

SHUKLA): Sir, the hon. Leader of the Opposition, Mr. Sitaram Yechury, Mr. Naresh Agrawal, Dr. Maitreyan, Mr. Derek O'Brien, Mr. D. Raja and Mr. K.C. Tyagi have expressed their observations on coal issue. As you know, the Minister of Coal has made a suo motu statement in the House; and after that clarifications were sought. The process of clarifications is still continuing. In between the Prime Minister intervened. Whatever observations they have made, I will definitely convey those to the Minister of Coal who is supposed to reply to all the clarifications.

MR. DEPUTY CHAIRMAN: Okay. Thank you. Now, we will take up the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013, Shri Jairam Ramesh to move the Bill.

SHRI DEREK O'BRIEN: Sir, just one second.

MR. DEPUTY CHAIRMAN: No, I have called Shri Jairam Ramesh.

SHRI DEREK O'BRIEN: It is the most important Bill. We have been at it for three decades in Bengal on this issue. We can't turn this Bill into a *

MR. DEPUTY CHAIRMAN: It is expunged.

SHRI DEREK O'BRIEN: Sir, it is 4.30 p.m. now; and six hours have been allotted for this Bill, discussion and voting.

MR. DEPUTY CHAIRMAN: The House is supreme. The House will decide.(Interruptions)... The House is supreme; and the House will decide. Your observation is noted, please. Now, Shri Jairam Ramesh.

SHRI DEREK O'BRIEN: You take the sense of the House.

MR. DEPUTY CHAIRMAN: First, let the Minister move the Bill. When it is needed, we will do it.

GOVERNMENT BILL

The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Bill, 2013

THE MINISTER OF RURAL DEVELOPMENT (SHRI JAIRAM RAMESH): Mr. Deputy Chairman, Sir, I move:

*Expunged as ordered by the Chair.

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SHRI SHANTARAM NAIK (Goa): Sir, the Congress President has taken a lot of efforts to see to it that the Bill comes up before the House. I would also like to congratulate Shri Jairam Ramesh, who has made efforts tirelessly to see to it that the Bill is drafted in a proper manner, exhaustively, to satisfy all the needs of the society.

Now, Sir, when I practised as a lawyer, there used to be many cases under the Land Acquisition Act. I know what the sufferings of the people were at that time. There were, practically, forced acquisitions under the old Land Acquisition Act, which we are now going to repeal. There were forced acquisitions in the sense that there was practically no remedy. A person filed an application under section 5A if he had an objection to the acquisition. But those were only formal applications. No Deputy Collector hearing those applications considered it under the provisions of section 5A, whatever were the arguments. This was the situation. And the rates fixed by the Land Acquisition Officers were very, very low. They used to take land from the poor people and pay them very low rates of compensation. Now, this is a revolutionary Bill. I say this for the simple reason that the very basis of this law is a social impact assessment. It is only after the social impact assessment that land could be acquired and, for the purpose of assessing the social impact, the Gram Sabha would be the primary body where the consultations would take place. Secondly, only a bare minimum land would be acquired for a project. Then, it would be verified whether alternate land is available for the purpose and whether an assessment has been made. Third, there would be a public hearing while making the social impact assessment. People would

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be asked for their opinion. Then, there would be a study report. After this report is prepared, it would be published and uploaded on the website, so that everybody comes to know about it.

Then, under Clause 11, if within ten months of the publication the Notification is not issued, the acquisition would lapse; it would not remain in force. Secondly, if an ultimate declaration has to be made, it will have to be made along with a rehabilitation and resettlement scheme.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA) in the Chair

Then comes the question of compensation. It is four times in rural areas and two times in urban areas. The loss caused to Scheduled Tribes and forest dwellers would be taken care of. They would be considered tenants of the land and their interests would be protected. Even those having easement rights would get compensation and, if a person's primary source of livelihood is going to be affected, then, that aspect will also be taken into consideration. Now, there is a liberty given under Clause 108 and Clause 109. If a State Government likes to give more compensation, if a State Government likes to give better facilities, then, what is provided is that they will be free to do that. If they have got necessary budget with them, then, they will be free to give better facilities, better compensation than what is provided now. This is a very historical provision. Then, as the law stands today, what is the provision? Today, you acquire the land under the present law by giving them minimum compensation, whatever it is. If he has got a house on that plot, ... for acquisition of land. Today, not only after acquisition, you will have to give them house sites. If there is a house on a plot of land, then, house site will have to be given. If it is an agricultural land, then, alternate land will have to be given. Then, mandatory employment to those affected by acquisition, jobs will have to be given mandatorily. This is important. This is why I am calling this legislation a very historical legislation.

Now, the question is, after some time, lands are transferred after acquisition. If that is so, then, 40 per cent of the increased value will have to be paid to the land owner. This is also an additional benefit to those whose land is acquired.

Further, Sir, presently, who deals with land acquisition? After the award is passed, if those to whom the rate fixed by the Land Acquisition Officer is not agreeable, then, he can make an application to refer the case to the District Judge. Today, all these

[Shri Shantaram Naik]

matters are decided by District Judge or Additional District Judge, as the case may be, for enhancement of the rate. Invariably, $\frac{1}{2}$ of the rate fixed by the Land Acquisition Officer. There is a standard formula by which you get a little more than what is given by the Land Acquisition Officer. Special authorities will be appointed under this Act to decide about land acquisition matters, and these authorities will have proper staff, registrar and all these things. So, it will not be the District Judge. The qualification will be of the District Judge, but there will be an independent Land Acquisition Authority. This is very important because today in hundreds of courts in the country, a number of land acquisition petitions are pending, and people do not get the compensation in time. It takes years till the District Judge gives the award of enhancement. Therefore, this provision, according to me, is very, very important, provided the State Government also takes deep interest in appointing the number of authorities as are required. Supposing, in a given State, three-four authorities are appointed, then, it will be of no use. Today, under these circumstances, every District Judge or Additional District Judge also acts as Land Acquisition Officer in spite of the fact that these numbers are not sufficient. If these authorities are increased, that means, if the number of authorities which are appointed are sufficient enough to clear all land acquisition matters, it will help the people.

Now in this there is also a provision— I will not go into details of it - whereby the person affected can also be made partners in the projects which come under the private-public model. The details are to be worked out. But they will also be partners not necessarily in all cases but in cases of PP model. No multi crop land will be acquired. This question arose because earlier when SEZs were established in the country, not only single crop land, but multi crop land also was acquired. I do not know whether it was permissible under SEZ law. But there were cases where multi crop land was acquired. Therefore, there were agitations against SEZs. In my State, I said that we do not want SEZs. Three SEZs were notified. We opposed it. Ultimately, they were on the verge of tension. Why? These people obtained land three or four times more than the actual requirement. This is number one. Number two, they did not assure that the local people will be given jobs. You were to have vast estates in the name of SEZs. They do not also assure jobs for the people. There were also other illegalities. So, Goa is one of the few States which have opposed SEZs. It is okay with bigger States because in bigger States a lot of land is available but in a State like Goa where only a few acres of land is there, we said that we do not want. This is one reason. In the case of public private acquisition, the consent of local people will be

