

RESIDENTIAL LAND CEILING: A WAY TO CURB ECONOMIC AND SOCIAL MENACE

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ABSTRACT

From the very beginning Land had immense value in the history of mankind. From Genghis Khan to Mughals, from Nanda's to Cholas, Cheras, all fought numerous battles mostly for the piece of land. There was a time when royalties were paid in land and loyalties were rewarded in form of Land creating zamindari and other forms of elites. With the passing of time there had been a big move in this game, population of India grew several folds and now is the time to revisit the love of Indians for land. The basic problem of 'land is being scarce' created a huge scope for investment but today this has led to the problem of unreasonable hike in property prices. This has led to a situation where you find increase in slums and other black heads on the face of a healthy economy. So can this situation be brought back to normalcy if there is an amendment putting the ceiling on the possession of the residential property to an extent?

KEYWORDS: *Ceiling, Economic Impact, Environmental Aspects, Black Money & Benami Transactions.*

Introduction

With massive growth in population there has risen the expectation of people to work for themselves. This has incentivized people to work harder and to save the data for future this amounts to the growth of the speculations which further accounts for growing investment. This cycle keeps on moving with respect to profits from investment and ploughing back the same in the form of investments. This becomes the ultimate path of the walk the way people work and live, this is the common pattern of the way we work in the system. But with rising population there has been a tendency to bet on the most important element of the human material life, 'Land'. The favourite acquisition sports for royals. Now with rise in population and growth in the expectation of high prices people started investing heavily upon land this in turn created much of the pressure on the land itself as there was a complete rise in the situation where we needed a reform to be carried this was the reason that people started acquiring heavy land and they went crazy for it. Today the property rates have reached to the peak thereby it apparently looks that if a bubble was created around it, which is still growing.

This unstoppable growth of rising craze has to be stopped by any means available so as to curb the menace created by this madness for acquiring land. There are several factors that altogether helped me to get to this idea but the prominent was a story by Leo Tolstoy how much land does a man need. This gave birth to a deep philosophical dialogue that instilled the answer of how much is enough. This became the major area of interest for it appeared to be a great solution for the problems faced by the world today. With overwhelming aspect attached to this the basic problem which could be solved by the notion that we could not comprehend so easily. There would be cascading effect to the life we live and the way we behave. The hike is essentially caused by rising demand as people feel that land is a good investment for future this is because of the stability rate and growth in the value this serves as the pendulum point for the craze behind land but the effect we feel is way more powerful. Like now the prices of land is on the epitome and is way beyond any common man's approach. Secondly loss to agrarian society would be another such aspect. Loss to environment hold true owing to heavy construction and other factors this in particular has emitted by this source. As still there 40% of total land purchases is for investment purpose (Prasad & Panduranga Reddy, 2019)

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Objectives

- To study the environmental effects of Land Ceiling.
- To study the Economic impact of the ceiling
- To study the Legal and ethical prospects that support the cause of land ceiling
- To study the significance of Land Ceiling as a tool to curb social menace, like Benami Properties, etc.

This paper shall address the core issues which are listed as above, to look for the social justice and the rational allocation of this scarce resource 'Land'.

Research Methodology

This study was conducted in an empirical form going out with survey sheets and sampling the area of Barkachhakalan & Barkachha Khurd of Mirzapur district, Uttar Pradesh 231001. and Panchsheel Nagar Charoda Bhilai, Chhatisghar. As these two spots are recently experiencing urbanization and are viable in the sense that changes could be observed easily and spotted quickly. The data was collected in the liner ranking form in which 0-2 were considered negative reply 3 was considered to be neutral whereas 4-5 were considered a positive reply, based on their experience people made their choice. Whereas for environment aspects Eco1 the environ club BHU had sent their reply suggesting the ways environment had been affected.

Hypothesis

Hypothesis; Ceiling the land use shall positively Impact the society.

Discussion

With massive infrastructure project undertaken one needs to evaluate the cost and benefit of the project for residential purpose. Here in this paper the land ceiling has been discussed as such there is no such proposal but this quantification of land needs to be catered. There by it is assumed that all the discussion is done in respect to the quantitative ceiling of land. This promotes the idea of equity in the society and thereby promotes the social justice, which instills the parameters of visualizing the unseen. Thereby the entire research was conducted so as to check the feasibility.

