

Vol. 229

No. 18



Wednesday

4 September, 2013

13 Bhadra, 1935 (Saka)

PARLIAMENTARY DEBATES
RAJYA SABHA
OFFICIAL REPORT
CONTENTS

Papers Laid on the Table (pages 1-4)

Clarifications on statement on missing coal files (pages 4-7 & 17-25)

Message from Lok Sabha - *Reported* (page 7 & 78)

Demand for statement by Hon. Minister of Home Affairs on a letter of Former
IPS Officer (pages 8-16)

Government Bill –

The Right to Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Bill, 2013 - *Passed* (pages 25-78 & pages
78-155)

Special Mentions - *Laid on the Table*

Demand to insure life and property of people and compensate them
against the damage caused due to law and order problems in the
country (page 155)

Demand to give attention towards the development of farmers, agriculture
and other farm food products in the country (pages 155-156)

Demand to lower the juvenile age from 18 years to 14 years in the
country (page 156)

[P.T.O.]

©

RAJYA SABHA SECRETARIAT
NEW DELHI

PRICE : Rs. 50.00

Demand to implement the recommendations of Valiathan Committee for rotational headship in medical institutions in the country (page 157)

Demand to increase the number of flights of Air India in Kerala-Dubai and Kerala-Riyadh Sectors during Onam festival in Kerala (page 157)

Demand to properly regulate mining of sand from river beds and beaches in the country (page 157-158)

Demand to provide reasonable relief to compensate the destruction caused by wild elephants in several districts of Assam (page 158-159)

Demand to expedite the work of four lanning the Gwalior-Devas stretch and start work on other sanctioned projects on National Highway No.3 (page 159)

Demand to set up a State Medical College in Meghalaya (page 160)

Demand to include the Rajasthani language in Eighth Schedule to the Constitution (pages 160-161)

Demand to take urgent steps for early completion of construction of a bypass bridge at Sopore in North Kashmir (page 161)

Demand to provide relief to villages and towns affected with floods in Jaulaun District in Uttar Pradesh and give compensation to affected people (page 161-162)

Demand to bring reforms in coal sector to increase production of coal in the country (page 162)

Demand to take corrective measures to improve basic infrastructure in Primary and Upper Primary schools in the country (page 163)

Demand for early establishment of a Maritime University at Cochin in Kerala (page 163-164)

Web-site Address : <http://rajyasabha.nic.in>
<http://parliamentofindia.nic.in>
E-mail Address : rsedit-e@sansad.nic.in

PUBLISHED UNDER RULE 260 OF RULES OF PROCEDURE AND CONDUCT OF BUSINESS
IN THE COUNCIL OF STATES (RAJYA SABHA) AND PRINTED BY PRINTOGRAPH
KAROL BAGH, NEW DELHI-110005

RAJYA SABHA

Wednesday, the 4th September, 2013/13th Bhadra, 1935 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

PAPERS LAID ON THE TABLE

MR. CHAIRMAN: Papers to be laid on the Table.(Interruptions)... Please, please.(Interruptions)... Please sit down.(Interruptions)... Please sit down. ... (Interruptions)...

MR. CHAIRMAN: (Interruptions) : (Interruptions) ...

MR. CHAIRMAN: Please, (Interruptions) ... (Interruptions) ... (Interruptions) ... (Interruptions) ... No banners please. Don't show any banners.(Interruptions)...

MR. CHAIRMAN: (Interruptions) : (Interruptions) ...

MR. CHAIRMAN: No, no, please don't show any banners.(Interruptions)... No banners, please. It is a violation of rules. (Interruptions) ... (Interruptions) ... (Interruptions) ... (Interruptions) ... What are you doing? No banners, please. ... (Interruptions) ... No, I am sorry. (Interruptions) ... (Interruptions) ... No banners, please. No, please. Mr. Ramesh, please don't show any banners. Please don't show any banners. ... (Interruptions) ... (Interruptions) ... (Interruptions) ... (Interruptions) ... Please, please.. (Interruptions) ... Papers to be laid on the Table.

Report and Accounts (2011-12) of the Asiatic Society, Kolkata and related papers

THE MINISTER OF CULTURE (SHRIMATI CHANDRESH KUMARI KATOCH): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Asiatic Society, Kolkata, for the year 2011-12, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Society.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.(Interruptions)... [Placed in Library. See No. L.T. 9651/15/13]

Report and Accounts (2011-12) of CMPFO, Dhanbad and related papers

THE MINISTER OF STATE IN THE MINISTRY OF COAL (SHRI PRATIK PRAKASHBAPU PATIL): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Coal Mines Provident Fund Organisation (CMPFO), Dhanbad, for the year 2011-12, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Organisation.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. [Placed in Library. *See* No. L.T.9704/15/13]

.....(*Interruptions*)...

I Notifications of the Ministry of Human Resource Development

II Report and Accounts (2011-12) of the EdCIL (India) Limited and related papers

III Report and Accounts (2011-12) of IIM, Udaipur and related papers

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV SHUKLA): Sir, on behalf of Dr. Shashi Tharoor, I lay on the Table

- I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Human Resource Development (Department of School Education and Literacy), under sub-section (2) of Section 33 of the National Council for Teacher Education Act, 1993:—
 - (1) G.S.R. 159, dated the 24th June- 30th June, 2012, weekly Gazette of India, publishing the National Council for Teacher Education (Manner of Appointment and Qualifications of Chairperson) Rules, 2012.
 - (2) G.S.R. 351 (E), dated the 3rd June, 2013, publishing the National Council for Teacher Education (Manner of Appointment and Qualifications of Chairperson) Amendment Rules, 2013, along with delay statement.
 - (3) G.S.R. 779 (E), dated the 22nd October, 2012, publishing the National Council for Teacher Education (Manner of Appointment and Qualifications of Vice-Chairperson) Rules, 2012. [Placed in Library. *See* No. L.T. 9705/15/13]
- II. (1) A copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 619A of the Companies Act, 1956: —

- (a) Annual Report and Accounts of the EdCIL (India) Limited, for the year 2011-12, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Review by Government on the working of the above Company.
- (2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above. [Placed in Library. See No. L.T. 9707/15/13]
- III. A copy each (in English and Hindi) of the following papers:—
- (a) First Annual Report and Accounts of the Indian Institute of Management (IIM), Udaipur, for the year 2011-12, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Institute.
 - (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. [Placed in Library. See No. L.T. 9706/15/13]

.....(Interruptions)...