required and the consent should be up to 70 to 80 per cent because there the people are to be involved. If you will really like to have this project in your area, people may say how to obtain consent, how many signatures will have to be obtained, who will call the meetings. All such issues are coming up, no doubt, but, eventually, these issues will be settled. People will gather. Today Gram Sabhas are very effective. Sometimes there are problems in Gram Sabha meetings. But, ultimately, if an issue is put before a Gram Sabha, I think, in the interest of the village or in the interest of the area, where a project is coming up, they will decide whether they require this particular project or not. Now regarding the consent of 70 to 80 per cent, there may be some problems in deciding whether the proper consent of people was there, how many people were present for the meeting, who has consented, such issues may arise, no doubt, but, ultimately, the law will get settled and conventions will be there. Another very important aspect is that unless full payment is made, the affected person cannot be compelled to part with the land. This is different from the present law. They used to enter, do all sorts of damage and used to give some compensation, etc., but here unless the full payment is made, you will not be compelled to part with the land. This is one important provision in this Bill which will go a long way to help people and to give them satisfaction. Now as regards tribal areas, the issues of tribal areas are multifaceted. There are also problems of their culture, their livelihood, their style of living, etc. So, when land is to be acquired and if it is a tribal area, then, necessary precautions have to be taken by the land acquisition authorities to make proper assessment to see whether their life is going to be substantially affected. Therefore, social impact assessment, as far as tribal areas are concerned, has to be done more carefully, more effectively to the satisfaction of all. Therefore, a provision has been made; a special chapter is being included for the purpose of acquisition of land in this area.

Another vital provision — which, I think, is vital — is that if a Government sometimes want to acquire a land, and it is difficult to acquire that, there is a provision that that land can be acquired on lease basis. So, you can acquire it on lease basis also, if all concerned persons agree to it. It will be a very short-cut method for the purpose of acquiring land. You just enter into an lease agreement for 99 years and that's it. After that, the law will follow its own course.

Last one or two points. If a land remains unused, it has to be returned back to the owner or to the land bank. I would like the hon. Minister to clarify it. I fail to understand why the word 'or' has been used here. Does it mean that it is not mandatory to return the land to the owner? (*Time-bell*) I would take just one more

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THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Thank you. Now, Mr. P. Rajeeve.

SHRI P. RAJEEVE (Kerala): Mr. Vice-Chairman, Sir, I would like to congratulate the Minister for coming up with a new Bill to repeal the out-dated and draconian Land Acquisition Act of 1894.

[Shri P. Rajeeve]

Sir, we expect that the legislation should be a comprehensive legislation and it should be adopted in line with democratic principle of justice and fairness but with due respect, I would like to submit that our hon. Minister, Mr. Jairam Ramesh, actually destroyed a chance to move a historic legislation, which addresses all the concerns of the farmers and the society as a whole.

Sir, this is a shift from one extreme to another extreme, that is, colonial to a neo-liberal legislative framework, which is no less draconian, if not more. This is for addressing the concerns of the neo-liberal needs of the country which were stipulated after 1991.

Sir, actually the Government has taken this legislation as another gimmick for the coming elections. They are propagating several things like people will get more benefits. The urban people are waiting for passing of this Bill to give their land for construction of highways; they are waiting to give their land for construction of railways; they are waiting to give their land for construction of electric power generation projects; they are waiting to give their land for construction of metro stations and so on. But, Sir, will the people who are displaced for a national highway project get this benefit? Will the people who are displaced for a railway project get this benefit as per your new legislation? Will the people who are displaced for a metro rail project get the benefit as per this Act? Will the people who are displaced for electric power generation project get the benefit? Definitely not, Sir. As per section 106(1), that is, the exclusion clause, there is Schedule IV. That enlists 13 legislations. As per the available statistics, 90 per cent of the acquisition of land in our country is as per these 13 legislations. That means, 90 per cent of the land acquisition will not come under the purview of this Act. This is actually a gimmick. This is actually a* activity of the Government on the people of this country and this is an eyewash. Then, Sir, there is clause 106 (2). It empowers the Central Government to make any changes in Schedule IV. That means, the Executive can decide in future whether any of these provisions is applicable to cess, whether any of these provisions is applicable to any other Act. This provision gives scope for the Executive to decide what they like on the land acquisition policy. It is totally * the people. This is a * activity of the Government.

It is true that the Government came with the legislation, LARR Bill. It was sent to the Standing Committee. The Standing Committee submitted a very detailed report, but the Minister is not ready to accept the major recommendations of the Standing

*Expunged as ordered by the Chair.

Committee. It is true that there are some changes made to the former Bill and this is a new Bill. But the major recommendation was on clause 106, that is, the exclusion clause. The Standing Committee, the mini Parliament, unanimously recommended to the Government that this clause should not be there. If clauses 106(1) and 106(2) are there, then there is no relevance for this Bill. This is only for elections. If these two clauses are there, it will not be applicable to 90 per cent of the land acquisition of this country. So, we strongly demand to delete these two clauses from this Bill. It is true that a new clause is there in the new Bill, that is, clause 106(3). That is actually a very clever exercise by the Minister to create a feeling. Yes, it accommodates some of your feelings. That is why he is very clever and very dynamic. It says, 'any of the provisions of this Act'. Why this 'any'? If you want to be genuine, if you are honest, you substitute this clause 106(3). The Government should amend all the existing Acts in the Schedule IV in accordance with this new legislation. Why are you not ready for that? You are creating an atmosphere that you are trying to address the concern, you are accommodating the feelings of all sections, you are adopting this new clause 106 (3). They can adopt any of the provisions. That is actually not a good activity, not an honest approach by the Minister. It is a very professional approach of a dynamic Minister. That is not the right way, Sir. Actually, he also tried to create an atmosphere that he is accommodating most of the submissions made by the CPI (M). That is not true. You are trying to create an atmosphere, but most of our significant suggestions which are related to the exclusion clause, issue of proper definition of 'public purpose' and 'affected persons', binding nature of social impact assessment, land use plan, land use commission, provisions for safeguarding food security, enhanced compensation, fair and just rehabilitation and resettlement, prior informed consent and role of Panchayats as well as Grame Panchayats have been disregarded.

Sir, I would like to quote from the speech of H.W. Bliss who steered the Bill in 1894.

“The Bill will not be used in furtherance of private speculations and that the Local Governments should not be subject to pressure, which it might possibly sometimes be difficult to resist, on behalf of enterprises in which the public have no direct interest..”

He stated that it was not the intention of the legislature that the Government should be made a property agent for companies to acquire land. This is 1894 speech by H.W. Bliss.

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This is the first time in the world that a Government is ready to acquire land for corporates. Have you heard anywhere in the world Government acquiring land for corporates? Have you heard the Government of United States acquiring land for corporates? Is there any country in the European Union which does that? This is for the first time in the world that a Government is acquiring land for corporates and creating an atmosphere for corporates.

Sir, I have to make some suggestions on this Bill. We have already made several amendments to the existing Bill. One is relating to the definition of 'public purpose and infrastructure.' The Standing Committee gave a very detailed recommendation on this vague nature of the definition. Some changes have been made by the Minister in its definition. But still this definition of 'public purpose and infrastructure' is vague. It leaves scope for subjective interpretation of the Executive. They can implement this public purpose for any activities of the corporates and private enterprises. We demand that public purpose must be exhaustively and tightly defined, objectively determined, collectively approved, justiciable and strictly construed, limited to activities which are of direct benefit to the largest number of people and does not include the furtherance of private speculation and profit. This definition should be changed. It is very vague. It should be strict to this formulation.

