



Detailed Analysis of Land Acquisition Delays in Highway Sector

KEYWORDS

Land acquisition, Highway, mitigate.

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ABSTRACT *The primary objective of the project is to identify the delays of land acquisition in Highway sector of Tamil nadu and address the key issues and strategies to mitigate the delays. The primary objective is achieved through finding out the details of delays by various case studies, questionnaire, various court judgements and practical outcome from some of the projects. The descriptive research is used in this study. The sampling technique that was adopted for the study was convenience sampling a type of non-probability sampling. The Primary data was collected through the interview method using a structured questionnaire. The sample size was about hundred, to get the results of the researcher. The data are analysed using statistical tools percentage analysis, chi-square test and weighted average analysis.*

INTRODUCTION

0.1 GENERAL

Mega Projects (Primarily infrastructure) receive many Land Acquisition issues. The land acquisition policy has experienced less number of modifications in the Act. The prevailing laws related to land acquisition are (i) Land Acquisitions Act of 1894, (ii) The National Highways Act of 1956, (iii) National Policy on Resettlement and Rehabilitation for Project-Affected Families of 2003, and (iv) State Government policies (few State governments have special policies).

1.2 LAND ACQUISITION ACT 1894.

The Land Acquisition Act 1894 is the oldest Act which is prior to the independence, the salient features of the Act and the process of Land acquisition are described as under:

1.2.1 THE PROCESS OF LAND ACQUISITION

The evolution of Law of Land Acquisition as it exists today in various forms in different statutes in India has undergone an evolution in the last decade. Originally the wishes of owners of property were totally irrelevant, but a present, the law tries to provide various provisions for objections and alternative remedies in case of inadequacy of compensation.

1.3 IDENTIFY THE PROBLEM

The Delays in the land acquisition is the prime factor for the study. The infrastructure development was halted due to the problems in the Land acquisition delays. This study is carried out from the Stake holders and the public point of view when they are facing any problem in getting the projects cleared and the getting the LA problems solved.

1.4 NEED FOR THE STUDY

The Different land acquisition delays were enumerated from the various site peoples, engineers, government official, Contractors, consultants and the independent peoples affected due to LA.

1.5 OBJECTIVES OF THE STUDY

PRIMARY OBJECTIVES

To evaluate the causes of delays of Land acquisitions in Highways projects in Tamilnadu

SECONDARY OBJECTIVES

- ✓ To analyze the deficiencies in the services of the Land acquisition units.
- ✓ To find out the causes of delays and mitigating measures to avoid the delays.
- ✓ To find out customers satisfaction level in Land acquisition works.

2.2. REVIEW OF LITERATURE

TIMES OF INDIA NEWS PUBLICATIONS (2011)

Various land acquisition delays and the impact of the land acquisition was given in the new papers and the farmer's agitation.

THE LAND ACQUISITION ACT 1894.

THE NHAI ACT 1956 AND 2000

THE HINDU DAILY NEWS PUBLICATIONS (2011)

The land acquisition delays in particular about the TirchyKarur project for the case study and the impact of the land acquisition was given in the news papers and the farmer's agitations.

EXTRACTS FROM THE WEBSITE OF NHDP, NHAI, NRR-DA.

The various web sites of the department were taken and perused to take a general outlook to help the project.

RESEARCH METHODOLOGY

3.1 RESEARCH DESIGN

Research design is a plan of Action that guides the entire research. There are four types of research design available. They are

1. Exploratory Research Design
2. Descriptive Research Design
3. Diagnostic Research Design
4. Experimental Research Design

In this Study Descriptive Research Design has been adopted.

3.2 CASE STUDY

Quite often questionnaire is considered as the heart of a survey operation. Hence it should be very carefully constructed. For preparing the questionnaire, a case study was done with respect to the project of TrichyKarur Project under NHDP Phase III under NHAI

The project was conceived in the year 1995 and the detailed project report was done for the work of Four /2 laning the TrichyKarur project from Sept 2005 to March 2009. Based on the interim detailed project report tenders were called for the construction and maintenance of 2/4 laning TrichyKarur Road and the work was awarded to M/S TK Toll road a subsidy of M/S Reliance Group under BOT (Build Own Transfer) Basis for a cost of Rs 516 crores.

