

MATTER RAISED WITH PERMISSION**Hasty purchase of Rafale aircraft**

SHRI ANANDA BHASKAR RAPOLU (Telangana): Mr. Deputy Chairman, Sir, I would like to draw the attention of the nation to the hasty purchase of Rafale aircraft. This has raised the attention of global defence experts. The Rafale aircraft, which are meant for the Indian Air Force, are highly expensive and they are being purchased off the shelf. After the strength that was provided, during the period 1985-89, there have always been piecemeal purchases for the Defence. This has challenged our capacities and requirements of the Armed Forces...

MR. DEPUTY CHAIRMAN: Mr. Rapolu, the time is over. Now, Question Hour.

ORAL ANSWERS TO QUESTIONS**Revised Bill for acquisition of land**

*31. SHRI ARVIND KUMAR SINGH : Will the Minister of RURAL DEVELOPMENT be pleased to state:

- (a) whether Government is contemplating to bring revised Bill for land acquisition in the country;
- (b) if so, the salient features thereof;
- (c) whether Government proposes to acquire land within the radius of one kilometre along both the sides of industrial corridors;
- (d) if so, the details thereof and the reasons therefor;
- (e) whether Government proposes to provide at least 50 per cent of the developed land along corridors to farmers whose land would be acquired in proportion to their acquired lands; and
- (f) if so, the details thereof?

THE MINISTER OF RURAL DEVELOPMENT (SHRI CHAUDHARY BIRENDER SINGH): (a) to (f) A Statement is laid on the Table of the House.

Statement

(a) to (f) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement (RFCTLARR) (Amendment) Ordinance, 2014 was promulgated on 31.12.2014. A Replacement Bill was taken up for consideration and passed by the Lok Sabha on 10.03.2015 incorporating some official amendments to the Bill. However, the Bill could not be taken up for consideration in the Rajya Sabha. Section 105 of the Act of 2013 as amended by the RFCTLARR (Amendment) Ordinance, 2014 provided to extend the benefit of enhanced compensation, rehabilitation and resettlement in case of land acquisitions done under the 13 Acts listed in the Fourth Schedule of the Act. With a view to give continuity to the provisions of the said Ordinance, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement (RFCTLARR) (Amendment) Ordinance, 2015 was promulgated on 03.04.2015 and consequential steps as required are being taken as mandated in the Constitution of India.

The important changes brought about by the amendment are as follows:

- (i) Compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules of the Act are extended to the thirteen Acts mentioned in the Fourth Schedule of the RFCTLARR Act, 2013.
- (ii) Appropriate Governments are empowered to take steps for exemption from 'Social Impact Assessment' and 'Special Provisions for Safeguarding Food Security' for national security or defence of India including preparation for defence and defence production; rural infrastructure including electrification; affordable housing and housing for poor people; industrial corridors set up by the appropriate Government and its undertakings (in which case the land shall be acquired upto 1 km. on both sides of the designated railway line or roads for such industrial corridors); infrastructure projects including projects under public private partnership where the ownership of the land continues to vest with the Governments. In addition acquisition for such projects is exempted from the first proviso to sub-section (2) of Section 2.
- (iii) In place of the term 'private company', the term 'private entity' has been substituted.
- (iv) The definition of 'Company' in Chapter I is amended to include the recent substitution of 'Companies Act, 1956' by 'Companies Act, 2013'.

- (v) In cases where land acquisition process under Land Acquisition Act, 1894 had been initiated and the Award was passed, but either possession of land was not taken or compensation was not paid, there is provision of lapsing of such proceedings after five years of passing of Award. It is amended to exclude all such period, that is the period during which the proceedings for acquisition of the land have been held up on account of any stay or injunction issued by any court, or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in designated account maintained for this purpose, in calculation of five years period as specified in sub-section (2) of Section 24 of the RFCTLARR Act, 2013.
- (vi) The Rehabilitation and Resettlement award under Section 31 now also includes 'compulsory employment to at least one member of such affected family of a farm laborer' under the 'details of mandatory employment to be provided to the members of the affected families.'
- (vii) Section 46 of the Act was amended to clarify that provisions relating to rehabilitation and resettlement •in case of land purchased through private negotiations is applicable in cases when land is purchased by persons other than the Government, Government Company and Trust or Society aided or controlled by the Government.
- (viii) A new Section 67 A has been introduced to facilitate the process of hearing of objections of the land losers by the Land Acquisition, Rehabilitation and Resettlement Authority, constituted for this purpose, within the district where the land has been acquired.
- (ix) When an offence under this Act is committed by any person who is employed in the Central or State Government at the time of commission of such an alleged offence, the court will take cognizance of offences under this. Act provided the procedure laid down in Section 197 of the Code of Criminal Procedure, 1973 is followed.
- (x) Section 101 which deals with return of unutilised land has been amended to change the period after which unutilised land will be reverted back to land owner or to Land Bank from 'five years' at present to 'a period specified for setting up of any project or for five years whichever is later'.
- (xi) The provision of "Removal of Difficulties" has been made applicable to entire

Act rather than 'Part' as the word 'part' was used in the Act inadvertently. Further, the time period to remove the difficulties has been extended from two years at present to five years.