Earlier the definition of 'infrastructure' was very vague and now some changes have been made as per the recommendations of the Standing Committee. (*Time-bell*) Sir, you are pressing the time-bell only now.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Mr. Rajeeve, your Party has one more speaker. Your Party Leader, Mr. Yechury, will be speaking. You will have to conclude. ...(*Interruptions*)... Your Party Leader, Mr. Yechury, will be speaking. So, be brief and conclude. ...(*Interruptions*)... Leave some time for him.

SHRI P. RAJEEVE: Sir, you have taken one minute from my time. The Chair should be fair to all speakers. You forgot to press the time-bell for some time.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): I am doing it to only let you know that your Party Leader will be speaking. ...(*Interruptions*)... So, you have to leave some time for him.

SHRI P. RAJEEVE: Sir, the Chair has taken one minute from my time.

Sir, then there is urgency provision. That is another way for making vague interpretation and our demand is that special powers in cases of urgency should not

be invoked for private companies and be restricted to national defence, and all other processes to seek consent, hear objections and undertake Social Impact Assessment. After passing the Bill in the Lok Sabha, the Minister came up with three or four amendments. That means it is trying to further dilute the objectives of the Bill.

For irrigation projects, land should be given to the displaced persons. As per new amendment land or compensation. That means *de facto* compensation will be practical. It should be only land. Compensation for displaced persons for irrigation projects is a dilution. I don't know what the compulsion was. I do not know after passing it in the Lok Sabha, the Minister came up with this amendment to please whom. What was the compulsion? There is a very famous phrase of the Prime Minister called 'coalition compulsion.' That is against the interest of the country.

Sir, social impact assessment study must be binding and should not be overruled. There should be some distinction between acquisition for PSUs and the Government and acquisition for private and PPP projects. The law prevailing in the Scheduled Areas should prevail over the proposed legislation. The Government proposal seems to indicate that rain-fed, dry-land and semi-arid land are unproductive and their acquisition does not affect food security. We did not believe that. It should be protected under this. SC, ST, small and marginal farmers should receive land for land. Tenants will not get compensation as per the definition. Tenants will only get the R&R package. But, they are working. Land distribution has not been implemented in major parts of the country. Tenants are the sufferers in the country. They are actually working in the land. Compensation should be given to tenants.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please conclude now.

SHRI P. RAJEEVE: Sir, there should be no bar on jurisdiction of civil courts as this violates the principles of natural justice. I hope the Minister will actually take these points seriously and make proper amendments to the legislation. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Thank you. Now, Shri Derek O'Brien.

SHRI DEREK O'BRIEN (West Bengal) : Mr. Vice-Chairman, Sir, the expression 'Ides of March' has come down to us from William Shakespeare in Julius Caesar. But for me, Sir, the 'Ides of March' is actually March 14, one day before March 15, 2007 because as a metaphor for a ruling order that had decayed beyond redemption and began to treat its citizens as subjects – in fact, began to treat its citizens like slaves

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just like the Roman Generals would take them captive. Sir, of course, my reference to March 14, 2007 is to the firing on innocent householders and farmers in Nandigram. ...*(Interruptions)*... A massacre that shook the conscience of our State. ...*(Interruptions)*...

SHRI T. K. RANGARAJAN(Tamil Nadu): Sir, we need your protection. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, I did not disturb anybody. ...*(Interruptions)*... Sir, I did not take up anybody's time. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please continue. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, I am talking about the biggest land movement in this country. ...*(Interruptions)*... What do you mean? You cannot stop me. We are discussing the Land Bill. It is the biggest land movement ever in the country. Let me finish. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Let him speak. ...*(Interruptions)*... You will have your time. ...*(Interruptions)*... Let him have his say. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, I was talking about Caesar, but they are also the Communist Caesars of Bengal. So, what to do? ...*(Interruptions)*... Sir, this was the most brutal and dramatic evidence that the land acquisition system in our country, at that time, from 1894, has been rotten. It needed to be rescued from self-serving brokers and agents such as those who live in the headquarters on Alimuddin Street in Kolkata. ...*(Interruptions)*...

SHRI D. RAJA: Sir, this is not required. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please restrict to the merits and demerits of the Bill. ...*(Interruptions)*... Please, please. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Sir, my time may be as it is.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): You have your time, but please restrict yourself. ...*(Interruptions)*...

SHRI DEREK O'BRIEN: Please don't give me advice on what to say. Let me speak. ...*(Interruptions)*... March 14 was the day when our existing land acquisition model became not just untenable, but it also became a curse. That was the day, our

leader, Mamatadi of Trinamool Congress, who was in the forefront of a three-decade struggle, resolved to go on a 26-day hunger strike to protest against the rape of a young girl in Singur and for so many people who died in these movements by bullets sponsored by the same people who are making so much of a noise today. The Bill which we are debating today is a small step towards securing justice for the victims of the terror in Nandigram. Before I speak further, I would like to salute those...*(Interruptions)*...Sir, the same people who are standing up today have converted the land grab into a pseudo scientific practice. The Trinamool Congress Party was the first party to articulate a policy for land acquisition. In 2006*(Interruptions)*... What is this, Sir?

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Please listen.

SHRI DEREK O'BRIEN: I understand, Sir, sometimes the truth hurts. Let me finish my speech. Because the Trinamool Congress Party saw the absence of a well-defined modern land mechanism. That is why, Sir, the issue here is not just about who should buy the land, whether the State should buy, or, whether the industry should buy. There is a broader context to it; and there are three parts of this broader context. (a) Protecting farmers' rights; (b) concerns of food security; (c) finding that talent between agriculture and industry to flower together.

Sir, the Trinamool Congress Party's policy is based on what is known as the doctrine of eminent domain. What is the doctrine of eminent domain? When the State recognises the private party, the private owner becomes the absolute title holder of that property. The State still remains prior bound holder of that property. That is why we understand and appreciate that a piece of land for any public purpose, be it a bridge or whatever can be acquired by the State. The Minister from 2009 ran the marathon but somehow we feel strongly stopped half way through because in this Bill we have some serious issues; and I will just touch three or four very serious issues. First, no forcible acquisition of land at any cost. No, no, no. Second, you are talking about 80 per cent farming families who have agreed, 70 per cent for public purpose who have agreed, our view on this is the same just as what it was right through the land movement, no 80:20, no 70:30, it is 100. Someone has to speak up in front of the farmer. There are lots of people who are making speeches here about how good this Bill is, how it could be improved. This is the very basic issue that we have, 80:20 no, 70:30 no, it has to be 100:0. No multi-crop land, because multi-crop land is an asset.

Sir, when they are talking about acquiring the land, industry, of course, needs to acquire land. Industry acquires labour. Industry acquires products. Industry acquires

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other inputs. In none of these acquired by the industry, does the Government interfere. So, why does the Government need to interfere for the purchase of this land? Now, I know, when I say this, that there will be concerns whether farmers have necessary skills. Do farmers have necessary skills to negotiate directly with corporate buyers, or, with the Government? We believe, Sir, they do with little help, with little guidance. Of course, they do. Overall we believe, we should trust the sagacity of the Indian farmer. He knows what the best is for him. He knows what the best for India is. In all humility, Sir, the Trinamool Congress Party knows what the best is for the Indian farmer. We will not compromise on this. We also know how to strike a balance between the industry and agriculture. Not one at the cost of the other.