(1) Delay due to land encroachment

While acquiring the lands for the construction of Highway it was noted with displeasure that Lot of government lands were found encroached and buildings were constructed.

(2) Delay due to ribbon development

The Development control rules and the Town and country planning Act 2000 avoiding the construction of houses within the 30 m stipulated distance from the NH was not followed scrupulously in the areas.

(3) Delay due to public Protest due to land acquisition

The delay was caused due to the agitation of the local public

(4) Delay due to environmental Activist or NGO

In this area of Work lot of NGO s are protesting the failure of approach roads to the habitations and the non provision of facilities of service roads.

(5) Delay due to ownership disputes

In Sirugamani village the land owners went to court due to the ownership of the ownership disputes and entry of land without permission of the land owners

(6) Delay due to ownership disputes

The acquisition process was finalized and the dispute against the ownership of the land was questioned on the ownership.

(7) Delay due to any religious issue

The alignment was proposed to acquire the various temples and mosques. Especially the chola period temple at Thirupparaithurai was affected.

(8) Delay due to compensation dispute

As per the original revenue records the land owners are different for the Actual owners at the site. This resulted in the dispute and delay while offering the compensation and the Actual land owners went to court to receive the compensation and the amounts are deposited in the court of law.

(9) Delay due Rehabilitation issues

The rehabilitation issues were not at all covered in the NH Act. And the house owners and land owners who are poor could not able to get any alternate site for their day to day living. This resulted in the delay of the project.

(10) Delay due to non availability of land in time for construction

When a bridge is planned to be completed in a stipulate time and the land owners reluctance to part with the land in time land handing over in off season period resulted in the delay of the.

(11) Delay due to change in Alignment

The state Government has took initiation to change the alignment and it was not accepted by the NHA. Due to this finalization of the alignment the project suffers a lot.

(12) Delay due to Falty Land Records.

The land records of the certain villages were not updated. The patta land was shown as puramboke and natham in certain areas The survey numbers and the Actual possession at site in the Pettavaithalai village and the Perugamani village of Tricy district lot of corrections were found in the land records. This resulted in the inordinate delay and acquisition.

(13) Delay due to missed land

The land records were not updated in regular intervals and this resulted in the missing of certain lands in the survey itself.

(14) Delay due to lack of co-ordination between multiple public Institutions Revenue / PWD /Legal Department.

The alignment was proposed to run in the flood plain of RiverCauvery in the KUlithalai bypass area and runs in the Cauvery river bed in some areas.

(15) Delay due to Environmental Clearance

The alignment was proposed to run in the reserved forest areas in the Kulithalai bypass and in the Jeeyapuram area.

The finalization of alternate land for compensation to the forest department the forest clearance form the processentirelydelaying the process.

Moreover the Honourable Madurai Bench of Madras High Court Order MoEF clearance for the modified alignment. This delays the process.

(16) Delay due to acquire large stretch of land

In Anthanallur Village the length of above 5 Km is being accorded and large extent of land delays the preparation of Land Plan Schedule (LPS) and Revenue records for compensation. This delays the project.

(17) Delay due to Common property (Worship places)

The alignment was proposed to acquire the various temples and mosques and schools and common properties. Especially the chola period temple at Thirupparaithurai was affected due to the land acquisition and the Religious peoples have objected the same and asked to propose alternate alignment.

(18) Delay due to utility shifting

Lot of E.B (Electricity Board) poles, Water lines have to be shifted extreme boundary of the new ROW (Right of way). This results in delay of project.

(19) Delay due to policy & Act

The unwanted lands which were acquired erroneously could not be de notified as per existing law. The procedural lapses in acquisition and payment of compensation are till to be modified in the Acts and policy. This results in delay of the project.