Under the RFCTLARR Act, 2013, there is provision under Resettlement and Rehabilitation" in the Second Schedule that in case the land is acquired for urbanization purposes, twenty per cent of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development. In cases, the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it. No change in this provision is proposed right now.

(MR. CHAIRMAN *in the Chair.*)

श्री अरविन्द कुमार सिंह: सभापति महोदय, 03 अप्रैल, 2015 के अध्यादेश में प्रावधान है कि सरकार इंडस्ट्रियल कॉरिडोर के दोनों तरफ एक किलोमीटर चौड़ाई में भूमि का अधिग्रहण करेगी। इसके बदले किसान को मुआवजा दिया जाएगा। पैसे से पैसा पैदा करना उद्योगपति और व्यापारी का कौशल होता है। किसान ऐसा नहीं कर सकता है और मुआवजे की रकम कुछ दिनों या साल में किसान के पास नहीं बचेगी। इसलिए मैं सरकार से जानना चाहता हूँ कि सरकार प्रस्तावित कानून में ऐसा प्रावधान क्यों नहीं कर रही है कि किसान की अधिग्रहीत भूमि का 50 प्रतिशत विकसित जमीन अथवा प्रोजेक्ट में किसानों को 25 प्रतिशत की हिस्सेदारी दे दी जाए, जिससे उद्योगपति के साथ किसान का भी विकास हो सके, क्या सरकार ऐसा करेगी?

श्री चौधरी बीरेन्द्र सिंह: सभापति महोदय, 1894 के जो अंग्रेज के शासन का भूमि अधिग्रहण का कानून था, उसको बदल कर 2013 में यह प्रावधान किया गया था कि किसान को उसकी भूमि का उचित मुआवजा मिले, अगर उसका अधिग्रहण होता है तो। जहां तक भूमि की कीमतों की बात है, कोई ज्यादा महत्वपूर्ण नहीं होता था और इसीलिए लगभग 115 साल तक इसी कानून का इस्तेमाल विभिन्न सरकारों ने और लोगों ने किया। जो प्रावधान हम नए कानून में लेकर आए हैं, उनके बारे में, मैं माननीय सदस्य को यह बताना चाहूंगा कि 2013 के कानून में भी यह प्रावधान है कि कोई जमीन अगर किसी ऐसे काम के लिए अधिग्रहण की जाएगी, तो उसका 20 प्रतिशत जिसकी जमीन होगी proportionately उसका 20 प्रतिशत उस भू-मालिक को दिया जाएगा और कम्पनसेशन का उतना ही पैसा उससे काट लिया जाएगा।

जहां तक बात 50 प्रतिशत की है, मैं यह कहना चाहता हूँ कि यह तो संभव नहीं हो सकता है कि आप किसी भूमि का अधिग्रहण करो और 50 प्रतिशत विकसित करके उसी किसान को दे दो, लेकिन जो प्रावधान 20 प्रतिशत का है, उससे यह जरूर होगा कि जो कम्पनसेशन उसको मिला है, जो मुआवजा मिला है, उससे वह अपनी नई जिंदगी शुरू कर सकता है। साथ ही साथ भूमि का जो 20 प्रतिशत हिस्सा है, उसमें भी वह अपना कोई न कोई अलग से काम शुरू कर सकता है।

श्री अरविन्द कुमार सिंह: सभापति महोदय, 2013 के कानून के संशोधन के पक्ष में सरकार द्वारा यह तर्क दिया जा रहा है कि रक्षा विभाग वाले पूछ रहे हैं कि साहब, रक्षा से जुड़े प्रोजेक्ट के लिए अगर जमीन अधिग्रहण करने के लिए किसानों की सहमति ली जाएगी, तो रक्षा संबंधी गुप्त सूचनाएं लीक होकर पड़ोसी देश में पहुंच जाएंगी। मैं इस संबंध में पूछना चाहता हूँ कि जब 2013 के कानून की धारा 40 में स्पेशल अर्जेंसी क्लॉज मौजूद है, तो रक्षा एवं प्राकृतिक आपदा से निपटने के लिए जरूरी अधिग्रहण को छूट देता है, तो सरकार और प्रधान मंत्री द्वारा ऐसे भ्रामक तथ्य क्यों फैलाए जा रहे हैं और सरकार प्राइवेट प्रोजेक्ट के लिए भूमि अधिग्रहण के लिए इतनी क्यों परेशान है?