This Bill, overall, is better than what it was for the farmer three, four and five years ago. But this Bill is not good for the farmer. This Bill is not good for the conscience of the industry. This Bill is not good for the nation. We do not support this Bill. We have made a speech. Our button also will reflect that after we finish this debate. Thank you, Sir. I have finished my speech on time because our second speaker is one of the most qualified eminent people from the world of land reforms, Mr. D. Bandyopadhyay. I have also noticed that there are many people here who will come and speak on a variety of subjects. I am also looking forward to someone else here in the front Benches who will speak on the same subject on land reforms. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): Thank you. Next speaker is Prof. Ram Gopal Yadav.

SHRI JAIRAM RAMESH: Sir, Shri D. Bandyopadhyay has contributed to the drafting of the Bill.

... (transcription of the first part of the speech) ...

... (transcription of the second part of the speech) ...

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Sir, the Bill provides compensation, for the acquired land, to the rural farmers at four times the existing rates; whereas, in urban areas, the compensation will be thrice the existing rates. It is the State Government that has to directly deal with the matters pertaining to land acquisition in the States.

In the Statement of Objects and Reasons it is stated, I quote, “Land that is not used within ten years in accordance with the purposes, for which it was acquired, shall be transferred to the State Government’s Land Bank. Upon every transfer of land without development, twenty per cent of the appreciated land value shall be shared with the original land owners.” I would like to urge upon you that instead of sharing the appreciated land value, please give back the unused acquired land to the original owner. When the Government would pay compensation, as per the provision, 12 per cent interest per annum would be paid. I would like to urge that it should be enhanced to 15 per cent.

There is also a provision that any land can be acquired by using ‘urgency’ and ‘exigency’ clauses. There will be no social impact assessment, no environmental assessment, no rehabilitation and no resettlement. Eighty per cent of the land can be acquired through this Act. But one thing that causes concerns in our minds is the absence of the provision for rehabilitation and resettlement. I would like to urge upon the hon. Minister to ensure that this facility is there for the land owner, whose land has been acquired.

I have come to understand through newspaper items that experts and analysts are of the opinion that it is a body-blow to the ambitious ‘one trillion investment target’ set for the infrastructure development in the Twelfth Five Year Plan, as the new rules envisage high compensation and near-total consent of the affected parties to acquire land. The Government should come forward to explain to the House the impact of the Bill on the infrastructure projects of the future. The economic situation in India, at present, is very worrying as the dollar is becoming more and more expensive and the rupee more and more weak. Unless large infrastructure projects come, our economy would not improve. I would, once again, like to know from the Government what the impact of this Bill would be on our future infrastructure projects.

Provision for reservation and other facilities has also been made for the Scheduled Caste and the Scheduled Tribe people. I would like to urge upon the hon. Minister to extend these facilities to the minority communities also.

With these reservations, I conclude my speech, Sir.

DR. K.P. RAMALINGAM (Tamil Nadu): Mr. Deputy Chairman, Sir, I support this Bill on behalf of my party, Dravida Munnetra Kazhagam. First of all, I would like to appreciate the hon. Minister who has brought forward this Bill after a very good study. Just like the Food Security Bill, this bill can proudly be called as Farmers' Security Bill. Land is a scarce resource, but being a Welfare State, the Government is always in need of land for various welfare schemes. The power of Government to acquire private property for public use or public purposes is based on two well-established principles – one, regard for the public welfare, which is the prime object of any Government; and second, public necessity is greater than that of private necessity. The concept of Welfare State and these two important principals empower the State to acquire land for public purpose. With the acquisition of land, there comes a lot of issues and problems.

How to tackle these issues and problems has always remained a concern for the Government. The three principal factors of production are land, labour and capital. Often, a question was raised: Since there is no question of State acquisition of labour or capital, even at the margin, then, why should the State at all be involved in acquiring land — Mr. Derek O'Brien also raised this point— which is the most precious and scarce of the three factors of production? And that too for private enterprises, PPP enterprises or even public enterprises! If we reduce the agricultural land lease, it will not only affect the production but also destroy cultivating practice for the next generation. If the farmers of India forget the farming activities, then, which country, other than India, will supply food to our nation, which has more than a 100 crore population. Then, the slogans, 'Garibi hatao', 'Hunger hatao' cannot be sought, only 'people hatao', without food, can be. While conceiving a project, all aspects are taken care of by private enterprises. Then, why is the Government coming into the picture for acquiring land alone? Maybe, in the past, some mistakes or errors might have occurred. They are all out of *bona fide* intention. To tide over the situation, the Government proposes that local bodies be engaged in the process of making Social Impact Assessment of the proposed project. This is mandated under clause 4 which is a big leap. A cautious approach in the process of acquisition of land and including the representative body at the grassroot levels will, certainly, bring about a radical change. Sir, clause 29 talks about how to calculate the market value. One method is by the provisions of the Indian Stamp Act, 1899 and the other method is by taking the average of the sale deed registered in that area or in and around that area.

Sir, I hope everybody knows that there is prevalence of a syndicate system in our country. As you can see, in our House, my friend, Dr. Maitreyan and our BJP Deputy

Leader, Shri Ravi Shankar Prasad, cleft together. Sir, in this system, generally, people with a vested interest form a syndicate and they see that the market value is confined to a particular level and it is not taken beyond that level.(*Interruptions*)...

MR. DEPUTY CHAIRMAN: It is a friendly remark.

DR. K.P. RAMALINGAM: Sir, the same thing is happening in land acquisition also. There is still some scope for improvement in this regard. I request the Government to take necessary steps in this regard.

Sir, in addition to this, there is a provision for solatium under clause 31. The solatium will be 100 per cent of the compensation arrived at by invoking clauses 27, 28 and 29. Sir, till now, solatium was awarded in motor accident cases to the relatives of the deceased. I hope not only me but the entire House will also join me in appreciating this new dimension.

Sir, the persons who lost their land in land acquisition process were made to run from pillar to post to have their genuine and legal compensation. The detailed procedures made out under Schedule-I ensure minimum compensation packages in a time-bound manner, which has been taken care of by clause 26.

In spite of all this, if any dispute arises, then comes into the picture the Land Acquisition, Rehabilitation and Resettlement Authority. There shall be a land acquisition, rehabilitation and resettlement authority. Section 17 of the Land Acquisition Act 1894 empowered the Government to bypass the procedures for acquiring of land citing the urgency reasons as ground for acquisition of land. Sir, clause 41 of the new Bill prescribes checks and balances — this is a very good sign — while invoking urgency clause. This is well defined.

Sir, now, I am coming to resettlement and rehabilitation aspect. I believe that for the first time in the history of our country, resettlement and rehabilitation has been given a statutory status. The ruler should frame the rules, not by brilliance but by heart. Here, this Bill has been framed by our Minister through his heart.

MR. DEPUTY CHAIRMAN: No brain? ...(*Interruptions*)...

DR. K.P. RAMALINGAM: Sir, instead of going to regular civil court, the people affected by the project will address their grievances to this Authority. This Authority will pass relevant order. If not satisfied, then the order can be challenged in the High Court. Thus, as per my knowledge, the burden of courts is removed by clause 64. In

[Dr. K. P. Ramalingam]

addition to this, delay and time-consuming processes are also done away with this new system which will benefit the land-owners.

