

**BEYOND THE LAND ACQUISITION REGIME: *Land Development Approaches  
in India and China***

**Date:** 7 November 2020

**Speaker:** Prof. HUANG Yinghong

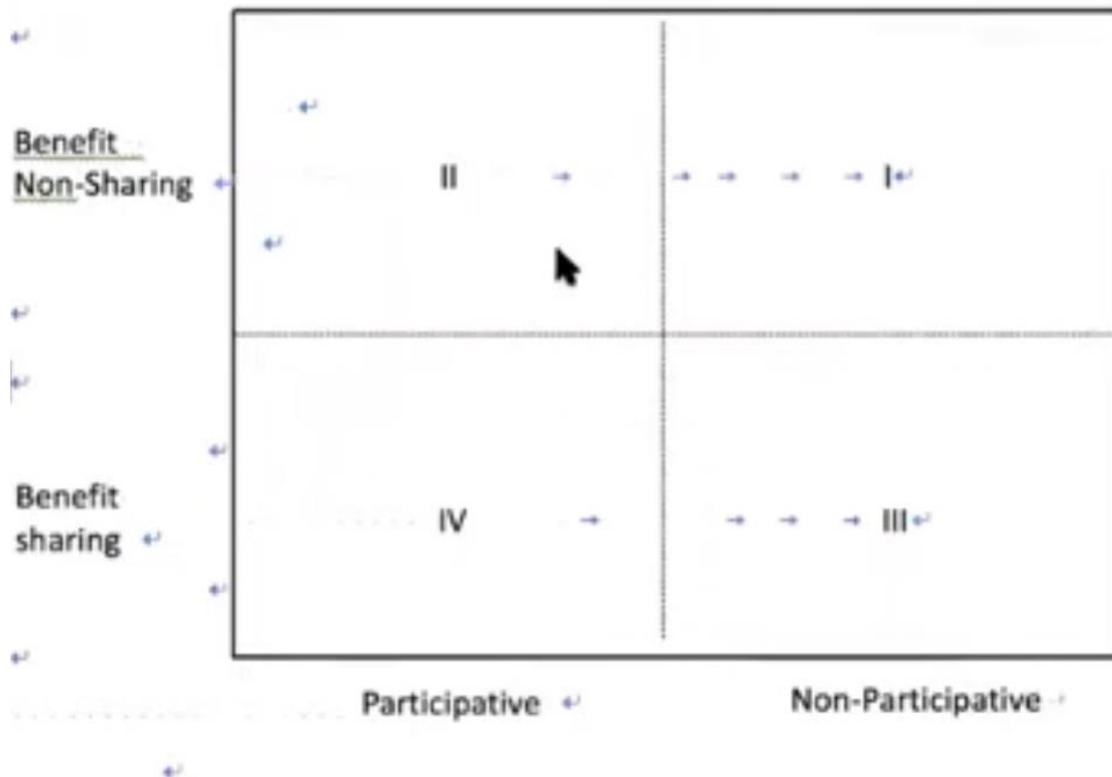
**Moderator:** Partha Mukhopadhyay

The speaker began his remarks by stating that given that India and China since the early 80s have jointly embarked upon the process of liberalization and economic development, one of the central pillars in this process has been the acquisition of land to enable such activity. However the processes of land acquisition for development, public and commercial purposes in both countries haven't at all been free of controversy or smooth processes. The common issues that arise in both countries are those of inadequate compensation, inadequate provisions for resettlement and rehabilitation, lack of involvement of local population in development activity upon acquisition as well as forced evictions among others. The speaker via numerous case studies, some of which the report will refer to going forward has referred to the examples above. Therefore in this talk the speaker from a subaltern perspective asks the broad question of whether or not Land Acquisition in both countries are the best means to meet the aggregated land demand induced by rapid economic growth. While explaining the various grounds upon which the government's role is imagined by policymakers in the process of Land Acquisition, the speakers makes an effort to develop a research methodology that will help us approach the matter of land acquisition with a positive bias towards comprehensive development and helping landowners realize the appreciated value of their land

At the outset the speaker stated that the study wasn't an inter-country comparison and focused more on the issue that was the convergent zone of comparison. He outlined legislative frameworks and their subsequent amendments as they'd evolved in both countries. For India the journey from the 1894 legislation to its subsequent amendment in 1984 to its 2013 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 were explained. Whereas for China the different urban and rural regulations and amendments were explained, the controlling regulation at present for rural China is the 1988 Land Management Law read with its 2019 amendment and for Urban China is the 2011 Urban Housing Acquisition and Compensation Regulation.