Notification of the Ministry of Communications and Information Technology

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI MILIND DEORA): Sir, I lay on the Table, under sub-section (5) of Section 7 of the Indian Telegraph Act, 1885, a copy (in English and Hindi) of the Ministry of Communications and Information Technology (Department of Telecommunications) Notification No. G.S.R. 277 (E), dated the 2nd May, 2013, publishing the Indian Wireless Telegraphy (Commercial Radio Operators Certificate of Proficiency and Licence to operate Global Maritime Distress and Safety System) Amendment Rules, 2013. [Placed in Library. See No. L.T. 9684/15/13]

.....(Interruptions)...

Notification of the Ministry of Railways

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K. J. SURYA PRAKASH REDDY): Sir, I lay on the Table, under sub-section (3) of the Section 21 of Railway Protection Force Act, 1957, a copy (in English and Hindi) of the

Ministry of Railways Notification No. G.S.R. 556 (E), dated the 16th August, 2013, publishing the Railway Protection Force (Amendment) Rules, 2013. [Placed in Library. See No. L.T. 9714/15/13]

.....(*Interruptions*)...

MR. CHAIRMAN: The House is adjourned for fifteen minutes.

The House then adjourned at three minutes
past eleven of the clock.

The House reassembled at seventeen minutes past eleven of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013. ...(*Interruptions*)... This is a very important Bill. ...(*Interruptions*)... I believe the whole House is supporting this Bill. ...(*Interruptions*)... Let us take up this Bill. ...(*Interruptions*)... Please cooperate. ...(*Interruptions*)... Please speak from there. ...(*Interruptions*)... Why do you talk to me from here?...(*Interruptions*)... The House is adjourned till 12 noon.

The House then adjourned at nineteen minutes
past eleven of the clock.

The House reassembled at twelve of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Now, let us take up the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013. ...(*Interruptions*)...

CLARIFICATIONS ON STATEMENT ON MISSING COAL FILES

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, I wish to raise a matter of very serious importance. We are always firmly supportive of legislations. You know that we have sat till 12 o' clock in the night. But I am sure, with your wide experience, you know that Parliament is also the place to enforce accountability. Yesterday the hon. Prime Minister gave a reply. He did not take any clarifications from us. He has called it 'so-called missing files'. He did not tell the House that the day before yesterday, the Attorney-General had written a letter to the Coal Secretary that all the files had been identified, which the CBI had been demanding, and which were not being located. The

Prime Minister ought to have said that because it was one day before that. Sir, you kindly appreciate that. Today, Sir, in the media,...

MR. DEPUTY CHAIRMAN: There are rules for taking it up.

SHRI RAVI SHANKAR PRASAD: In the media, all the files are mentioned having details...(Interruptions)... with people close to the ruling party. That is our concern.

MR. DEPUTY CHAIRMAN: No, No. ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Therefore, a fair investigation is not being allowed, Sir. You kindly appreciate it. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: There are rules for taking up that issue if you think you have been...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Secondly, Sir, the CBI would like to put questions to the Prime Minister, and that is also not being committed. Therefore, a fair investigation is being denied, and the Prime Minister was economical with truth when he gave the statement. Therefore, the Government has to respond as to why this cover-up is going on. That is also...

MR. DEPUTY CHAIRMAN: No, no, you cannot say that. You cannot make allegations. ...(Interruptions)... That discussion is over. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: (Interruptions)...

MR. DEPUTY CHAIRMAN: The Minister wants to say something. ...(Interruptions)... If you think that you are aggrieved, then, in the Rule Book, there are provisions. You can take it up as per the rules, but not this way. ...(Interruptions)... There is a provision for that.

MR. DEPUTY CHAIRMAN: (Interruptions)...

MR. DEPUTY CHAIRMAN: Kindly allow the Minister. ...(Interruptions)... Mr. Rajeev Shukla, ...(Interruptions)... Let us hear the Minister. ...(Interruptions)... We heard the Deputy Leader of the Opposition. Let us hear the Minister now ...(Interruptions)...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS
AND THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI RAJEEV

SHUKLA): Sir, there is no question of any cover-up. ...*(Interruptions)*... The Prime Minister has already made it very clear that each and every effort will be made to trace the files. ...*(Interruptions)*... They have already retrieved a lot many files which have been handed over to the CBI. Efforts are being made to trace other files also. ...*(Interruptions)*... They have already handed over 1,50,000 documents to the CBI. So, there is no question of hiding anything. They are unnecessarily...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I allowed the Deputy Leader. ...*(Interruptions)*... The House is adjourned up to 12.30 p.m.

The House then adjourned at four minutes
past twelve of the clock.

The House re-assembled at thirty minutes past twelve of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Now, please ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir,...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Venkaiahji, why are you doing like this?

...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, Rs. 1,84,000 crores of public money has been looted. Attempts were being made to shield the corrupt. That is what is happening. ...*(Interruptions)*... We cannot be silent spectators. ...*(Interruptions)*... We cannot be silent spectators to this route. What is happening to the country? Every attempt is being made to cover-up the entire issue. Irrelevant files are given to CBI. That is why... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: So you don't want me to take up the Bill?

SHRI M. VENKAIAH NAIDU: Sir, we don't want this *to go on like this.

MR. DEPUTY CHAIRMAN: So you don't want me to take up the Land Acquisition Bill?

SHRI M. VENKAIAH NAIDU: Sir, we don't want this * to go on like this. Government is making every effort to cover-up the issue....*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What can I do?...*(Interruptions)*...

*Expunged as ordered by the Chair.

SHRI M. VENKAIAH NAIDU: Government is making every effort to cover-up the scam. ...*(Interruptions)*...

DR. V. MAITREYAN (Tamil Nadu): Sir, the missing files...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Hon. Members, we have to transact a very important business, The Land Acquisition Bill. I request all the hon. Members to cooperate. ...*(Interruptions)*... Let us pass this Bill. I am requesting all the Members. ...*(Interruptions)*... Please don't display posters. ...*(Interruptions)*... Please don't display posters. ~~†00 »000 20šk.....(300000)~~... Please don't display posters. All the Members from both sides please don't do that. ...*(Interruptions)*... Please don't display posters. I would request all of you to resume your places. ...*(Interruptions)*...