Economic Impact of Residential Land Ceiling

The outburst of the situation is that we have to face the unconditional tremors in economy. The height of problem ceases to increase day by day. Every passing minute creates a value for the economy in terms of cost, and thereby market tends to strive for creating surplus, but how would this be possible where there is huge gap following haves' and have not's. Furthermore, there is no effective mechanism available to bridge the banks of this wide river distancing India and Bharat. This in turn becomes a new problem where resentment is increasing for no reason of remorse. This guarantees the rise in crime and failure of system this also adds to the cost on the society. As there is need to create efficient transaction minimizing externalities. A situation where law is meant to create surplus there has been several malfunctioning too. This becomes the basis of my study where there are several problems compiled with the craze to gain more and more land.

Supply Boost

If the government tries to implement the land ceiling how the market would react how the market would resonate the effect of this giant decision will it become futile would it become a draconian reform? Or will it prove, its worth in the market how would the supply side react to this proposition? There shall be undoubtedly a steep rise in supply as the market would be flooded by the repercussion of this legislation and this is how the market would create a whole new set of the situation as the study suggest

- 20% of the sample size had its income over Rs. 600000 annually and they had more than seven properties in different area exclusively in Bhilai Panchsheel Nagar they had huge share of the land altogether.
- almost all of them agreed if the government was to bring in the legislation then they would be trying to sell their positions immediately.
- they would also try to distribute the land among their family members as far as possible.
- all of them agreed that there would be steep fall in market rates.

This is presumed reaction of people that there would be steep fall in prices. So will it be the same for the entire situation here in market. How shall there be a new change possible what impact

would it have upon the economy as a whole? Answer is quite simple with highly falling price there shall be a great loss to the owners of land not just that it would kill the incentives to purchase land but also would badly impact the economy as a whole. On a microeconomic scale falling land prices would mean a series of failure. On individual level supply of land is determined by the factors like:

- Price (Mankiw, 2004)
- Laws & Regulation
- Taxes (Mieszkowski & R. Zodrow, 2004)
- Speculation of suppliers,
- Other factors.

So it could be expressed as,

$$S_{land} = f(P, L, T, S, \dots, O). \dots \text{Eq. 1.1}$$

This function holds that there is supply has direct proportionality with price and vice versa. Higher price would mean higher supply. With an assumption that other factors apart from price remains same. But in case of restriction how would this function react? The answer is simple market would behave in two of possible manners.

- Price would start falling heavily or,
- At the same price supply would increase

In any of the case there has to be a shift in the supply curve (Png, 2012) As the very assumption of 'ceteris paribus' is absent. This particular aspect when is seen in a larger picture will there be infinite supply in terms of price, that whatever may the price be people are ready to sell? Certainly, that won't be the case people would refrain from entering in that situation. So, they would rather opt for distribution of land among their family mates, close or blood relatives. Which essentially mean that equation 1. Would fail. Consequently, land possessed would be distributed among the family mates and excess would be out for sale

$$S_{land\ available} = (D_L - A_L) \dots \text{Eq. 1.2}$$

Where,

$S_{land\ available}$ stands for Land available.

D_L stands for distributed land among inmates.

And A_L stands for legally allocated land.

In case, if someone has got no land then the equation would be nullified. Similar would be the case if $D_L = A_L$. Still the basic problem is yet not addressed how much would the price fall in this case we need to analyze the demand side of this picture as well.

Demand

With all its mirth, the market would be in a stagnant mode the market is to be delivering the sums in a reasonable way. But with the implementation of this aspect how would the demand react? Would it increase or remain same? This is the question which needed an answer and following the signals one would need to analyze the market with buyer's perspective¹. With raising supply is demand increasing in that particular way as was presumed initially? Studies suggest that

- 54% people were ready to buy land when the price was low.
- 60% they were not ready to step in the market of falling prices.
- They all agreed they will see a decline in price.

This implies the market structure is too reluctant to find a less suitable idea. The demand on one side would be increasing for the land and the next people refrain from entering in the market where the prices are falling. This would create the entire market to react in a subsequently different manner. Demand would be affected by

- Price of Product
- Incomes of consumers
- Expectations of consumers

¹Managerial Economics Mindtap Economics, 1 Term 6 Month Printed Access Card (South-Western Pub 2015)

- Government Policy

So it could be expressed as

$$D_{Land} = f(P_O, I_{con}, S_{future}, G, \dots, O) \dots \dots \text{Eq. 1.3}$$

Where,

D_{Land} stands for demand for land,

P_O stands for price prevalent,

I_{con} stands for income of consumer,

S_{future} stands for future speculation,

G stands for Government policy,

O stands for other factors.

