation of the scheme.³⁵

Therefore, there needs improvement to the existing pooling models to evolve as sustainable futuristic tool for acquiring land for development purpose.³⁶

V. CAN LAND POOLING SCHEME BE REPLICATED IN ALL PROJECTS ?

No, the land pooling scheme cannot be replicated in all projects. In case of infrastructural projects, there need not be any physical displacement and rehabilitation of the affected landowners takes place in the same area but in cases like Hydro-electric projects/dam, atomic and nuclear energy projects, the land pooling system cannot be replicated, instead the traditional Land acquisition process under the LARR Act 2013 need to be followed.³⁷

VI. CONCLUSION

In the present situation of rapid urbanization, land pooling is an alternative to land acquisition owing to the reason that urban bodies cannot afford to pay huge compensation to land owners for acquiring land. The land pooling model would evolve as sustainable futuristic assembly tool for acquiring land. The success of a Land pooling scheme is dependent on the participation level of land owners which is dependent on benefits that the scheme is to give and the timely fulfillment of given assurances/benefits. International experiences in organizing land pooling/readjustment reveals that it improves the efficiency and equity of land assembly. While considering the pros and cons of land pooling, the pros weigh more than the cons suggesting

Cities.” Scroll.in, 2015, available at. <https://scroll.in/article/746040/land-pooling-strategy-for-the-newandhra-capital-could-become-a-model-for-indias-smart-cities> (Last visited on 27th June 2020)

³³ “Land pooling instead of acquisition”, *The statesman*, 2016, available at <https://www.thestatesman.com/supplements/land-pooling-instead-of-acquisition-160617.html> (last visited on June 20, 2020)

³⁴ Arnold H.T.Sangma, “A Comparative study on Land Acquisition Act 1894 & 2013”, *International Journal of Pure and applied mathematics*, Volume 120, No.5,2018, available at <https://acadpubl.eu/hub/2018-120-5/4/327.pdf> (Last visited on 27th June 2020)

³⁵ Centre for policy research, “Mapping dilutions in India’s 2013 Land Acquisition Law”, (2017), available at https://www.cprindia.org/news/mapping-dilutions-india%E2%80%99s-2013-land-acquisition-law_ (Last visited on 27th June 2020); see National council of applied economic research, “Evaluation of alternative models of Land development in NCT of delhi”, (2018), available at http://www.ncaer.org/study_details.php?cID=19&pID=29. (Last visited on 28th June 2020)

³⁶ National Housing bank, “Study on Land Acquisition v/s Land Pooling”, (2016), available at <https://nhb.org.in/wp-content/uploads/2017/03/Land-Acquisition-vs.-Land-Pooling.pdf> (Last visited on 28th June 2020)

³⁷ KPMG, “DDA land pooling policy”, available at http://naredco.in/notification/pdfs/DDA%20land%20pooling%20policy.pdf_ (Last visited on 28th June 2020)

that it is viable alternative to the land acquisition model.

1. WELL PLANNED AND SYSTEMATIC MODEL OF LAND ASSEMBLY

The LPS mechanism is well planned model wherein the procedure and entire process of implementation is well defined in the rules framed for land pooling, thus being efficient, systematic, and participatory and within the time frame.

2. VOLUNTARY CONSENT RULE IS STRICTLY FOLLOWED

The scheme's legislative framework makes 'voluntary giving' of land and not forceful acquisition. Therefore, the voluntary consent of the landowners are made sure through proper negotiations and clearing their objections at various stages of the scheme.

3. SOCIAL DEVELOPMENT BENEFITS AND COMPENSATION ARE PROVIDED

The scheme upholds the rights of the individual landowners and also provides social development benefits and compensation to the landless families.

4. IT IS BASED ON PRAGMATIC APPROACH

The mechanism is based on a pragmatic approach:-

- Property rights of the landowners are given due credit.
- Costs are distributed – all landowners tend to spend same amount in the form of land or money
- Benefits are shared – all the landowners who contributed to the land pooling keep the substantial portion of developed land.
- It is perceived to be fair and equitable

VII. SUGGESTIONS

In India, the land pooling scheme is considered as a viable alternative to land acquisition owing to the reason of using the land to finance the urban development projects and doing away with the high costs for acquisition and compensation/Rehabilitation and resettlement. But any scheme can be effective when there is balance between the social and economic issues.³⁸ Land pooling scheme does not resolve all the conflicts of land assembly and there must be few improvements made in the scheme to become a sustainable futuristic tool. The suggesting for

³⁸ Resmy Nair, "RFCTLARR Act, 2013 : Overview of recent developments", *ASCI Journal of Management*, (2015), available at http://www.rlarrdc.org.in/images/Data/journal/ASCI_Journal_of_Management_-_Special_Issue_on_Land_Acquisition_Resettlement_and_RehabilitationVol_45_SPL_1.pdf, (last visited on June 25, 2020)

better implementation of the land pooling scheme are as follows:-

1. **LEGAL SANCITY** : There must be legal backing to the principles and procedures followed in the LP scheme.
2. **ONLINE PORTALS FOR EASE** : In the digital age, online portals to ease application and verification process of landowners agreeing to the land pooling model would be great step.
3. **TRANSPARENT AND ACCOUNTABLE** : The land pooling scheme should be transparent in process wherein the draft LP, rules, regulation and decisions must be informed to the public. The authority in charge of the LP Scheme need to be accountable and take responsibility.
4. **GRIEVANCE REDRESSAL MECHANISM**: A proper accessible, multi-layered and which ensures timely responsive grievance redressal mechanism need to be established at the authority supervising the land assembly.
5. **EQUITY** : Input equity (involvement of the landowners in the plan formation); Process equity (Inclusive participation of the landowners in the process of LP) and Output equity (benefits from the LP Model and returnable land).
6. **FEASIBILITY FACTOR** : When a particular land parcels are required to be pooled by the development authority, the physical feasibility and economic feasibility of the site need to be ascertained by the government and development authority.
7. **DEADLINES FOR EXECUTION** : Timely deadline need to be set up by the government and local authority so that the scheme is executed in time.
8. **LAND CONTRIBUTION RATIO** : It is important that valuation mechanism and contribution ratio for the land pooling scheme are finalized with sound technical basis and it is based on the elements of the proportionality principle i.e., maintaining uniform contribution ratio before and after the pooling.
9. **PENALTY** : There must be inclusion of penalty provisions to the scheme for the proper adherence to the provisions and time frame by the development authority.
10. **STAFFS NEED TO BE EQUIPPED WITH REQUISITE SKILLS** : For the better implementation of the LP Scheme, the staffs involved in the project must be equipped with both technical and managerial skills.

To conclude, Land pooling model can be termed as a “path breaking” development model which would bring about a “paradigm shift” in development. The researcher would suggest

Land pooling scheme as an “**alternative**” to Land acquisition and “**not a substitute**” to the central LARR Act 2013. Finally the land policy can be considered as a “**win-win**” strategy wherein the development authority and the government facilitate the development projects with minimal monetary costs and less conflict ridden process on one hand and on the other hand the landowners being beneficial from the development project with increased land value and getting better infrastructure. Proper planning and implementation will ultimately determine the success of Land pooling schemes in India in light of the rapid urbanization.