Now, Sir, I am coming to the most controversial section. The most controversial section of the previous Act is 'Urgency Clause.' The Second Schedule to this Bill lists the elements of Rehabilitation and Resettlement that have to be included. While awarding Rehabilitation and Resettlement Award under clause 32, the Schedule enumerates ten elements that are to be included in the award compulsorily while announcing Rehabilitation and Resettlement Award. Sir, this package has included all the elements that are required by an individual to start his life from beginning to end. ...(*Time-Bell*)... Please give me two minutes more.

Sir, I wish to make one point more. While undertaking developmental activity, while executing a project, invariably, trees are chopped. The loss so happened should be suitably compensated and it has to be encouraged by 'Social Forestry' concept. The hon. Minister may not have the portfolio of the Ministry of Environment and Forests now, but he must think about the forests.

Sir, I wish to urge upon the Government one more thing. He has to ensure that the extent of cultivable agricultural land should not be reduced. If this is allowed to happen, the loss cannot be compensated at any cost. Please take this point into consideration.

Sir, finally, land cannot be defined in a casual manner. Land is the real 'God' to the Indian people as it is the 'life' to the Indian farmers. After our Independence, our Central and State Governments distributed lands to poor and marginalized people. This land cannot be sold to others and it cannot be acquired too. This type of land is named 'Panchami' lands. But this type of land is looted by big powerful people. To avoid this type of land-grabbing, certain special section has to be included in this Bill. Sir, in this request, our friends from CPM will definitely join us because they have already undertaken more than twenty agitations and *dharnaas* to get back *Panchami* Land in Siruthavur in Tamil Nadu.(*Interruptions*)...

With these words, I once again say that this Bill is a Farmers Security Bill. So, I appreciate and support the Bill wholeheartedly. Thank you, Sir.

SHRI BAISHNAB PARIDA (Odisha): Sir, I thank you for giving me this opportunity to express the views of our Party on this important Land Acquisition, Rehabilitation and Resettlement Bill.

Sir, we are adopting this Bill at a time when India has adopted a liberal-market economy where the State wants to encourage, promote and help the massive industrialization. We have seen how the draconian law, which was brought by the colonial rulers in 1894, has been ruining the lives of millions of farmers and perpetrating atrocities on them till now.

Crores of people, including farmers, were displaced and made homeless. Also, they were not paid adequate compensation or given rehabilitation.

Sir, the present Minister, through his missionary zeal, has brought forward this Bill and it is likely to be implemented in the near future. But, in my opinion, the real intention of the Ruling Party, or the hon. Minister, is not to help the farmers. They talk about the interests of the farmers, but their real intention seems to be to provide land to the corporate houses, the multi-nationals and the builders in this country, so that they could make uninterrupted progress.

Sir, the intention of the hon. Minister is very good. I have great respect for him and I don't doubt his honesty, but I feel that this Bill has, on the one hand, failed to satisfy the farmers and, on the other, it has failed to satisfy the corporate houses. The builders apprehend that this Bill would delay the process of industrialization and building up private infrastructure in this country.

Sir, we must consider the farmers' interests too. In our country, we have many good laws for farmers. This House has passed many pro-people laws in the past, but there were many lapses in implementing those laws to protect the interests of the people. The authorities that were supposed to implement them did not take much interest and they failed in every manner.

Sir, in our country, we have seen tribals being alienated from their lands. Even during the Britishers' time, their lands were not taken away by the Government, but after Independence, the State declared that the tribal lands and forests are not their property and that they were not the owners of the land. In States like Odisha and some others, laws were framed in the '50s and '60s to protect the interests of the *adivasis*, which said that non-tribals can't take the land of the tribals. There are stringent laws in place, but there are certain loopholes through which the authorities, Collectors, land officers and non-tribals or outsiders have taken away their land. Because of that, millions of tribals have lost their land. What happened at Narayanpatna in Koraput district?

[Shri Baishnab Parida]

Sir, I appreciate the fact that the Minister had the courage to go to the fields, even inside the Naxal-affected areas. There is, at least, one Minister in the UPA Government who has the courage to do so, and I think, he has the intellect and the social and political commitment. That is why I appreciate him. He had gone to Niyamgiri to help the tribals. The tribals live in mountainous regions and in undeveloped areas, where there are no facilities for education, drinking water, healthcare, etc.

But, from a tribal mode of life, how can we bring them to a modern way of life? That is the question. We cannot say that minerals will not be used. I am not a votary of capitalism and private capital, but I want that historical process should be maintained. From a tribal mode of life, tribal way of life, how can their lives be transformed into the modern life? The minerals have to be extracted for industrial purposes. Otherwise, from where will we bring them? Will we bring from the moon? We have not reached that stage yet, or, we have not yet reached Mars. In future, after hundreds of years, the people of this earth may bring the minerals from those planets or satellites. But, at this juncture of our life, unless we use the minerals, unless we provide the minerals, the industry, whether it is State-owned industry or the private industry, will not survive. This is a major problem. Without land, you cannot have industries also. You cannot have infrastructure. You cannot build up modern localities also. For all that, you have to generate power and create employment opportunities. Since the scope of agriculture is gradually shrinking in the matter of providing more employment, the process of shifting of population from rural areas to the cities will take place. It is a social process that we have to witness. But, at the same time, by forcing the farmers, we can't build this country.

MR. DEPUTY CHAIRMAN: Now conclude. Your time is over.

SHRI BAISHNAB PARIDA: Sir, you have given more time to my colleagues.

MR. DEPUTY CHAIRMAN: So, you should sacrifice for your colleagues.

SHRI BAISHNAB PARIDA: I appreciate and support this Bill, but there are certain lacunae. In the name of SEZ, you have provided thousands of acres of land to the corporate houses. And, they are not utilising it. You have displaced thousands of farmers. The Government should provide them the land. In Odisha, in Brahmapur area of district Ganjam, the Minister knows that Tatas had acquired thousands of acres of land to build up a steel industry. But, for the past ten years, they have done nothing. The farmers are displaced. They have not been properly compensated, and the Tatas are not utilising the land. So, what will you do? Through this law, either we have to

7.00 P.M.

return the land to the farmers or the Tatas, or any other corporate house or SEZ company, have to resolve this situation. We have to re-acquire this land or we have to compel them to utilise this land.

MR. DEPUTY CHAIRMAN: Now conclude. That's okay.

SHRI BAISHNAB PARIDA: Second thing, Sir, is that there are thousands of acres of *bhoodan* land in this country, specifically in the tribal areas, the mountainous areas. Why are you not thinking of that land, of acquiring that land?

MR. DEPUTY CHAIRMAN: No, you have already taken extra two minutes.

SHRI BAISHNAB PARIDA: Sir, another thing is that there are certain tribal people.

MR. DEPUTY CHAIRMAN: Mr. Parida, you have already taken two minutes extra.

SHRI BAISHNAB PARIDA: They don't have the land records and their lands were acquired forcibly, grabbed by non-tribals. What will they do? The tribals are fighting for their land in Narayanpatna. We have suppressed them. We have imprisoned them. So, they were pushed towards the Naxal movement.

MR. DEPUTY CHAIRMAN: Now, please conclude. There are 16 more speakers.

SHRI BAISHNAB PARIDA: There are many lacunae and limitations in this Bill. I think it is the beginning that the State has taken some realistic approach.

MR. DEPUTY CHAIRMAN: Mr. Parida, please conclude.

SHRI BAISHNAB PARIDA: Sir, we do not have objection. ...*(Interruptions)*... We support it. But in the implementation.. ...*(Interruptions)*...