श्री चौधरी बीरेन्द्र सिंह: सभापति महोदय, मैं आदरणीय सदस्य की बात समझ नहीं सका कि अगर रक्षा से संबंधित बात पर कोई आपत्ति है, तो मैं इसको ...(व्यवधान)... आप सुन लीजिए।

श्री नीरज शेखर: फिर से क्वेश्चन पढ़ देते हैं।...(व्यवधान)...

श्री चौधरी बीरेन्द्र सिंह: आप सुन लीजिए। ...(व्यवधान)... आप सुन लीजिए। ...(व्यवधान)...

MR. CHAIRMAN: Please, one minute. Please, one minute. बैठ जाइए, बैठ जाइए। (व्यवधान)... जवाब सुन लीजिए।

श्री चौधरी बीरेन्द्र सिंह : सभापति महोदय, रक्षा संबंधित इसमें जो क्लॉज डाला गया है, इसमें पांच ऐसी चीजें हैं, जिनको हमने इसके लिए रखा है कि इसमें रक्षा में उसकी preparedness है, रक्षा संबंधित वे कार्य हैं, जो कोई एस्लेब्लिशमेंट बनना है, उसके बारे में है और जैसा कि आपने कहा है कि कुछ ऐसी भी चीजें हैं, जिनको आप सूचनार्थ भी अगर पब्लिक कर देते हैं, तो वह भी देश के हित में नहीं है, इसलिए इस पर ...(व्यवधान)... आम सहमति है। ...(व्यवधान)... इस पर आम सहमति है। ...(व्यवधान)...

MR. CHAIRMAN: Please, one minute. Please, one minute. ...(Interruptions)... . बैठ जाइए, बैठ जाइए। ...(व्यवधान)...

श्री चौधरी बीरेन्द्र सिंह : जब लोक सभा में इस पर चर्चा हुई थी, तब भी इस बात पर आम सहमति थी कि रक्षा के प्रति किसी भी भूमि का अधिग्रहण होगा, उसकी पूर्व सूचना के लिए न ही हो तो अच्छा है। वह देश की रक्षा के लिए, देश की सीमाओं की रक्षा के लिए, देश की सेक्योरिटी के लिए जरूरी है।(व्यवधान)...

MR. CHAIRMAN: If the answer is not satisfactory, please give notice. ...(Interruptions)...

SHRIMATI JAYA BACHCHAN: Sir, this is the forum where we seek replies from the Government...(Interruptions)...

MR. CHAIRMAN: Please, let your colleagues ask supplementary questions... (Interruptions)...Please...(Interruptions)...

श्रीमती जया बच्चन : सर, अगर क्वेश्चन का जवाब नहीं देंगे, तो क्वेश्चन ऑवर का मतलब क्या होगा? मंत्री जी सवाल का सही जवाब दें। ...*(व्यवधान)*...

MR. CHAIRMAN: If the answer is wrong, you know what the procedure is... *(Interruptions)*...

SHRI CHAUDHARY BIRENDER SINGH: Sir, my answer is correct. I have given the information...*(Interruptions)*... Yes, yes...*(Interruptions)*... My answer is correct...*(Interruptions)*... Don't take it like that...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: No. Your answer is totally wrong...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Sir, since my name has been called, I would like to put a very short question to the hon. Minister in the form of a supplementary.

I would like to know whether the meaning and definition of 'land', under the proposed Bill, include both irrigated and non-irrigated land, apart from the fact that consent clause has been removed in certain cases.

SHRI CHAUDHARY BIRENDER SINGH: Sir, there is, of course, difference between 'non-irrigated' and 'irrigated' land. If you go through the official amendments introduced by the Government in the Lok Sabha, it was made clear that the Government would make efforts of the acquisition of the land which is Government land but not being utilized due to some difficulty or the land which is waste land. So, both lands, which are of no use, first, the Government would search for land. It would be find out whether district has any land bank and what land bank would be exhausted and the last resort would be to see that if no land is available only then the irrigated land can be acquired...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: It keeps the doors open for taking over irrigated land...*(Interruptions)*... So, you kept the doors open.