The House is adjourned up to 2.00 p.m.

The House then adjourned at thirty-two minutes past twelve of the clock.

The House reassembled at two of the clock

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Message from Lok Sabha.

...*(Interruptions)*...

MESSAGE FROM LOK SABHA

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: -

I am directed to inform you that Lok Sabha, at its sitting held on Wednesday, the 4th September, 2013, adopted the following motion: -

'That this House do extend upto the last day of the next Session, the time for presentation of the report of the Joint Parliamentary Committee to examine matters relating to allocation and pricing of telecom licences and spectrum'.

...*(Interruptions)*...

Demand for statement by
Affairs on a letter

[4 September, 2013]

Hon. Minister of Home 9
of Former IPS Officer

back...*(Interruptions)*...You go back to your seat...*(Interruptions)*... Go back to your seat. ...*(Interruptions)*...Please, go back...*(Interruptions)*...What are you doing?...*(Interruptions)*...Go back. Sabir Ali, please go back to your seat. ...*(Interruptions)*...

ÁØ × 0000ú×000: (×0E0,ú) : µ0Eü 20E00 †~0E0ü Á0000 Áü...*(Interruptions)*...

ÁØ ,ú ;00ú-000ú: Á0,ü µ0Eü Á™0ü 0ú »0000 Áü...*(Interruptions)*...

ÁØ × 0000ú×000: Á000 ×00A™üü Á™0ü0Eü »ü...*(Interruptions)*...

ÁØ ~000000: Á000ü †»0B •0B, †00 000000 »ü »ü0<...*(Interruptions)*...†00 000000
»ü0<...*(Interruptions)*...†00 •00†<...*(Interruptions)*...†00 »000 •00†<...*(Interruptions)*...See, I have given the Floor to the hon. LoP. I have called the hon. LoP...*(Interruptions)*...Let me hear him. ...*(Interruptions)*...

ÁØ × 0000ú×000: Á000 ×00A™üü Á™0ü0Eü »ü...*(Interruptions)*...

ÁØ 0000 †0000: †0000 200 0 00,00 »0000 Áü...*(Interruptions)*... Á0000 †0000 200 0 00,00 »0000 Áü...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please, go back to your seat. ...*(Interruptions)*...†00 000000 »ü »ü0<...*(Interruptions)*...†00 000000 »ü »ü0<...*(Interruptions)*...Yü000B •0B, †00 •00†<...*(Interruptions)*...†00 »000 •00†<...*(Interruptions)*...Yü000B •0B, †00 000000 »ü »ü0<...*(Interruptions)*... I don't understand what do you want...*(Interruptions)*...Let me hear what the hon. LoP has to say...*(Interruptions)*...I will also give you time...*(Interruptions)*...I have no problem. I will also give you a chance. How do I know this?...*(Interruptions)*...If you want to say something, go to your seat. I will allow you...*(Interruptions)*...I am ready to allow you...*(Interruptions)*...Go to your seat. ...*(Interruptions)*...Why are you doing like this? ...*(Interruptions)*... Why do you want to do like this? ...*(Interruptions)*... Rajeeve, what do you want? Rajeeve, go to your seat. I will allow you. ...*(Interruptions)*...What is the point in saying here? ...*(Interruptions)*...Nareshji, I will allow you. Take your seat. Á000ü †»0B, †00 000000 »ü »ü0<...*(Interruptions)*...†00 000000 »ü »ü0<...*(Interruptions)*...

ÁØ × 0000ú×000: µ0Eü Y000,ü 0000 Áü...*(Interruptions)*...Á000 ×00A™üü Á™0ü0Eü »ü...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What do you want? I don't understand. ...*(Interruptions)*...Mr. Rajeeve, I cannot understand what you really want...*(Interruptions)*... Go to your seat and tell what do you want. If all of you shout, how do I understand what do you want. ...*(Interruptions)*... I am ready to allow you. Go to your seat. ...*(Interruptions)*... Please, go back. ...*(Interruptions)*...

10 Demand for statement by [RAJYA SABHA]

Hon. Minister of Home Affairs on a letter of Former IPS Officer

... (Interruptions) ...

... (Interruptions) ...

The House is adjourned for ten minutes.

The House then adjourned at thirty-six minutes past two of the clock.

The House reassembled at forty-five minutes past two of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Now, I would humbly request the hon. Members to cooperate in passing this important Bill. ... (Interruptions) ...

... (Interruptions) ...

MR. DEPUTY CHAIRMAN: Mr. Sabir Ali, don't do that. ... (Interruptions) ... Yechuryji, you are a senior Member. How can you... ... (Interruptions) ... No, please. ... (Interruptions) ... I told you to give a notice. ... (Interruptions) ...

SHRI SITARAM YECHURY (West Bengal): Sir, I want to say something. ... (Interruptions) ...

MR. DEPUTY CHAIRMAN: You ask your party people to go back. I will allow you. ... (Interruptions) ... Even your own party Members... ... (Interruptions) ... Yes, you please go back. I can allow you. ... (Interruptions) ... I called the LoP. He has also to speak. ... (Interruptions) ...

SHRI SITARAM YECHURY: My party people are here. ... (Interruptions) ...

MR. DEPUTY CHAIRMAN: You first go back to your seat. ... (Interruptions) ... See, I have called the LoP. I can allow you also. But ask your people to go back. ... (Interruptions) ... You keep quiet. Why don't you keep quiet? I have called the hon. LoP to speak. ... (Interruptions) ... Why don't you take your seats? ... (Interruptions) ...

I have called the hon. LoP. Then, why not BJP Members take their seats?
...(Interruptions)...

SHRI SITARAM YECHURY: Sir, I have a procedural point. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I will allow you after the LoP. ...(Interruptions)..
Yechuryji, I think, you ask your MPs to go back. Then, I can call you. ...(Interruptions)..
You use your good office in controlling them. ...(Interruptions)...

SHRI SITARAM YECHURY: My Members are here. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Hon. LoP is to speak. Then, why don't you sit?
...(Interruptions)..
Yes, you sit first. ...(Interruptions)..
Mr. Sabir Ali, go back to your seat. ...(Interruptions)..
Mr. Sabir Ali, this behaviour is very bad. It is indiscipline. ...(Interruptions)..
Your behaviour is very bad. ...(Interruptions)..
It is indiscipline. I am sorry. ...(Interruptions)..
It is uncultured behaviour. ...(Interruptions)..
The House is adjourned up to 3.00 p.m.

