

ALL INDIA KISAN COORDINATION COMMITTEE

W-127, Greater Kailash -2,
New Delhi - 110 048

Dated: 10th June, 2015

To,
Shri Arun Jaitley,
Minister of Finance,
Government of India,
New Delhi.

Subject: Request for withdrawal of the amendments made through promulgation of a series of Ordinances (lastly on 31.05.2015) in the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (referred to as '2013 Act') as the same is detrimental to the interest of the farmers.

Respected Minister Sir,

1. The farming community which is facing the most severe crisis of this century was taken aback when the Central Government amended the 2013 Act which now robs the farmers and the farming industry of various benefits derived under the 2013 Act.
2. Sir, on 28th May, 2015, the Kisan leaders had apprised you regarding their objections to the ordinance and had given their representations.
3. Sir, the leaders from various States met on 9th of June and after deliberating for hours have come to a common understanding that the farmers want respect, they are not against acquisitions for development but certainly they cannot be taken for granted, their consent needs to be taken, their rights must be respected. The following issues need to be examined:

(i) **CONSENT CLAUSE:**

The aspect of consent is a non-issue, however, it is reiterated that the farmers are not anti development, they have donated lands for the schools, hospital, electricity sub-stations in their villages and tehsils. They are only fighting for their survival.

The 1894 Act provided for objections. These objections were to be decided by the Collector. If the land was acquired urgently after dispensing with the objections as was provided under Section 5A, the Collector had to satisfy himself of the urgency and later on it had to be approved by the State Government. Sir, the urgency clause was open to challenge and often acquisitions were quashed by the High Courts/Supreme Court.

Sir, the 1894 Act was replaced by the 2013 Act, wherein the consent clause came in thus there was no question of any objections. Now under the Ordinance, there is no scope of objections and the consent has been also been withdrawn. The farmers' right has been infringed. Certainly the Ordinance cannot be in the farmers' interest on this score.

- (ii) **ADDITIONAL COMPENSATION:** Sir, incase, the farmers do not give their consent under the 2013 Act, lands can still be acquired provided the land owners are paid an additional 75% compensation. Under the Ordinance, once the consent clause is taken away, the farmers will lose out on this additional compensation.

- (iii) **IRRIGATED LANDS/MULTIPLE CROPS:** Sir, farming is a difficult profession, survival on agriculture is tough, farmers are trying their best to increase the productivity by trying to bring their land under irrigation. The subsoil water level is rising. The lands which are irrigated and where the subsoil water is fairly high, should not be acquired. The acquisition of such lands for

Sir, this is not even good economics as the Central Government year after year has been allocating huge funds (thousands of crores) for irrigation non-irrigated lands.

- (iv) **VACANT/UNUSED LAND FOR FIVE YEARS:** Sir, the land if acquired for developmental activities cannot be left vacant for years. The very purpose of urgent acquisition means that the land is required immediately and cannot wait. If this be the case, why should the land be acquired from the farmer and left fallow for years? Sir, why should the farmers' land be taken if the same is not going to be put to developmental activity within 5 years. If 25% of the estimated work of the project is not completed within 5 years then the extension of time beyond 5 years seems unfair and the land must revert back to the farmers.
- (v) **SECTION 24(2):** Sir, sub section (2) of Section 24 of the 2013 Act provides relief to the farmers whose land has been acquired and if the possession has not been taken or if the compensation amount has not been paid even after 5 years after the passing of the award, then the acquisition would lapse. NOW under the Ordinance the period of 5 years has been defined to include the period of litigation and an attempt has been made to define the payment of compensation amount under the award to have either been paid to the land owners or deposited in the court or any other account so as to include the amount deposited in the treasury.