So as we proceed we could see the demand is stagnant with the expectation of the market to move to stability rather than the falling at a steep rate. But people were willing to purchase lands at the lower price as we had taken the concept of *ceteris paribus* which is again violated by the intervention of government; there existed an inverse relation of price with the demand now there shall be shift in demand curve as well. Initially at stagnant price people who has the capacity to purchase land would buy land to reach to reach near to the amount of legally allocated per family so as to attain satisfaction.

In some cases people were keen to buy irrespective of price, as for them having a piece of land is more suitable but those people were low in number these essentially mean buyers would exist. As people would tend to secure the level granted by the government so essential demand would be somewhere around

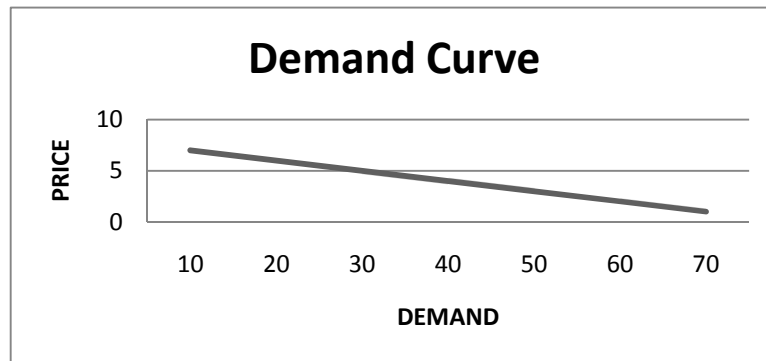
$$D_{land\ available} = (A_L - Q) \dots \dots \dots \text{Eq. 1.4}$$

Where,

$D_{land\ available}$ stands for demand for land,

A_L stands for legally allocated land,

Q stands for quantity already possessed by the individual.



As is mentioned that the demand would be stagnant as the prices are leaning downwards this envisage the possibility of the making market go tampered this, jeopardizes the entire situation as, in the market there is lesser scope for the growth at this stage still people need home to live. And also, to acquire the land required. This brings us to idea of calculating the net demand available we have an idea of the same whereas we need to understand that the variable is certainly different wherein we need to understand that that pricing Equilibrium is a task here as at first instance the price is tending downwards whereas the demand is stagnant in expectation of a lower price to strike the deal this is the basic contradiction we shall here. This is explaining the aspects of the equilibrium.

Equilibrium

There would be a massive start to strive for equilibrium (Varian, 2017). This could be associated with the study of how would market determine equilibrium. Ideally in the market equilibrium is the price at which the demand and supply meets. So as to say, in this case,

$$(D_L - A_L) = (A_L - Q) \quad \text{from Eq. 1.2 and 1.4} \quad \dots \text{Eq. 1.5}$$

It essentially means, that the land which has distributed among the family mates, must be equal to quantity already possessed by the individual.

$$D_L = Q$$

Which is the case but there shall be some other aspects to look for. This is to explain the concept of the market and its implications on the market, but in real life there shall be the gap as the price would play the most significant role here now how to reach to this price there the answer is that government has to intervene in the game being played. It has to adjust the price in order to attain the desired Equilibrium i.e. ceiling the price as well for time being. This has to bring in the change we require but the estimation of economic consequences makes us afraid, as there are several reasons that may harm our economy in worst possible manner. So, the market would be highly speculative and the implementation is purely based on the threat value and the cost people had to bear. Hence this exercise has to be conducted for a large time constantly with a horizon of 30-40 years to be implemented with rise in income over the years the economic problems arising there from shall be addressed.

Social Menace

Ignoring any the evils in the society could be very dangerous and against human values, so we need to take social menace on its face value discouraging our political, ideological beliefs and thought process. There are numerous problems we face in our society today. You name it, we have it. Everything appears resembling curse upon the society where poverty and inequality becomes the root of all the issues. We keep on arguing the facets of an N-dimensional problem. There has to be a solution to bridge the gap of haves and have nots' but the question is how and when?

There was a time when we were inclined towards socialism, we have lapsed all our resources with improper planning or improper execution ("Walk The Talk with Amartya Sen", 2009). may be accredited to this problem. In an interview Amartya Sen said "India accepted some aspects of socialism but failed in many. As such we needed to have health services and educational services at par with them. That they possessed at that time". But after almost two decade of free economy we stand at the same spot or maybe we have worsened from the situation from where we actually stood. Overlooking the particular format of the economy we have to discuss the social aspects as well and effect on them.