The House then adjourned at forty-nine minutes past two of the clock.

The House reassembled at three of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: *The House is adjourned up to 3.30 p.m.*

The House then adjourned at three of the clock.

The House re-assembled at thirty minutes past three of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Hon. Leader of the Opposition. ...(Interruptions)..
I am calling hon. LoP. ...(Interruptions)..
No, please. ...(Interruptions)..
What is your problem? ...(Interruptions)..
No, please. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: ...
...
...

MR. DEPUTY CHAIRMAN: What do you want to say? ...(Interruptions)..
Others may please sit down. ...(Interruptions)..
Yechuryji, ...(Interruptions)..
I will come to you. ...(Interruptions)..
I will come to you. ...(Interruptions)..
I will come to you. ...(Interruptions)..
Let me listen what he is saying. ...(Interruptions)..
I will

solve it. ...*(Interruptions)*... Let me solve the problem. ...*(Interruptions)*... Yes, that is the issue, I agree. ...*(Interruptions)*... There is no other issue. ...*(Interruptions)*... I know. ...*(Interruptions)*... You allow me to decide. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... Why don't you allow me? ...*(Interruptions)*... तू मुझे नहीं देखा... (3:00:00)... तू मुझे नहीं देखा... (3:00:00)... You allow me to handle it. ...*(Interruptions)*... Let me handle it. ...*(Interruptions)*... Venkaiahji, let me handle it. ...*(Interruptions)*... Let me handle it. ...*(Interruptions)*... Let me handle it. ...*(Interruptions)*... Yechuriji, please ask your people to cooperate. ...*(Interruptions)*... Ask your people to cooperate. ...*(Interruptions)*... Sabir Aliji, I request you to...*(Interruptions)*... Sabir Aliji, please. ...*(Interruptions)*... Sabir Aliji. ...*(Interruptions)*... तू मुझे नहीं देखा... (3:00:00)... You are a senior Member. ...*(Interruptions)*... Let me listen and dispose it of. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... Venkaiahji, you are a senior Member. ...*(Interruptions)*... Please take your seat. Let me listen and dispose it of. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... I know; I handle it. ...*(Interruptions)*... Allow me to handle it. ...*(Interruptions)*... Allow me to handle it. ...*(Interruptions)*... Allow me to handle it. ...*(Interruptions)*... तू मुझे नहीं देखा... (3:00:00)... तू मुझे नहीं देखा... (3:00:00)... Sabir Aliji, please ...*(Interruptions)*... तू मुझे नहीं देखा... (3:00:00)... तू मुझे नहीं देखा... (3:00:00)... Mr. Yechuri, what is your problem? ...*(Interruptions)*... What is your problem, Mr. Yechuri. Let me listen and dispose it of. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... You allow me. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, it is not a problem. It is an issue that I want to raise. Let me listen and dispose it of. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... You allow me. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes, what is the issue? Let me listen and dispose it of. ...*(Interruptions)*... You allow me. ...*(Interruptions)*... You allow me. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, the issue is that a that a very serious and damaging letter has been written by a former IPS Officer on ...*(Interruptions)*... That, according to me, is not a State Subject. ...*(Interruptions)*... That is an issue connected with terrorism. ...*(Interruptions)*... That is an issue connected with terrorism. ...*(Interruptions)*...

श्री सितारम येचुरी : आओ, मैं तू मुझे नहीं देखा... (3:00:00) ...

MR. DEPUTY CHAIRMAN: Yechuriji, ...*(Interruptions)*... तू मुझे नहीं देखा... (3:00:00)... Please cooperate. Let me listen and dispose it of. ...*(Interruptions)*... You allow me.

...(Interruptions)... You allow me. ...(Interruptions)... Tiwariji, please sit down. Let me listen and dispose it of. ...(Interruptions)... You allow me. ...(Interruptions)... You allow me. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No; no. ...(Interruptions)... See, I have heard Yechuryji. ...(Interruptions)... I would request him to give a notice to the Chairman and the Chairman will consider and take a decision on that. ...(Interruptions)... I cannot allow that. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Can we discuss about an officer in the Parliament? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Yes, there is a dispute. ...(Interruptions)... Yechuryji, Mr. Chairman will have to consider all the aspects of this issue, ...(Interruptions)... Yechuryji, all the aspects of the issue, which you have raised, have to be considered by the Chairman; therefore, you first give a notice. ...(Interruptions)... Hon. Chairman will take a decision on that. ...(Interruptions)... That's all. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: If you want to raise this issue, you can give notice. ...(Interruptions)... No; no. ...(Interruptions)...

No, no. ...(Interruptions)... Mr. Sabir Ali, you give notice.(Interruptions)... It cannot be allowed now.(Interruptions)... I cannot allow it now.(Interruptions)... You give notice.(Interruptions)... You give notice.(Interruptions)... I cannot allow it now.(Interruptions)... I cannot allow.(Interruptions)... I cannot allow it now.(Interruptions)... You have to give notice.(Interruptions)... I have called hon. Leader of the Opposition.(Interruptions)... Now the floor is for the hon. LoP.(Interruptions)... I have called the LoP.(Interruptions)... You allow hon. LoP to speak.(Interruptions).. What can I do?(Interruptions)... What do you want?(Interruptions)... You give notice.(Interruptions)... Without notice, how can I allow?(Interruptions)... No, no. You have to give notice.(Interruptions)... How can I allow?(Interruptions)... Give notice, I have told you.(Interruptions)... Chairman will consider it, I told you.(Interruptions)... I have no authority.(Interruptions)... It is for the Chairman to consider whether that is to be allowed or not.(Interruptions).. Yechuryji, you ask your people to go back.(Interruptions)...

14 Demand for statement by [RAJYA SABHA]

Hon. Minister of Home Affairs of Former IPS Officer

SHRI SITARAM YECHURY: They are not my people.(Interruptions)... They do not belong to my party.(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Sabir Ali, go back.(Interruptions)... Tiwariji, please request Mr. Sabir Ali to go back.(Interruptions)...