SHRI K.N. BALAGOPAL: Sir, we have another four hours' time and only sixteen speakers are there. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You want more speakers! ...*(Interruptions)*...

SHRI BAISHNAB PARIDA: Sir, enough time is there. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: If the House is ready to sit up to midnight, I have no problem. ...*(Interruptions)*... If you are ready to sit up to midnight, I have no

[Mr. Deputy Chairman]

problem. ...*(Interruptions)*... Another four hours more means, it will be over by 11 p.m., and, then, for passing the Bill, another one hour. ...*(Interruptions)*... Okay. ...*(Interruptions)*... No, no. That is not my job. We want to pass it today. This is what I understand. ...*(Interruptions)*... Now, please conclude.

SHRI BAISHNAB PARIDA: Sir, what I want to say is... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please conclude. ...*(Interruptions)*... You have made a very good speech. Why do you want to speak more?...*(Interruptions)*...

SHRI BAISHNAB PARIDA: Sir, I want to draw your attention.. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Small is beautiful, you should know. ...*(Interruptions)*... Small is beautiful.

SHRI BAISHNAB PARIDA: Sir, regarding rehabilitation, first of all, you rehabilitate the people from whom you are taking land. First of all, rehabilitate them. Give them compensation. Rehabilitate them, and, have a more humane approach and provide them schools... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please. That is all. ...*(Interruptions)*... Next, Shri Ishwarlal Shankarlal Jain. ...*(Interruptions)*... That is okay. Mr. Parida, please conclude. ...*(Interruptions)*... It is not going on record. ...*(Interruptions)*... Mr. Jain, please start. ...*(Interruptions)*...

SHRI BAISHNAB PARIDA: *

MR. DEPUTY CHAIRMAN: That is not going on record. You have taken four minutes extra. ...*(Interruptions)*... It is over. It is not going on record. You have taken four minutes extra. ...*(Interruptions)*...

SHRI BAISHNAB PARIDA: *

MR. DEPUTY CHAIRMAN: Let the mike be off. ...*(Interruptions)*... Mr. Jain, please start.

SHRI ISHWARLAL SHANKARLAL JAIN (Maharashtra): Sir, how can I speak? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You have taken five minutes extra. •••••, •••••
••••• 8 ×•••••. Let us all adhere to time so that we can complete it.

SHRI ISHWARLAL SHANKARLAL JAIN: Sir, I will be brief and to the point.

MR. DEPUTY CHAIRMAN: Thank you very much.

အဝတ်အစား နှစ်လစာ အထောက်အကူ ပေးရန်အတွက် နှစ်လစာ အထောက်အကူ ပေးရန်အတွက်... မူဝါဒကို ပြောကြားရမည့်အခါ မူဝါဒကို ပြောကြားရမည့်အခါ... မူဝါဒကို ပြောကြားရမည့်အခါ... မူဝါဒကို ပြောကြားရမည့်အခါ...

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Naturally, they will have to prefer ህዝብ ወጪዎችን ለማሰጠት የሚያስችሉትን ጥያቄዎችን ለማሰጠት ሲሆን፣ ሌሎች ሌሎች ሲኖሩት ለአጭቶቹ የሚከተሉትን ጥያቄዎች ያቀረቡ፡-

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MR. DEPUTY CHAIRMAN: He had eight minutes. He adhered to time. I request all other Members to follow him in this respect. Now, Shri Devender Goud T. Goud sahib, Others category has 47 minutes and eight speakers. You have six minutes.

SHRI DEVENDER GOUD T. (Andhra Pradesh): Sir, I rise to support the Land Acquisition Bill moved by the hon. Rural Development Minister. I support this Bill because no Government in the world, except a few, acquires land for private purpose. I support this because Andhra Pradesh is one such State which has suffered a lot. He

[Shri Devender Goud T.]

belongs to Andhra Pradesh; he got elected from Andhra Pradesh Assembly. He knows how the Government there has acquired lakhs of acres of land, including fertile land, for private purposes. The land is lying unutilised. They have not even paid the compensation to the farmers. They are all suffering a lot. The State Government from 2004 onwards has been rampantly acquiring lakhs of acres of land, including multi-crop irrigated land, for private parties without giving adequate compensation and against the wishes of the land-owners and farmers. So, I think, this Bill is in the right direction as this Bill will prevent the Government from acquiring land for private purposes. The land acquired by the Government of Andhra Pradesh, on behalf of private parties, should also be returned to land-owners and farmers immediately because they have not yet started any activity there whether in the name of township or metros. They acquired lakhs of acres of land which is lying idle. For Jalayagnam they have spent more than Rs.70,000 crore. I don't want to mention all those things because you have given me only six minutes. Even the CAG has pointed out that there are so many lapses in the Jalayagnam. They acquired the land but they have not utilised the land. The project is not coming in that area.

Secondly, the Bill allows acquisition of multi-crop irrigated land. If net-sown area is less than 50 per cent in a district, then it permits acquisition of ten per cent of the land. It is not acceptable. Sir, the agricultural production is less than four per cent in the country. And, the productivity of land in India is extremely low. By converting multi-crop irrigated land even as a last resort, we will not only lose productivity but also fertile land. The Bill permits to acquire 5 per cent of irrigated land for diversion to commercial purposes. It is recommended by the Mahajan Committee and the Government is taking shelter under this. It is not proper. I strongly demand that no irrigated land should be diverted to other purposes as we need to increase the production and productivity of foodgrains. This becomes more important after the passing of Food Security Bill.

Clause 95 of the Bill permits the Government to keep unutilised land for ten years in a Land Bank. I ask why that should be kept in Land Bank. I propose that either this should be returned to the land-owners or period should be reduced to five years or it should be re-allotted to others for exactly similar purpose. It is only then the objective of such acquisition is fulfilled.

Third point I wish to make is relating to Social Impact Assessment reports and mandatory rehabilitation and resettlement. Here, you are mandating SIA to be later reviewed by an expert committee, followed by Government survey. After that, any

decision can be challenged in courts. Does such procedure not delay industrialization and urbanization and hamper the growth trajectory of the country? If so, I would like to know from the hon. Minister how he is planning to reconcile both the things.

The next point I wish to raise is relating to jurisdiction of Parliament to make laws on transactions between private parties. I fail to understand how Parliament can make laws to oversee R&R on purchase of agricultural land through private negotiations. The hon. Minister is saying that Union derives its power to make laws on “acquisition and requisition of property” from Item No. 42 of the Concurrent List. Further, “transfer of property, other than agricultural land, registration of documents and deeds” is included in Item No. 6 of the Concurrent List. However, “transfer and alienation of agricultural land” is included in Item No. 18 of the State List. So, R&R arises out of transfer of agricultural land and the issue falls within the sole jurisdiction of State Legislatures. So, it does not fall under the residuary powers under Item No. 97 of the Union List.

Secondly, there is a possible circumvention of R&R requirements. For example, a private company can acquire or purchase multiple parcels of land below 50 acres in urban areas or 100 acres in rural areas to escape from rehabilitation and resettlement. In such a scenario, how will the Government protect the interests of affected parties? So, I suggest to the hon. Minister to reconsider this.

The next point is relating to payment of compensation. The Bill says that four times compensation would be paid to land in rural areas and the compensation would be twice the value in urban areas. Sir, I was Revenue Minister in Andhra Pradesh. I know how the value is fixed in the area. In 1995, twenty years back, so many farmers used to come to my office. I know how these transactions take place. The House is also aware as to how it is done. They undervalue the land at the time of registration to escape payment of stamp duty. So, the current market price should be the basis in deciding the value of the land. You take current market price into consideration.