Loss of Agriculture Land

There has been acute loss of agricultural land during the period from 2002 to 2016, in bhilai panchsheel nagar which was once a very healthy farm land started turning favourite place for residential settlements of nearby railway marshal yard employees which boosted the land price to height and thereby the farmers started selling out the land and further converting it to residential land from agricultural land.

As the time passed the value of the agricultural farms raised almost five times this incentivized the farmers to sell off the land at the price available this further meant that the land which was used for productive purpose that went out for lesser or non-productive activity in the form of residential land. This resulted to a massive shift from agriculture to other sources for livelihood this resulted in a trend most witnessed with urbanization. People start to shift with an expectation of higher standard of living but for their misery land rates today have reached to the height of no return. In the year 2002 the land which was available for rupees 1 lakh has now turned out to be of somewhere around 17-18lakhs. Which now beyond the reach of those people who initially sold it?

Similar trend was observed in the study of Saharanpur (Fazal, 2019) where planned residential raised by merely 2% contrary to unplanned which grew at around 19% from 10% and increasing over all urbanization by 54% on the cost decrease of agricultural land which declined by 33% in just ten years from 1988-98. Whereas there were 15000 families' dependent upon farming in charoda back in 90's it has been reduced to merely 30-40 families today. Aftereffects of this exploitation of the land has resulted into the problem of declining agricultural produce in the years which meant to be given a bare look on the problems that were born out from this particular shift is,

- Loss of agricultural output which fell drastically,
- Unemployment being raised up,
- As the population shifted from farming to other sources there has been flood of labourers which reduces their bargaining ability (Pigou, 2019)

Agricultural produce declined almost by 80% in charoda as the farms are now homes there is virtually no scope of return it back. Growth of the society on the cost of food grains is beyond comprehension. The very argument of why would farmers matter most? Undoubtedly, they are the most relevant aspect of Indian economy if farmers were shifted to other sources of income in that case then the land left by them is not used for agricultural purpose this is the basic problem we face and if not today then soon there shall be a crisis regarding same.

Tenants and Landlords

Property rates in few of the places of country has risen to that extent that people have to live in rented houses particularly in metropolitans. This rise is essentially caused by property bubble, which many argue is prevalent in India. This is the basic cause that many are forced to live as tenant. This induces the cause as there is lesser supply; the cost of renting house has gone up considerably. This has opened up entire realm of exploitation for the tenants. Studies suggest that:

- Over 40% of people were not happy with their land lords.
- 50% said that they are willing to shift if provided a chance.
- 60% agreed that they are over charged for electricity and other amenities.

This essentially becomes the problem as people are not satisfied with existing system. As noted there are several problems could be seen people have to sacrifice a major portion of their income on paying rents. For example, in Delhi people has to pay around Rs. 20000 per month in kalkaji DDA Flats which consumes major portion of their income. Though there is no greater aspect that could be added to it apart from calling it costing to extreme end. This becomes the problem for the society at large. There is an off the edge effect to call for its cause being cost of life increasing which increases the expectation of the landlord to earn more this becomes problematic since the spending expenses increases thereby the demands raises and again cost of living is increased this becomes the cause of increasing the rent this could be explained by

$$R_N = f(Q, D_W, S, L, M_T, S_P, I_N, \dots, O) \quad \dots \dots \dots \text{Eq. 1.6}$$

Where,

R_N stands for rent,

Q stands for Demand,

D_W stands for distance from workplace,

S stands for security,

L stands for location,

M_T stands for market trend,

S_P stands for speculation of land lord regarding future price,

I_N stands for income of tenant,

O stands for other factors.

This function symbolizes the price is determined by the factors (I, D , 2016) mentioned above where demand plays an important role and as there is major population is shifting towards metropolitans there we need to understand Demand is increasing heavily thereby prices and other form of exploitation. But the survey showed that problems would be increasing for tenant as there would be supply decreasing thereby increasing price owing to demand supply equilibrium at the price would be higher at this spot from what initially it was. Against the hypothesis that it would help them to acquire the plot or flat they are residing on. But people tend to buy land in their birthplace.