SHRI YECHURY: ... (Interruptions) ...

MR. DEPUTY CHAIRMAN: Don't do that.(Interruptions)... Don't do that.(Interruptions)... Don't display letters.(Interruptions)... Don't display letters.(Interruptions)... It is wrong.(Interruptions)... It is indiscipline, bad behaviour.(Interruptions)... Don't do that.(Interruptions)... Please go back to your seat.(Interruptions)... Mr. Balagopal, what happened to you?(Interruptions)... What happened to you?(Interruptions)...

SHRI YECHURY: ... (Interruptions) ...

SHRI YECHURY: ... (Interruptions) ...

SHRI YECHURY: ... (Interruptions) ...

MR. DEPUTY CHAIRMAN: Chairman will decide.(Interruptions)... Chairman will decide the admissibility.(Interruptions)... Chairman will decide.(Interruptions)...

SHRI YECHURY: ... (Interruptions) ...

MR. DEPUTY CHAIRMAN: Now, what can the Chair do if the hon. Members behave like this?(Interruptions)... Chair is helpless.(Interruptions)... I am requesting senior Members to prevail upon the other Members.(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Sir, our Members are quiet.(Interruptions)... Tell them to behave properly.(Interruptions)...

MR. DEPUTY CHAIRMAN: Make them sit.(Interruptions)... I will try.(Interruptions)... Now, Yechuryji, will you ask your Members to go back to their

seats? ...*(Interruptions)*... Tiwariji, will you ask Sabir Aliji to go back to his seat?
...*(Interruptions)*...

श्री. उपाध्यक्ष: हा, जी, सभिये निर्णय लेना है, जो कि अध्यक्ष को लेना है, वह कल होगा। ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes, that decision will be taken by the Chairman tomorrow. ...*(Interruptions)*... You go back to your seat. ...*(Interruptions)*... No, no, that is not going on record. ...*(Interruptions)*... No, no, that is not going on record. ...*(Interruptions)*... I will have to name you. ...*(Interruptions)*... I will have to name Mr. Sabir Ali. ...*(Interruptions)*... I will have to name Mr. Sabir Ali. ...*(Interruptions)*... I will take action against you. ...*(Interruptions)*... Mr. Sabir Ali, I will take action against you. Don't do this. ...*(Interruptions)*... The House is adjourned for ten minutes.

The House then adjourned at forty minutes past three of the clock.

The House re-assembled at fifty minutes past three of the clock,

THE VICE-CHAIRMAN (SHRI PRASANTA CHATTERJEE) in the Chair.

VICE CHAIRMAN (SHRI PRASANTA CHATTERJEE): Please take your seats.
...*(Interruptions)*...

The House is adjourned for another fifteen minutes.

The House then adjourned at fifty-one minutes past three of the clock.

The House reassembled at five minutes past four of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Now, Mr. Yechury. All others may please sit down.

SHRI SITARAM YECHURY: Sir, before we adjourned, there was an important issue regarding resignation letter of an IPS officer that I had raised. You had told us to give a notice, and after that, that would be considered. A notice had already been given in the morning, and that notice is before the Office of the Chairman. ...*(Interruptions)*... So, that is what we want...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let me say. ...*(Interruptions)*... Now, Shri Shivanand Tiwari.

श्री. उपाध्यक्ष: हा, जी, सभिये निर्णय लेना है, जो कि अध्यक्ष को लेना है, वह कल होगा। ...*(Interruptions)*...
उपाध्यक्ष: हा, जी, सभिये निर्णय लेना है, जो कि अध्यक्ष को लेना है, वह कल होगा। ...*(Interruptions)*...

CLARIFICATIONS ON STATEMENT ON MISSING COAL FILES—Contd.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Mr. Deputy Chairman, Sir, yesterday, the hon. Prime Minister had made a brief intervention on the coal block allocation issue. The Prime Minister had said that the Government had nothing to hide. But now, it appears that the Government has a lot to hide. In the first instance, the Government has the coal files to hide, and that is why, the files are missing. The files have been allegedly stolen. The files are not available.

Additionally, Sir, today, a news item has appeared in a newspaper — and that is where, we wanted the response of the Government, if the response is forthcoming today — that not only are the files missing, but the concerned Investigating Officer, one Shri K.R. Chaurasia, who is the Senior Superintendent of Police in the CBI, has sought for the examination of the Prime Minister, on the grounds that between the period 2006 and 2009, he was the Coal Minister.

These decisions were taken by the Coal Minister, and, these decisions require an oral examination of the Prime Minister. The news-item further mentions that a decision has been taken within the investigative agency for the present not to allow that investigation to take place or that examination to take place. We are now faced with a situation where - 1) the CBI says that it wants the files; 2) the Attorney General has written a letter to the Government saying that the Supreme Court expects you to produce files within two weeks and he has given in the letter the list of the files which are missing, and, that has been widely published in the newspapers; and, 3) files are the principal evidence, the documentary evidence, which will indicate whether there was a criterion for allotment or only the favourites of the Government were picked up and allocated the coal blocks. If files are missing and documentary evidence is not available, then, the only other evidence is oral evidence. And, oral evidence is, the person who finally took the decision has to be examined to know on what basis were these coal blocks allocated. The documentary evidence is being destroyed, or, is not available, the oral examination is not being permitted, and, the oral examination is of the person who took the eventual decision. So, no documentary evidence, no oral evidence allowed, and, therefore, the entire attempt is that this case must then result in some form of a dead end. Yesterday, we were faced with a situation where the hon. Prime Minister made it appear as though the disappearance of these files is not a reality but something hypothetical. He used a phrase, 'the so-called missing files'. Now the files missing are a reality, and, therefore, how does this investigation proceed further? We would have preferred had the Prime Minister taken a few queries from the Members

but the Prime Minister apparently was in a hurry. He also had to leave for G-20 Summit today. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: I am told that he was to go to Lok Sabha. ...(*Interruptions*)...

SHRI ARUN JAITLEY: That's 2 o' clock. But somebody has to respond as to how this investigation is going to proceed further where the files have either been destroyed or are not available. So, the documentary evidence is missing and the oral evidence will not be allowed. The oral examination is not going to be allowed. The oral examination is of the most relevant witness, which is, the person who took the decision. Therefore, we would like the Government to respond to us as to how this matter is going to proceed further. Otherwise, we will again end up in a dead-end where this investigation is nothing and only the country turns out to be a loser to the extent of Rs.1,86,000 crore.

