China’s new code aims to curb land grabs

Part of: GS-II- China (PT-MAINS-PERSONALITY TEST)

It also focuses on giving greater independence to the country’s judiciary

Farmers in China have faced forced evictions and illicit land grabs for decades — sources of social unrest that the government is finally trying to address in a major shake-up of its property law. Millions of hectares of rural land were taken away from farmers in the past three decades and given to developers as China raced to urbanise, often with little or no compensation in return.

Important Points

- “Land disputes trigger half of an estimated 1,00,000 social protests in China every year, making them the second leading cause for public unrest after labour disputes,” Ni Yulan, a lawyer who advocates for property rights of low-income families in Beijing, said.
- Ms. Ni has been jailed twice for her advocacy and is paralysed from the waist down, a result she says of beatings received during her detention.
- China’s first-ever civil code approved by Parliament focuses on giving judges greater independence and curbing the influence of local officials, but the judiciary is still ultimately answerable to the Communist Party.
- The guidelines have narrowed the interpretation of “public interest” to prevent abusive land grabs.
- It also makes it mandatory for local governments to make public announcements on “all acts taken by the state in relation to private property”, thus making land transactions more transparent.

No punishment

But it does not stipulate any punishments for those illegally expropriating land or the rights of individual farmers to collective land, making it harder for families to seek compensation. The wide-ranging legislative package will come into effect on January 1. Local governments have taken away land from 1,00,000 to 5,00,000 farmers every year between 2005 to 2015 in violation of national land-use laws, according to a study by Qiao Shitong, a property and urban law professor at the University of Hong Kong.

In China, land can only be owned by the state or collective organisations. Private individuals or businesses can only buy the right to use land for up to 70 years. The civil code — for the first time — clarifies what will happen once a home owner’s 70-year usage rights expire. The law affirms that land-use rights for residential homes will be automatically renewed after expiration but does not say whether owners need to pay for renewals.