Sir, the Bill says that consent of 80 per cent people in the case of privately acquired land or 70 per cent people in the case of Government acquired land is required. Hence, I draw the attention of the hon. Minister to Article 300A of the Constitution which says that no citizen should be deprived of property. In view of this, I request the hon. Minister to take appropriate decision on this issue.

With these words, I conclude my views on the Bill. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Devender Goudji. Now, Dr. Chandan Mitra.

DR. CHANDAN MITRA (Madhya Pradesh): Mr. Deputy Chairman, Sir, thank you very much for giving me an opportunity to express my views on this very, very important piece of legislation.

Sir, it is a well-intentioned Bill and I do not doubt the sincerity of the Minister because he has pursued this and other *jholawala* Bills for a long time and has been successful in getting through his agenda. So, he certainly deserves congratulations.

Sir, I have no serious issues with the Bill because frankly, it is an improvement on the 2007 Bill which actually was based on a Report of the Rural Development Committee of that time, of which I was a Member for six years. We had unanimously proposed a legislation, or rather the amended legislation that the Government had proposed, and the Bill was passed by the Lok Sabha, but it was presented to the Rajya Sabha on the very last day of the previous Lok Sabha when it could not get passed and, therefore, the Bill lapsed altogether. So, the entire legislation was sent back afresh and it has been improved upon considerably in terms of compensation in particular and I am glad about that.

Sir, if you look at the historical experience, I want to put on record that in India land has been grabbed and farmers have been duped for centuries. Pathos of the Indian farmer who is not only economically dependent on land but also emotionally and psychologically dependent on land, is something that we very often fail to appreciate.

Sir, Rabindranath Tagore wrote a poem entitled “*बड़े भूँदा का भूँदा*”, which simple means “*बड़े भूँदा का भूँदा*” which is a famous film made under Mr. Bimal Roy’s direction. Balraj Sahini played a very memorable role. But I am talking of the poem written by Rabindranath Tagore. In *बड़े भूँदा का भूँदा*, the poet talks about a very powerful landlord, feudal lord of the area, who fancies just two bigas of land, which belongs to a poor landless farmer. He had just those two bigas of land. The Zamindar decided to grab it. So, false cases were prepared that he had borrowed money and failed to return it. And *pyadas* of the landlord were sent; and the poor man was evicted from the land. Bereft of livelihood, bereft of family and every thing, the man leaves the village and wanders for many years. Then, one day he gets a strong urge to come back to his village and see what happened to those two bigas of his land that were seized from him. He finds that nothing has happened. It was just that landlord’s desire that he should expand the area under his control and grab that land. Anyway, this man sits

under a mango tree which he had planted many, many years ago when he was the owner of those two bigas of land. He sits under the shade. Two ripe mangoes fall at his feet in a while. Rabindranath expressing the man's emotions, says he felt as if the mango tree has recognized that he had planted the tree and was paying a tribute to him by offering him those two fruits. At that point, while he was just leaving with those two fruits, the guard of the landlord saw him moving out of the land, grabbed him, tied him with a rope and brought him to the court of the landlord. There he was mercilessly beaten black-and-blue. Then, he was told not to set foot on this land ever again. So, the concluding lines of the poem are:

Tumi Maharaj Sadhu holey aaj, Ami aaj chor batey.

That you oh Lord, have become a sadhu, you are being praised as a great man. And I have become a thief because of the two mangoes that fell at my feet from the tree that I had once planted. Sir, the pathos of the Indian farmer is brought out in this where his land was grabbed. This, although has been written 100 years ago, by Rabindranath Tagore, is a reality even today. Anybody familiar with Munshi Premchand's writings will also testify to this reality. So, definitely, there is a prime need to reorganise the whole system, provide a mechanism so that land acquisition, if and when necessary, becomes fair and equitable, and just compensation is paid to the farmer.

Sir, my issue with this Bill is that while you have definitely tried to improve the conditions of the farmer so that he is not duped, not cheated, the Government's intervention. But, I think, there are other ways beyond working only on the compensation, rehabilitation and relief element.

Sir, I would like to point out to you that 16 per cent of the world's population resides in this country; and only 2 per cent of the land area is within the confines of the Indian Union. Sixteen per cent population and two per cent land! Very interestingly, Sir, 68.35 million hectares are designated as wasteland. And fifty per cent of designated wastelands are in non-forest areas. Even in the case of those in forest areas, we have to regenerate those forests. But fifty per cent are in non-forest areas. Since 1962, the Government of India has adopted a Wasteland Development Programme and further, if I am not mistaken, there is one more scheme, named after the Gandhi family, called the Rajiv Gandhi Wasteland Development Project or something like that.

SHRI JAIRAM RAMESH: There is no such programme.

DR. CHANDAN MITRA: You may take it into account while you reply. Sir, I want to know from the hon. Minister as to why this issue has not been brought forth in a significant way and why it has not been made mandatory. For the bulk of those seeking to acquire land for private industries or for public private partnership, why is it that they are not acquiring land in wastelands when nothing is happening there? But I will tell you the reasons why nobody wants to go there. Many of these places are remote areas. There is no road or rail connectivity. Industries are not being set up there because they say, “What is the point? Production costs are very high. How will we transport our manufactured goods to ports or cities?” So, the Government should have focused on this issue. Ultimately, we have to balance the needs of agriculture and farmers along with the need to promote industries. The manufacturing industry in India is going down day by day. The share of agriculture in GDP is going down and down. It is just 13 per cent. We all know the state of the manufacturing industry, and we are dependent on the services sector alone for our GDP. This is not an acceptable situation. So, in order to promote the manufacturing industry, when you acquire land, I think, wasteland development is something that the Government needs to, seriously, look into. And, acquisition of land, whenever necessary, should first be done in wasteland areas. Allot the land to the industry, invite the industry to go there and provide the connectivity and infrastructure required. The Government is going to acquire land for infrastructure. Even in this Bill, it is very clear that land will be acquired for infrastructure. But while creating the infrastructure which we, definitely, need, we should ask ourselves as to whether land will be used for infrastructure development alone. I am saying this in the context of what we have seen even in and around Delhi, that when a private organization was going to build an expressway, thousands of acres of land were acquired and handed over to the company. The Highway was built, — indeed, a very fine Highway — but along with that, a lot of agricultural land was acquired and farmers were displaced. They agitated, but nothing happened. What we see is a lot of multi-storey residential apartments coming along the way. The price of these apartments is phenomenal. With a fantastic infrastructure in terms of a highway, that company has been allowed to make hundreds and thousands of crores of profit by building residential complexes, malls, cinema halls and other things in that stretch. And when a farmer sees that on his land, which was acquired at the circle rate, one square feet of built-up apartment is being sold at twenty or twenty five times more than the rate at which he was paid as compensation, don’t you think that resentment is bound to occur? I would like to know whether there is any provision to prevent this kind of misuse of infrastructure building when in the name of infrastructure building,

[Dr. Chandan Mitra]