SHRI SUKHENDU SEKHAR ROY: Sir, I need your protection...*(Interruptions)*...

MR. CHAIRMAN: He has replied you...*(Interruptions)*...

SHRI SUKHENDU SEKHAR ROY: Sir, he has not replied to my consent clause. Part of the supplementary was whether consent has been removed in certain cases or not. It has not been answered.

SHRI D.P. TRIPATHI: Sir, this is no answer...*(Interruptions)*..

MR. CHAIRMAN: It is not your turn, please. ...*(Interruptions)*.. नहीं, नहीं। आप बैठ जाइए, it is not your turn. Do you want to amplify your answer, Mr. Minister?

SHRI CHAUDHARY BIRENDER SINGH: Yes, Sir. Let me be more clear and you should also be clearer that the word 'land' is defined in the Act itself. If you go through the definition, you would find what the land means. As far as the change or the consent clause is concerned, when we say that the five important things have been brought out, I will go through them one to five.

SHRI DEREK O'BRIEN: Please say 'yes' or 'no.' ...*(Interruptions)*...

SHRI CHAUDHARY BIRENDER SINGH: Please listen to me. Why should I say 'yes' or 'n'? This is my privilege, let me explain and see how I explain. ...*(Interruptions)*...

SHRI DEREK OBRIEN: Please say 'yes' or 'no.' ...*(Interruptions)*...

SHRI CHAUDHARY BIRENDER SINGH: No, I have not said anything. Please listen to what I say. You can't put your word in my mouth. ...*(Interruptions)*...

MR. CHAIRMAN: Please answer the question only and nothing else. ...*(Interruptions)*...

SHRI CHAUDHARY BIRENDER SINGH: Sir, the five things which have been brought out from the consent clause are, wherever there is a special provision for safeguarding food security or social impact assessment, these two things are left with the appropriate State Governments. If any of the State Government does not want or if some of the State Governments want, then they can continue with this. This is the discretion of the State Government.

MR. CHAIRMAN: All right, thank you. Mr. Ahmed Patel. ...*(Interruptions)*...

श्री अहमद पटेल : सर, हाउस के बाहर गडकरी जी के स्टेटमेंट या वे पॉलिटिकल पार्टीज को जो चिट्ठियाँ लिखते हैं, उसके बारे में हमें जानकारी है। मैं कंप्यूज्ड हूँ कि सही मायने में कौन ग्रामीण विकास मंत्री हैं, गडकरी जी या चौधरी बीरेन्द्र सिंह जी। ठीक है, मैं उसमें नहीं जाना चाहता, लेकिन मैं मंत्री महोदय से यह कहना चाहता हूँ कि पॉलिटिकल पार्टीज को गडकरी जी ने जो चिट्ठी लिखी थी, उसमें यह कहा गया था कि 2013 का जो कानून है, उसमें हम बदलाव इसलिए ला रहे हैं, ताकि हम ज्यादा-से-ज्यादा सिंचाई योजनाओं के प्रोजेक्ट्स ला सकें, राष्ट्रीय सुरक्षा को ध्यान में रखते हुए प्रोजेक्ट्स ला सकें और किसान की सामाजिक और आर्थिक उन्नति के लिए हम यह बदलाव ला रहे हैं। मैं मंत्री महोदय से यह जानना चाहता हूँ कि क्या उनके पास कोई एक्शन प्लान है कि वे नेशनल सिक्योरिटी के कौन-से प्रोजेक्ट्स ला रहे हैं, सिंचाई योजनाओं के कौन-से प्रोजेक्ट्स ला रहे हैं या किसान की सामाजिक और आर्थिक उन्नति के लिए वे यह करने जा रहे हैं? नम्बर टू, ...

श्री सभापति : एक सवाल।

श्री अहमद पटेल : जहाँ तक इरिगेटेड और नॉन-इरिगेटेड लैंड का सवाल है, जो बहुफसली जमीनें हैं, 2013 के कानून में यह प्रावधान था कि जब बहुत ही कंपलसरी होगा, जहाँ कोई उपाय नहीं होगा, तब वहाँ लैंड एक्वायर की जाएगी। उन्होंने यह प्रावधान रिमूव किया है या नहीं, मैं स्पष्ट तौर पर यह जानना चाहता हूँ।

श्री चौधरी बीरेन्द्र सिंह : सर, ऑनरेबल मेम्बर ने जोर देकर extraordinary circumstances के बारे में कहा। I still hold this view and I am also saying...*(Interruptions)*... Please listen to me. ...*(Interruptions)*... Why don't you listen to me? Sir, we are also of this view that under extraordinary circumstances...*(Interruptions)*... That is why I explained when the hon. Member was asking about the irrigated and non-irrigated land. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: It was open. Why did you remove that? ...*(Interruptions)*...