MR. DEPUTY CHAIRMAN: Shri Sitaram Yechury. Please take only two minutes.

SHRI SITARAM YECHURY: Mr. Deputy Chairman, Sir, the other day, after a long period of persuasion, in fact, pursuit, the hon. Prime Minister came and gave the Statement on this issue. As is the practice in Rajya Sabha, normally, when such statements are made, there is scope for clarification, but, unfortunately, that could not be done that day. So, since it was not possible that day, I am constrained here to read from that Statement because all of us are concerned about the fact that these crucial files are missing. I had suggested that day itself, even earlier, that many of these files have been examined by the CAG. The CAG has either copies of these files or the essence of these files. The Government must procure them from the CAG, in case they cannot locate the files. The same can also be done, I do not know, if these have already been submitted to the hon. Apex Court, and, that can be one way in which it can be done. The Government should then file an FIR — why are you not doing it — and, let the case be registered. But, now, Sir, the Prime Minister says, and, I would like to quote from his Statement of that day. He said, "It would be premature to say that some papers are indeed missing." How is it premature to say so?

MR. DEPUTY CHAIRMAN: That is his view.

SHRI SITARAM YECHURY: That is why I am questioning, Sir. ...(*Interruptions*)Sir, either something is there or it is not there. Not everything in the world is *maya*, that it is there and also not there. You can't have both, Sir. Either the files are there or

they are not there. You can't say that it is his view that they are there and the fact is that they are not there. You can't reconcile the two. So, it is not a view, it is a matter of reality. In that reality, he further went on to say, "Let me assure this august House that the Government has nothing to hide. If the records are indeed found missing, the Government will carry out a thorough investigation and ensure that the guilty are brought to book".

MR. DEPUTY CHAIRMAN: What more do you want?

SHRI SITARAM YECHURY: I want this to happen.

MR. DEPUTY CHAIRMAN: He gave this assurance here.

SHRI SITARAM YECHURY: I want the guilty to be brought to book.

MR. DEPUTY CHAIRMAN: That is the assurance given by the Prime Minister. Why do you doubt it?

SHRI SITARAM YECHURY: I will tell you why, Sir. The point is, if the guilty has to be brought to book, there has to be some method in which you bring them to book. Why are you not filing an FIR? How will you bring them to book? Where is the investigation? Where has the process begun? That is why I am saying, if you want me to believe his assurance, he has to act on that. (*Time-bell rings*)

The second point, what I am saying is that this is casting a very serious doubt on the entire country. It is not the question of the Prime Minister individually or this Government, but it is the question of the entire Parliamentary democracy in our country that we are finally accountable to 'We, the People', with which we begin our Constitution. Now, this doubt has to be erased. Otherwise, cynicism is going to undermine the very system of Parliamentary democracy in our country. In order to not allow that to happen, the Government should speedily come out with the truth so that this sort of cynicism is not allowed to be spread.

श्री सिताराम येचुरी: मैं कह रहा हूँ कि प्रधानमंत्री का जो वाक्य है, "मैं आपको यह सुनिश्चित कर सकता हूँ कि हमें कुछ भी छुपाना नहीं है। यदि रिकॉर्ड वास्तव में गायब पाए जाते हैं, तो सरकार एक 철저 जांच करेगी और दोषी को जमानत देगी।" मैं आपसे यह कह रहा हूँ कि मैं इस वाक्य को मानना चाहता हूँ, लेकिन इसके लिए आपको कुछ करना होगा। आप FIR फाइल करेंगे? आप उन्हें जमानत देंगे? जांच कहाँ है? प्रक्रिया कहाँ शुरू हुई है? यही कारण है कि मैं यह कह रहा हूँ कि यदि आप मेरी बात मानना चाहते हैं, तो आपको वाक्य पर कार्रवाई करना होगा। (घंटी बजती है)

Yode ~ ...
Aoyorid (pode ~ ...
Aoyorid ...
Aoyorid ...

DR. V. MAITREYAN: Sir, the events in the coal scam are taking place in such a rapid manner that people tend to forget what has happened on previous occasions. From yesterday, when the Prime Minister made the statement here, in 24 hours, at least now, there is a certainty that the files are indeed missing. So, the first thing is, the Prime Minister should come to the House again and accept that the files are missing. Number two, the files are missing from the Coal Ministry and the officials in the Coal Ministry, from the Joint Secretary onwards, are responsible for the loss of the files. Now, the Coal Ministry has constituted a committee of the very same officials, one of the Joint Secretaries, to find out how the files are missing or where they have gone. This is something which is incredible. The third point is the point which I raised yesterday that an official from the Prime Minister's Office was in the office of the DIG in the CBI preparing the affidavit to be filed in the Supreme Court. Under whose orders did that officer go to the CBI office? So, the Prime Minister, because he is the custodian of the PMO if not the files, should explain how that officer went and what action has been taken against that officer. Four, in this episode, the then Law Minister had to resign. Why that Law Minister resigned? What was the Law Minister doing with reference to the affidavits which were filed in the Supreme Court by the CBI? What was the Prime Minister's stand against that Law Minister? He has to explain that also to the House. There are so many things to be explained. The Prime Minister came here and made a very bland statement and walked out. Actually, unhappy with the statement of the Prime Minister, the Opposition should have walked out. But here the Prime Minister ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No. ...(*Interruptions*)... No walking out by the Prime Minister. ...(*Interruptions*)... He went to the other House. ...(*Interruptions*)... No walking out. ...(*Interruptions*)...

DR. V. MAITREYAN: The country needs answers from the Prime Minister on these questions. One, what were the circumstances for the then Law Minister to resign?

MR. DEPUTY CHAIRMAN: You are again repeating.

DR. V. MAITREYAN: Two, why didn't the Prime Minister take action against the official in the PMO? Three, what is the action that the Prime Minister going to take against the Officer in the Coal Ministry who was responsible for the loss of that? The Prime Minister should have the courage to come to the House and accept that the files are missing.

SHRI DEREK O'BRIEN (West Bengal): Sir, I am not sure whether this is actually 4.26 p.m. on Wednesday or whether it is 12.38 p.m. on Tuesday. Because the same five MPs had got up, including me, and asked the same seven questions. But I will add two questions to that. The similarity between yesterday and today is that yesterday we got no answers.