Sir, I have two more points to make. One, Sir, is I would need to know whether it is possible to attach a value to the loss of livelihood and I say this in the context of many small farmers in different parts of the country, particularly in Eastern India — where I come from — in Odisha, in Assam, in Bengal. There are small homesteads. Almost every homestead in a village has a small pond and they also have coconut trees. *ଆମେ ଦେଖିବା ଯେ ଓଡ଼ିଶାରେ ଯେଉଁଠି ଗୋଟିଏ ଗାଁର ଘର ଥାଏ, ସେଠାରେ ଗୋଟିଏ ଚାଳ ଥାଏ ଏବଂ ସେଠାରେ କୋକିଳ ଗଛ ଥାଏ ।* *ଆମେ ଦେଖିବା ଯେ ଆସାମରେ ଯେଉଁଠି ଗୋଟିଏ ଗାଁର ଘର ଥାଏ, ସେଠାରେ ଗୋଟିଏ ଚାଳ ଥାଏ ଏବଂ ସେଠାରେ କୋକିଳ ଗଛ ଥାଏ ।* *ଆମେ ଦେଖିବା ଯେ ବେଙ୍ଗାଳରେ ଯେଉଁଠି ଗୋଟିଏ ଗାଁର ଘର ଥାଏ, ସେଠାରେ ଗୋଟିଏ ଚାଳ ଥାଏ ଏବଂ ସେଠାରେ କୋକିଳ ଗଛ ଥାଏ ।* there are toddy tappers in the South. The Minister is fully aware of it. There is an entire community of toddy tappers. *ଆମେ ଦେଖିବା ଯେ ଦକ୍ଷିଣରେ ଗୋଟିଏ ଗାଁର ଘର ଥାଏ, ସେଠାରେ ଗୋଟିଏ ଚାଳ ଥାଏ ଏବଂ ସେଠାରେ କୋକିଳ ଗଛ ଥାଏ ।* *ଆମେ ଦେଖିବା ଯେ ଦକ୍ଷିଣରେ ଗୋଟିଏ ଗାଁର ଘର ଥାଏ, ସେଠାରେ ଗୋଟିଏ ଚାଳ ଥାଏ ଏବଂ ସେଠାରେ କୋକିଳ ଗଛ ଥାଏ ।* *ଆମେ ଦେଖିବା ଯେ ଦକ୍ଷିଣରେ ଗୋଟିଏ ଗାଁର ଘର ଥାଏ, ସେଠାରେ ଗୋଟିଏ ଚାଳ ଥାଏ ଏବଂ ସେଠାରେ କୋକିଳ ଗଛ ଥାଏ ।*

You will give them some other land. You will say, ‘We are going to retain your fishing rights.’ The Bill says that if it is an irrigation project, they will be given fishing rights in reservoir that is to come up. But, Sir, it is not the same thing. I understand that it is not possible to recreate the same conditions somewhere else. But, we have to workout some thing — whether in terms of monetary compensation or in terms of finding an appropriate location in which lifestyle can be maintained and there is no serious loss of livelihood and culture.

Sir, there is a film called *Saudagar* which the hon. Minister might have watched. It is on the life of a toddy-taper. What happened to his livelihood when commercialisation came in? We are witnessing this all over the country. Commercialisation is happening everywhere. What is happening in Bengal is that coconut trees are being cut and their stems are being used in brick kilns, because they burn slowly. So, Sir, even before the Government pays any compensation, people themselves are cutting off trees and using them in brick kilns, because there is a demand for bricks as construction material. So, Sir, this is something we have to look into. I think, the measurement of livelihood and measurement of lifestyle is something that should be incorporated in this Bill in some way...*(time-bell rings)*...Sir, don't hurry me up. You have always been good to me.

MR. DEPUTY CHAIRMAN: I am good to everybody.

DR. CHANDAN MITRA: Sir, I am raising issues and trying my best not to repeat anything what the hon. Members have said before.

Sir, it has been said that there will be solatium. There is also a proposal that if there is any development and industry is set up one job per family must be assured at the minimum wage rate of that State. What happens if that thing does not happen, if no industry comes up? This has also been mentioned by my hon. colleague from Odisha. We have seen what has happened in Kalinganagar. One company acquired land at a very low rate 12 years ago and has done nothing except building a boundary wall. Entire village in the surrounding areas has turned Maoist. They are threatening to take up arms, because they were cheated of their land and nothing has happened. No development took place. No industry has developed. Take Singur which is a classic case. You drive down NH2. You can see just some sheds. What happened to the farmers who willingly gave their land and you promised them jobs? You go and travel just beyond that highway. In every family, Sir, there is a tale of misery. They did not get jobs. They got land. They got compensation. Compensation money is over. This also referred here. Sir, again, just outside Delhi, what happened? People are buying Mercedes Benz and BMW cars from the compensation that they have got, going to pubs in Gurgaon and molesting women! It is a daily recurrence. All money has been blown up. Sir, therefore, I would urge the hon. Minister that if industry is set up one job must be given. I would say that this Bill can be improved by saying, 'you pay a minimum salary per month to a family that has vis-a-vis been relocated or whose land has been taken and has been provided a house nearby.' Why do wait for industry to come up? Who knows when it will come up? And, by then, what kind of situation will prevail? Along with that, I think, there is a need to enforce on companies or Government organisation that takes away land to ensure skill development to all the displaced people, so that they don't have to remain, idle and find better jobs, more paying jobs as times go on.

Sir, these are the two concrete suggestions I have to make.

Finally, I am glad that the hon. Minister is bringing some amendments which take care of a few lacunae in the Bill and also I would like to stress again that leasing of land is a very good idea that has come up. Yes, I know. We have proposed it and the hon. Minister has accepted it.

Sir, I would like to say that we are all together in this. This is in the interest of the country. We want to see our peasants happy. If they are happy, they will produce more. And, we must give them productive remuneration for this. And the country would again become a *sonay ki chidiya*. Today, it is a dud chidiya. It should not become a dead *chidiya*. We would like to see our country about which again another Bengali poet wrote:-

[Dr. Chandan Mitra]

*Dhana-dhanneye, pushpe bhara,
Amader ei basundhara, Tahar majhey achhey
Je desh, sakal desher shewa, Se je sapnon
Dije tairree shey desh, smriti diye gada.
Eman desh ti kothao khaje padey na koi
Tumi, Shakal desher vani sheyje amaar janambhumi*

MR. DEPUTY CHAIRMAN: Message from Lok Sabha, Secretary-General.

MESSAGE FROM LOK SABHA

The Pension Fund Regulatory and Development Authority Bill, 2013

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Pension Fund Regulatory and Development Authority Bill, 2013, as passed by Lok Sabha at its sitting held on the 4th September, 2013.”

Sir, I lay a copy of the Bill on the Table.

GOVERNMENT BILL

**The Right To Fair Compensation And Transparency In Land Acquisition,
Rehabilitation And Resettlement Bill, 2013 – Contd.**

DR. T. SUBBARAMI REDDY (Aandhra Pradesh): Mr. Deputy Chairman, Sir, I must congratulate my friend and the hon. Minister, Jairam Rameshji, for having introduced this remarkable Bill. I must say that the Bill reminds me of:-

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What I mean to say is, this is phenomenal, remarkable and spectacular. Now, how is that? On the one side, we had this 120-year old Land Acquisition Act which had been introduced by the British in 1894. Then, in 1962, 1967 and 1984, amendments were made to the 1894 Act, but this law was never replaced. Today, the UPA-2 Government, under the leadership of Shrimati Sonia Gandhi and our Prime Minister, and Shri Jairam Ramesh have taken it upon themselves to face this challenge.