SHRI CHAUDHARY BIRENDER SINGH: No, no; you are mistaken. If you go through our Amendment, ...*(Interruptions)*... अहमद भाई, ...*(व्यवधान)*...

MR. CHAIRMAN: This is Question Hour and we are not having a debate on a proposed piece of legislation. ...*(Interruptions)*...

श्री चौधरी बीरेन्द्र सिंह : गडकरी जी ने क्या चिट्ठी लिखी, आप मेरी बात भी सुन लीजिए। ...*(व्यवधान)*... मैं आपको जवाब दे रहा हूँ, मैं गडकरी जी की चिट्ठी का हवाला देकर जवाब नहीं दे रहा हूँ। आप भी कांग्रेस में बहुतों की तरफ से जवाब देते थे। आप तो सर्वव्यापी थे। ...*(व्यवधान)*...

MR. CHAIRMAN: Thank you. Shri Sanjay Raut. ...*(Interruptions)*...

श्री अश्विनी कुमार : सर, मंत्री जी का जवाब तो आया ही नहीं...*(व्यवधान)*...

श्री तपन कुमार सेन : सर, मंत्री जी का जवाब नहीं आया ...*(व्यवधान)*..

श्री अहमद पटेल : सर, मैंने ऐक्शन प्लान के बारे में पूछा था, मेरे प्रश्न का जवाब नहीं आया।...*(व्यवधान)*...

श्री सभापति : आप लोग बैठ जाइए ..*(व्यवधान)*...

श्री संजय राउत : सर, मेरा बहुत ही सिम्पल प्रश्न है ...*(व्यवधान)*...

MR. CHAIRMAN: Mr. Sanjay Raut, please ask your question.*(Interruptions)*... Please...*(Interruptions)*... Will you please ask your question?

श्री संजय राउत : सर, देश में भूमि अधिग्रहण के लिए जो संशोधित विधेयक सरकार ला रही है, मुझे लगता है कि यह कानून पूरे देश के विकास के लिए है और लगभग सभी राज्य इसमें शामिल हैं।

मेरा सीधा प्रश्न यह है कि क्या यह भूमि अधिग्रहण कानून जम्मू-कश्मीर में लागू होगा या नहीं? ...*(व्यवधान)*... अगर आप औद्योगिक विकास की बात करते हैं, तो सबसे ज्यादा आर्थिक और औद्योगिक विकास की जरूरत जम्मू-कश्मीर में है। क्या यह कानून जम्मू-कश्मीर में लागू होगा या नहीं, यही मेरा सीधा सवाल है?

श्री चौधरी बीरेन्द्र सिंह : सर, इसका उत्तर बहुत सिम्पल है। It extends to the whole of India, except the State of Jammu and Kashmir. ...*(Interruptions)*...

MR. CHAIRMAN: Thank you. Question No. 32. ...*(Interruptions)*...

श्री नरेश अग्रवाल : महोदय, अभी हमने तो प्रश्न पूछा ही नहीं है।...*(व्यवधान)*... हमें भी प्रश्न पूछना है।*(व्यवधान)*...

श्री सभापति : आप लोग बैठ जाइए।...*(व्यवधान)*... नरेश जी, बैठ जाइए। ...*(व्यवधान)*...

श्री नरेश अग्रवाल : सर, अब तो गडकरी जी भी आ गए हैं।...*(व्यवधान)*...

MR. CHAIRMAN: Question No. 32. ...*(Interruptions)*...

*32.[The questioner, SHRI D. RAJA, was absent.]

CO₂ emissions from thermal power plants

*32. SHRI D. RAJA : Will the Minister of POWER be pleased to state:

(a) whether it is a fact that the Carbon Dioxide (CO₂) emission from thermal power plants in the country is 45 per cent higher than the global best and 14 per cent higher than the China's average and if so, the details thereof;

(b) whether Government's attention has been drawn to a report published by the Center for Science and Environment (CSE) captioned "Heat on power-green rating of coal based thermal power plants" regarding the performance of the Indian thermal power plants; and

(c) if so, the gist of the findings in the report and Government's reaction to the suggestions made therein?

THE MINISTER OF STATE OF THE MINISTRY OF POWER (SHRI PIYUSH GOYAL) : (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) India has abundant coal reserves and coal based generation will continue to remain important for power generation in India. The Carbon Dioxide (CO₂) emission