MR. DEPUTY CHAIRMAN: Come to the subject.

SHRI DEREK O'BRIEN: So, I am wondering whether I should conserve energy and not ask the two questions because in any case I won't get the answers. Same questions I asked yesterday. Hon. Prime Minister on the floor of this House said that 'He is not the custodian of those files.' Pray, may I ask very humbly then who is the custodian of those files? This simple question I asked yesterday. Two, whether files go missing or they are made to go missing, there is a timeline maintained of the files till they were not 'missing', can he present the timeline of those files when they were in custody? These are the two questions.

SHRI D. RAJA (Tamil Nadu): Sir, the scam in coal block allocations is one of the biggest in the post-independent India. The CAG has said that the country had to face financial losses to the tune of Rs.186,000 crore. The CAG has not said presumptive loss. The CAG has said that it is financial loss to the Government. The questions are as follows. The files are missing. It is a fact. It is in public domain. The media is bringing out which are the missing files and which files are related to whom. It is a fact. The Prime Minister cannot say that he is not the custodian of files. We are not

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.

[Shri Jairam Ramesh]

That the Bill to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The question was proposed.

MR. DEPUTY CHAIRMAN : Now, Shri Vinay Katiyar. I have a humble request to the hon. Members. Even though the BAC has allotted six hours, at that time, thinking that the Bill will be taken up in the morning, now the time is 4.30 p.m., hon. Members will stick to the points; and say only relevant points so that we may be able to pass it in 3-4 hours.

SOME HON. MEMBERS: No, no.

MR. DEPUTY CHAIRMAN: Okay.(Interruptions)... All right.(Interruptions)...

Okay, you sit down. I have called Mr. Vinay Katiyar. ...

MR. DEPUTY CHAIRMAN : (Interruptions) : ...

... 1894 ...

... 58 ...

ሀገራችን ላይ ጥቅም ላይ ላይ ለውጥ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል።

የሀገራችን ስርዓት 63 ላይ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል።

የሀገራችን ስርዓት 38 ላይ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል።

የሀገራችን ስርዓት 45 ላይ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል።

የሀገራችን ስርዓት 45 ላይ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል። ለዚህ ማድረግ ለሀገራችን ለውጥ ማድረግ ይቻላል።

[AQB 30000 Uik...]

-02 9, -02 10 +02 -02 38 -UuA000 30 000 -02 0<0 Aeu +0000 000 Y0 ueu A0e A000 3000
•000 "00Aek... •0'000 000 '0'000 "0>00 •00 ueB Aeu. -UuA0000e 000e 30000000 -Uu00 •00 ue0 Aeu. •00e
-UuA0000 00>00u A000 0u ue0 E00, +0-0 30Aeu 0-0=00u 200 Y0u0 Aeu. 0000 000 Y0 ueu A0e A0000 A0000e "0>0e
•00 ue0 Aeu.

-UuA0000e 02u +00u0 "00A0 0>000 Aeu. +A0e 30000 "00Aek -Uu 0uue00uue00 02u -Uu0>-Uu0 A0000e
02u -UuA0000e 02u +00u0 "00A0 0>0 ue0 Aeu ^A0 02u ue0u >00000 "00Aek...

•0000 02u +000 •0'000 0u0 +>00000 0u2u ue0 Aeu 30A00 A0e 30A000<000 >000 000 +00000 <0u>0
30000 -UuA0000 +0-0 000 Y0 ueu A0e 30000 00000e 0u0 -A0000 0e +0 Y0< Aeu. +000 ^000 +0000 0u ue0e 0u0
+>00u0 300 0000 300 ue0 Aeu. 0u00000u0 •00e 0uue000, 30A00 A0000.. 0000u -UuA0000e 000e A0000 0000 Y0u0,
+A0 Y0 ueu Y00e Aeu0000 3000 00 +00u0 Y0000;00000 A00e •00<Y00..

0000000 ^0A000000 •00, 000e +0000 2000e ue0.. 0000000 0000 •00 A0e 000 >000000 Aeu -Uu Aeu000e
•00e A0000000 0uue0 Aeu ^0000e +000 A3000u0u 0u ue0e. 20A000-20A000 0000000u.

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

5.00 P.M.

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. *(In Odia)*

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, *(In Odia)* if he has got a house on that plot, *(In Odia)* *(In Odia)* *(In Odia)* 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

[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 Gram 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.

[Shri P. Rajeeve]

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

[Shri Derek O'Brien]

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

[Shri Derek O'Brien]

6.00 P.M.

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 in Odia script) ...

... (transcription of the second part of the speech in Odia script) ...

ሥራተኛ ሰዎች ላይ ተቀባይነት ለማሰጠት ምርመራዎች ማድረግ አለባቸው ማለት ነው። ይህ ምርመራ ለሥራተኞች የሥራ ሁኔታዎች ምርመራ ሆኖ ሊያገለግል ይችላል። ስለዚህ ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው።

ተጨማሪ ለማለት ሥራተኞች ላይ ምርመራዎች ማድረግ አለባቸው ማለት ለሥራ ሁኔታዎች ምርመራ ሆኖ ሊያገለግል ይችላል። ስለዚህ ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው።

ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው ማለት ለሥራ ሁኔታዎች ምርመራ ሆኖ ሊያገለግል ይችላል። ስለዚህ ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው።

ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው ማለት ለሥራ ሁኔታዎች ምርመራ ሆኖ ሊያገለግል ይችላል። ስለዚህ ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው።

ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው ማለት ለሥራ ሁኔታዎች ምርመራ ሆኖ ሊያገለግል ይችላል። ስለዚህ ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው። ሥራተኞች የሥራ ሁኔታዎች ምርመራ ላይ ተሳታፊ ሆኖ መሆን አለባቸው።

[AQB Ua. AQB. YpOOYOB]

the crop. ... 260 1y0k ... 4 1y0k ... 12 1y0k ... 5 ...

A0y 0E0u0 12 1y0k ... 475 Y00 0 ... 600 1y0k ... 600 1y0k ... 24 '00a ...

AQB ~0A0004Y0: YpOOYOB •OB, '0 2000 0E0a 20•00 ...