(20) Delay due to land market distortions & high stamp duty / registration fess.

The lands were not registered in time due to land market distortions & high stamp duty in payment of compensation and lower amount of compensation which was argued by the land owners.

(21) Delay due to land acquisition increased cost

The land acquisition unit was not posted with the require staff and the delay was caused due to the inadequate and inexperienced staff.

(22) Delay due to Inadequate Government support

The land acquisition unit was not posted with the required staff and the delay was caused due to the inadequate and inexperienced staff.

(23) Delay due to lack of Staffs

The land acquisition unit was not posted with the required staff and the delay was caused due to the inadequate and inexperienced staff.

(24). Delay due to Political issues

The political parties interested in land of particular area are blaming each other for their well wishes and this result in delay of project.

(25). Delay due to lack of availability of land

There is no land available between river Cauvery and railway land in certain areas. This results in delay of project.

(26). Delay due to ROB

There are three ROB's proposed the alignment and the approval of railway is a bit difficult and this attributes the delay of the project.

3.3 QUESTIONNAIRE DESIGN

Quite often questionnaire is considered as the heart of a survey operation. Hence it should be very carefully constructed. Bases on the above case study the questionnaire was prepared. Questionnaire was prepared with the combinations of

various types of questions. Such as open ended and close ended which have been listed in the questionnaire placed in the annexure.

3.4 SAMPLING TECHNIQUE USED

The sampling technique adopted for the study is convenience sampling.

3.5 SAMPLE SIZE

The sample size of 30 each in Govt, officers, Consultants, Contractors and General Public totally 120 of the branch were interviewed.

3.6 METHOD OF DATA COLLECTION

The data collected for the study includes both primary and secondary data in order to attain the objectives of the study. Part from these information regarding the process of Land acquisition, difficulties of land acquisition and solution for the problems etc have been collected from various websites, clipping from newspapers, magazines, journals, books, etc.,

PRIMARY DATA

The quality of data collected determines the quality of research. In this context, primary data is the pillar of the project under the study. Primary data is data collected directly from the Four Communities i.e., 1. Government Officers, 2. Consultants, 3. Contractors, 4. General Public by means of a structured questionnaire through interview which provide necessary instruction to the respondents.

SECONDARY DATA

Secondary Data are collected from the books, journals and websites.

3.7 DATA PROCESSING

Data processing implies editing, coding, scaling, classification and tabulation of collection data so that they are useful for analysis. In this project, Tabulated data is studied from as many angles as possible to derive exact solutions of the project.

3.8 STATISTICAL TOOLS

The role of statistics in research is to furnish a tool in designing research, analyzing its data and drawing conclusions there from. As every individual clearly knows that a researcher cannot ignore the science and statistics. Tools used are as follows.

3.8.1 WEIGHTED AVERAGE METHOD.

When the relative importance of the different observation is not the same, we compute weighted arithmetic mean. The term "Weight" stands for the relative importance of the different observations. The formula for this is

$$X_w = \frac{\sum WX_i}{\sum W_i}$$

Where

X_w = Weighted arithmetic mean

X_i = The variable

W_i = Weight attached to the variable X_i

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In addition in this project, the following statistical tools are used,

Bar Diagram

Pie Diagram

Percentage Analysis

Bar Diagrams and pie charts are the pictorial representations of the sample data collected that facilitates further calculations and conclusions.

The Percentage analysis portrays a clear and simple vision of the content in the sample data in a compact.

LIMITATIONS OF STUDY

- The opinion of the respondents is taken as true as valid.
- The results of the study can not be generalized
- The results of the study many not be universally made applicable
- The sample size is also limited i.e., not all the communities were given a chance to express their opinion.

CONCLUSION

The results in the Tamilnadu highlighted the situation of delays, reasons for delays, recommendation for the particular delay were analysed in this paper. The questionnaire survey also conducted and the recommendation are given. Last five year details were collected and analyzed in this paper.

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