Slow Slum Clearance Policy

There is a greater scope for improvement in slum clearance policy of India because slums are dark spots upon our booming economy. It rather contradicts the achievement of our economy, is there something really wrong with attitude towards our slums? The answer is yes, ignoring Dharavi one of the largest slum from India let's look at slums from Bangalore the Silicon Valley of India it is estimated there are over 1.4 million people living in slums (Gupta, 2019). These estimates are enough to undo the achievements of our economy but even more shocking is the policy of government for elevation of slums like 'slum improvement schemes' under which the government was ought to incur expenses of Rs. 800 per person on sanitation and other amenities ("Slum Improvement Schemes", 2017). But the amount released was Rs. 100 lakhs this was one of the contradiction.

Secondly there are hundreds of policies towards elevation of slum clearance but there is absence of a complete plan with holistic approach for elevation of this problem. But with falling prices there would be a possibility to make good the problem of slums. As the price becomes the key of failure for development of slums this would boost up the slum clearance policy. And possibly we need to analyze that we could develop the land thereby rational allocation of land could be made. This could be done as the land price would considerably be less this could make land affordable for government and that would further make it easy for government to give off the land for the interest of population at large. Combined with process lasting for decades and economic growth it would be easy for the residents to take up land for building homes for them.

Gated Societies

If there has been any mistake by human in past century it be surely said to be the gated society it serves as a curse because there are several problems. Human has the tendency to feel safe rather than being safe. This could be essentially felt by this form of life style and choice of human. Gated society is closing human to their extent of themselves discouraging outsiders to enter in this for the security of the but the things are now worsened up thereby creating problems of garbage and other social evils (Benjamin, 2016). This brings us to the concept of social justice they charge higher for the same reasons and fail in the same. So essentially land ceiling would end this sort of vague expenditure as there won't be any market left for them.

Benami Properties

One of the major social menaces is the benami properties which are in the name of none nobody knows exactly what that land has who has the ownership ("What are benami properties? All you need to know", 2017). It essentially is a property that has got no name to be accredited to it combined with the source of income to buy that property is either not disclosed or is unknown. Presently it is a punishable offence but has had the largest share of black money. There has been a greater hike in prices because of Benami Properties. As there has been an inconsistent and disproportionate rise in price has got its own reasons to be blamed thereby increasing the social cost as this is done with a mala fide intention of evading tax and disposing off the black money as and when required. This basically happens because of lack of standardization in the norms thereby increasing the liability on the society. This results to higher difference in the society.

In technical words, '**benami property**' is a property acquired through any transaction in which a property is held by, or is transferred to, an individual called 'benaamidar' and the consideration of such a property has been provided, or has been paid by another individual. Such properties officially lack the real owner's name. The property could have been purchased in the name of a family member and the payment might have been done through unaccounted sources. There have been instances in the past where properties have been found to exist in names of those who couldn't have ever found economic means to own them. By misuse of identification documents, a person with clout can end up violating rational means to acquire sizable properties. Thereby if land ceiling is introduced there is a chance that people would go for benami properties but this can be catered easily by implementing strict laws. This goes on with the estimated cost that social justice could be achieved by taking harsh steps.

Legal Prospects

The sovereign has the right to anything provided it is in the public interest. Every act with good faith in public interest shall ignore individual loss in this case. Specifically, there are several aspects which are to be addressed here for land as a concern and there needs to be one policy which lacks any proper policy. The Doctrine of eminent domain("eminent domain", 2017) gives the right to sovereign for acquiring private land for public use, so as to cater the needs of public interest at large (Epstein, 1982). Often there is an issue regarding the right of this doctrine in the sense that it is an infringement on the human rights (Wickeri E and Kalhan A 2011). It is depriving someone from the right he owns over the possession, be that an illegal possession, made by people there. Even illegal occupation gives right to the people residing there.

Saluspopuli suprema lex¹ which states that public welfare is principal law there is nothing beyond it. Necessitas public major est quam (KhanMIAlam 2015) which states that matter of public

¹Pritam Pal vs High Court of Madhya ... on 19 February, 1992 AIR 904, 1992 SCR (2) 864

importance has leverage upon private necessity¹. The above-mentioned maxims make it clear that there is no comparison between individual needs and public interest. A situation of clash between public interest and private rights, public interest has undoubted advantage over private right. This involves not a major study but a brief look upon the preamble stating that constitution provides for equality of status before law but the history had a another story to tell initially the possession of land was a fundamental right. Under (19)(1)(f) says, "all citizens shall have the right to acquire, hold and dispose of property²".