Sir, the Hon'ble Courts have examined the provisions of Section 24(2) in the following cases:

- (i) *Pune Municipal Corporation & Anr vs Harakchand Misirimal Solanki & Ors* (2014) 3 SCC 183;
- (ii) *Union of India & Ors vs Shiv Raj & Ors* (2014) 6 SCC 564;
- (iii) *Shri Balaji Nagar Residential Association vs State of Tamil Naidu & Ors* [Civil Appeal No. 8700/2013 decided on 10.09.2014 by the Hon'ble Supreme Court];
- (iv) *Surinder Singh vs Union of India & Ors* [WP(C) 2294/2014 decided on 12.09.2014 by the Delhi High Court];
- (v) *Girish Chhabra vs Lt. Governor of Delhi & Ors* [WP(C) 2759/2014 decided on 12.09.2014 by the Delhi High Court.];
- (vi) *Vijay Dhawan HUF vs Union of India & Ors* [WP(C) 2022/2014 decided on 16.09.2014 by this Hon'ble Court.];

The courts have held that the compensation has to be paid to the land owner or deposited in the court in terms of Section 31 of the 1894 Act. Sir, the Supreme Court has quashed the acquisitions where the money was deposited in the treasury. Now there would be discrimination as thousands of farmers have already approached the courts and have taken the lands back and have sold off the same while the other farmers who are governed by the same award would be deprived of their lands as the money has been deposited in the treasury by the State.

Sir, the amount being deposited in the treasury does not give the correct position. The amount allegedly paid by the State is re-deposited in the treasury, then the same amount can be re-cycled to cater to many acquisitions, i.e a corpus of Rs 100 crores, the State can acquire lands worth thousands of crores.

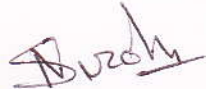
- (vii) **COMPENSATION AMOUNT CANNOT BE REDUCED BY STATE GOVTS:** Sir, the 2013 Act provides for compensation up to 2 times the circle rate for the urban areas and @ 4 times in the rural areas. However, some State Governments such as Haryana and Maharashtra have issued Notifications to reduce the compensation quantum.
- THE DISCRIMINATION BETWEEN 2 AND 4 TIMES MUST BE MADE 4 TIMES FOR ALL THE FARMERS:** The Central Government must also clarify that the States can increase the quantum of compensation but in no circumstances can they lower the quantum of compensation below the minimum level of 4 times.

4. Sir, we strongly believe that the aspect of acquisition needs to be examined on the issue that lacs of acres of lands have been acquired by various State Governments in the name of development and the Industrialists have also got various benefits from the State and the Central Governments. Having taken the benefits in the name of development, the lands remain unused. This form of acquisition in the name of development has been going on since independence which has left the farmer bitter. He has been deprived of earning his livelihood and at the same time this affects the food security and is a national loss.

Sir, we are of the view that a committee must be set up to examine the acquisitions of the past and the lands which are lying unused must be used and taken over by the State for carrying out the development in a first phase. The report of the Committee must also indicate the loss to the exchequer on account of the benefits extended to them in the name of development. This would be exemplary since for the first time in history the Government would be taking over the lands back from the corporate houses who have failed the nation in the name of development.

5. Sir, we repeat that we are not against the development but certainly against the system. We hope that the issues addressed by us would be appreciated by the Government so that along with the development of the nation the farmers can also carry on their profession with pride in this agrarian country. We therefore request you on behalf of the farmers of the country to kindly consider their request and withdraw the detrimental provisions in the Ordinance.

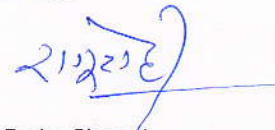
With kind regards,




Coordinator: Naresh Sirohi, Vice President Kisan Morcha.



V.M. SINGH
Rashtriya Kisan Mazdoor Sangathan (Regd)



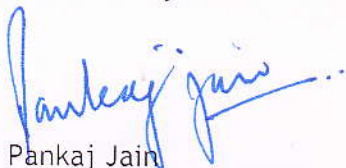
Raju Shetti
Member of Parliament (Lok Sabha)
President - SWABHIMAN PAKSHA



Pankaj Bhushan
National Coconvener
Kisan Swaraj Gathbandhan (ASHA)



Dhirendra Singh Dhuru
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