In order to propose a new paradigm of thinking about developing more localized and deliberative methods to land acquisition he proposes a model at first to help us categorize the prevailing laws. The main questions posed are the following as to whether from the side of the citizen there participation in the process or not as well as whether or no they partake in the benefits of the development activity. This is primarily to determine the general trend in both countries of land acquisition projects being monopolistic or participative. These are the key

determinants to understanding whether there will be sufficient attention paid by the acquirers to the issues of 'fair compensation' and 'appreciated value'. Below is a photograph of the model:



**Fig.1. A theoretic framework for analyzing land development models**

He explained that not every model is perfect and needs to be evaluated from whatever the purpose of each project is, be it strategic, defense, public, commercial or developmental. However he outlined numerous case studies that fit into his conception of a participative and benefit sharing situation (box IV above). Numerous examples of land pooling and land consolidation from Shenzhen, Xiamen, China Pearl River Delta region as well as Mumbai, Pune, Magarpatta Township among other locations were explained to illustrate what more participative and benefit sharing models could look like, where there was consent as well as total participation too by the affected populace. He also illustrated an example from Sanand in Gujarat that wasn't the most participative model in order to draw a contrast of where land acquisition can be extractive as well. To conclude he showed a table that explains well that the form of development approach adopted should be commensurate with the purpose of the development. (see below)

Models	policy instruments	Applicable conditions	Suitable projects
NP & NBS I	LA	non-profit projects for merely public purposes	Projects for strategic purposes, roads, highway, dams, biosphere reserves or heritage preservation, etc.
P & NBS II	NA	early stage in economic development	small industrial/residential projects
NP & BS III	LA (Locally revised), House Demolition (locally revised)	profitable projects	industrial parks/corridor, IT parks, real estate projects, SEZs, etc.
P & BS IV	Land pooling, land consolidation	profitable projects in regions with rich social capital	industrial parks/corridor, IT parks, real estate projects, SEZs, etc.

Fig. 2 the applicability of various land development models  
Source: by the author



During the discussion, a question was raised on the speaker's methodology, which was a comparative method to help illustrate participation and benefit sharing? An important observation and question is that whether or not there is flexibility at the local level as to who decides the public purpose, do the locals decide? According to the 1996 PESA Act, in India the panchayat has to decide, the 2013 law also grants partly that? Is it participation in a formal/institutional way that gives decision-making power to local government that determines the public purpose? At first glance, the political power of the local community doesn't seem to be built into the model; In practice in India a very top down model, is what works when it comes to land acquisition. In China too, village community leaders goes by the party diktat from above, general conclusion is that your not satisfied by either system, therefore at first glance while I thoroughly enjoyed your presentation from my perspective I would ask the question of how to incorporate the perspective of local power devolution in your methodology. Another question was asked on the process of compensation, how do intra-population (different groups within the community) issues get solved? In both India and China, chances of success are high in India and China, but in some cases some projects that don't succeed, instead of benefit sharing they become loss sharing – so how do we address these two kinds of issues? **Prof. Yinghong** responded by noting that some research in India, caste system makes the lower castes suffer a little more. But maybe that is because they do not hold land, so they aren't able to benefit from development. We cannot expect land acquisition to solve all issues in society, it cant solve income/social inequality. We can build mechanisms to introduce economic equality to locals, for agricultural labours can give them power to decide a small share. There is always a chance of risk, it depends on the nature of the project and where it is – there is safeguards put in place.