This was later omitted; this made it merely a constitutional law. But the problem is that law is not retrospective but here in this case it would be hard to comprehend the same in the form of legislation. It is not that easy to put restriction on the people to possess the quantity of land they have or want to have. So residential land ceiling should not be conducted in the form of legislation but must be pursued as policy backed by legislation. Essentially there has to be an entire study based on the people choice of how much land is enough for a human, along with his family.

Environmental Impact of Land Ceiling

With massive growth in the wants and requirements of people there has been growing demand for land and other resources while there had been several attempts made there is little or virtually no impact on the situation we are always back to square one when we talk about environment. There has been a very negligent role of the society to care for environment. Today we have 23.773% which has improved over the years still it is very low on our estimates. This improvement has less a count than what it should have been. This could be understood as we have exploited the environment at a very high rate. This was found in the study of Barkachha of Mirzapur, where south campus of Banaras Hindu University is situated. There, after the establishment of south campus the property rates started gaining hike suddenly and people started developing small residential plots. There is different explanation is offered in the form urbanization helps us to boost the standard of living of people, but on what cost is the question which always goes unattended. This is the essential idea that we need to comprehend and answer as well this is the basic question which we shall all address in the proceeding of debate on environmental aspects of human growth. Barkachha is the place from where the Vindhyan Mountains originates. So it is the home of several species

There has been loss to natural life in Barkachha in worst possible manner. There has been loss to krait snakes found in the region, krait once ruled the terrain but due to heavy human activities human krait have gone missing. Similarly sloth bear or the Vindhyanbear (Sinha D) found in that region got reduced in number or they never returned back same happened with other creatures like Owls and Caracals. This effect was resonated similarly in Charodabhilai. Few of the people residing from years are of opinion that the rapid construction gave birth to several problems like that of rise in mosquitoes. This is evident from the fact there can be further demolition because of construction. Because of massive construction there has been a great increase in levels of pollution, which could be accredited to the wastage of the material in the form of solid waste, plastics, emission of greenhouse gases³, which is the main problem in cities like Delhi, where construction is cause of pollution (Jain A 2015). Studies found that the majority agree to the notion that there is an increase in the pollution because of construction. Secondly the land left ideal is not as efficient as there is no plantation done to protect the cause of environment. This could be effectively catered by land ceiling because if there is a ceiling upon the land then people would shift their choice of possessing more and more land and gaining more and more.

Conclusion

This is the basic argument, one would feel that we need to re-examine the situation but this is how we could get the things to settle down. There would be immense problem as to how to adjust to the price as there would be higher supply in the market and demand has its own reasons to get activated namely falling prices and land held by the individual. There would be another perspective to it so as, towards the loss of agricultural land. People live without shelter, but they die without food. So, this loss shall be minimized in order of the change that brings us to the core of the issue.

¹Save Mon Region Federation & Anr vs Union of India & ors on 14 March, 2013

²Basu DD, *Introduction to the constitution of India*(LexisNexis 2015)

³"Feature Article - Construction and the environment (Feature Article)" (*Australian Bureau of Statistics, Australian Government*)

<<http://www.abs.gov.au/ausstats/abs@.nsf/46d1bc47ac9d0c7bca256c470025ff87/17a5995c5d55bbbdc256cae0015f653!OpenDocument#>>

While its impact on the tenants would be horrible, people would suffer the problem of having lesser supply of the flats to live. But with introduction of land ceiling they may get the affordable land prices, this instills the very basic notion of ideology of social justice. The other aspect shall be that we have to bring in the concept of equity against equality, so as to control the aspects of slower slum clearance policy and to bring in the concept of gate fewer communities. This particular move must be brought into effect, to control not just social or economic waste but also to cater for the needs of the environmental issues that eat up the civilization at large.

Suggestions

With this prosperous indication we need to implement this entire exercise as:

- To implement it as a policy backed by the Legislation, not mere legislation as that would create havoc for socio economic stability.
- This particular fraction of policy must be implemented with a horizon of 30-40 years, so as to evade the possible economic hammering.
- For those who cannot afford to sell their lands immediately must be given a chance to correct it by allowing them to lease out their land to the forest department so as to secure forestation with a lock in period of at least ten years.
- To check with strong legislation the problem of benami properties and to control the same with strict implementation for the same.
- To work for standardization of the land rates so as to check the property bubble.

Study Limitation

This study has been conducted based on the current facts available and to bring forth the situation just three districts were catered. It is advisable to re look into the matter for other areas, apart from mentioned above.

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