AQB Ua AQB YpOOYOB: A0y 0 '0 000B ...

AQB 000 000u•0A0=0(20E00y): 00•0 YpOOYOB •OB ...

AQB Ua AQB YpOOYOB: 000 '0 0000 00000 ...

A0y > 0. '000 '0000u•u A0e »00u00u ...

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. •०० आ०००, †०००
००० ० ×०००० ०००. Let us all adhere to time so that we can complete it.

* Not recorded.

Udhat... Naturally, they will have to prefer...
 Udhat... Naturally, they will have to prefer...
 Udhat... Naturally, they will have to prefer...

...
 ...
 ...

...
 ...
 ...

...
 ...
 ...

...
 ...
 ...

...
 ...
 ...

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 “*बिनास*”, which simple means ‘*बिनास*’ 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 *बिनास*, 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,

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:—

శ్రీమతి సోనియా గాంధీ గారు:—

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.

[THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY) in the Chair.]

Sir, I must say that after having gone through this Bill, I have become one of the biggest admirers of Jairam Rameshji. I would tell you why I am saying this. Today, on the one side, we want industry, we want agriculture and we want infrastructure and, on the other, if a farmer has to be benefited, he should get the water, a source of irrigation. Now, if we want to build an irrigation source, then, we need land for building canals. Today, there is a major challenge before the State Governments. Under the old rules, the rate of compensation is very low and the land owners are not ready to sell their land. When a land-owner is not prepared to sell off his land, there would be fights and very low rate of compensation would be given. On the one side, the rate of compensation is very low and, on the other, the acquisition of land is delayed. Because land acquisition is delayed abnormally, the irrigation facilities reaching the farmer are also abnormally delayed. This is one side of it, Sir. On the other side, the National Highways are one of the most important factors for our country's infrastructure and for our country's prosperity. At various places, when a road is being laid and land is needed, the land owner says that since a very low rate is being offered by the NHAI, he does not want to sell his land. Because of this, the construction of infrastructure has been suffering. In a similar way, every sector has been suffering because the land owner is being given a very low rate of compensation. This Bill, in Schedule-I, provides for sufficient compensation to the land owners, which is really commendable.

Then, Sir, this Bill is not only about paying good compensation, it is quite phenomenal. Sometimes, it has so happened that when a road is being laid, if a person has a small industry on the land, and if that land is used up for laying the road, he becomes penniless, he becomes an insolvent, and has to face hardship. This Bill provides, in Schedule-II, that, by any chance, if land is acquired from a person whose industry, unit or house is on that piece of land, then rehabilitation would be done. So, this is a great boon. Another most important point is that it provides for housing too. At present, when a road is being widened in towns and villages, if some poor land owner loses his land or house to the road, he gets very little or no compensation.

This Bill provides that his would be suitably built under the Indira Awas Yojana specifications. There is a provision for land for land. Of course, land for land is a difficult task. I don't think it is possible to give everybody land for land. So, this can be modified. I am requesting the hon. Minister that wherever possible, if land is taken away from an agriculturist, if it is possible that the Government is having surplus land and there are irrigation facilities, then, the Government must give it to farmers, which will be a big boon for them.

[Dr. T. Subbarami Reddy]

Madam, I would also like to remind here that late Shri Rajiv Gandhi, the young and dynamic former Prime Minister had great respect for Panchayati Raj System, and the UPA Government has included it in this Bill by a comprehensive, participative and meaningful process, involving the participation of local Panchayati Raj Institutions, putting in place prior to the start of any acquisition proceeding. The Bill also provides for compensation to those who are dependent on land and whose land is acquired. Of course, I have already covered this point. So, even agricultural labourers, tenants, including in any form of tenancy, share-croppers and artisans, who may be working in the affected areas for three years prior to land acquisition, whose primary source of livelihood stands affected by acquisition of land, will also be compensated by this Bill.

So, the Bill provides for transparency in rehabilitation and resettlement at all levels. It is a great phenomenon. It is a welcome step. A judicious combination of both the officers and the people's representatives as well as the representatives of the local bodies will have to be in the process of land acquisition. This will ensure that the feelings of the local populace are not eroded further as we came to witness in case of Singur, Nandigram, Yamuna Expressway and POSCO episodes.

Madam, lastly, I must say that every effort has been taken on the part of the Government to protect the rights of agricultural labourers, tenants, share-croppers, tribals and forest dwellers.

Madam, one more point is, Chapter 5 of the Bill provides for land allotment, land cost subsistence allowance, transportation, payment even for cattle-shed and payment for artisans and small traders, mandatory employment. So, all these things have been provided in the Bill. Then, there is a provision for easy access of direct benefit to the general public.

Madam, since time is short, I don't want again to repeat all those things. One thing I must say that the Bill provides for a transparency mechanism, which will be a great help to the small land owners. Today, what is happening is this. On the one hand, the land owners fight that they would not give their land; on the other hand, a small compensation is given to them. For example, if the market rate of the land is, say, rupees ten lakh, the Government says they have the power to give only rupees one lakh because as per 1894 Act they can give only this much. So, the land owner gets nine lakh rupees less, he cries and says that he won't give his land. But the Collector says that as per rules the land is being acquired for providing educational institutions or some other important things. Then, the land owner goes to the court, and the case goes

on in the court. The Bill avoids that litigation. So, it provides very good opportunities for creating infrastructure, industries, irrigation, etc. So, all these things will be benefited and the land owners will also be benefited.

Madam, they were talking about Gram Sabhas, which are very important for our Panchayati Raj System. Our Government always supports the Panchayati Raj System. But, here, I would like to bring one practical problem to the notice of the hon. Minister. If a canal is excavated for the purpose of providing irrigation facilities, then, water will go to farmers. Today, what is happening is all the water of our rivers is going into the sea. Stop this water going into the sea, have irrigation projects and give the water to farmers through canals. For acquiring the land, we have to go to the Gram Sabhas, which have some time-limit. At some places, Gram Sabhas are not organized in time. If the land is not given for providing irrigation facilities, then, farmers suffer.

Madam, lastly, I would like to say for the GDP growth, for the prosperity and progress of the country and to attain much more success in the country, this Bill is very, very useful. So, I am extremely happy to express my views in this august House on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013. I am sure that this Bill is going to be another feather in the cap of the Congress-led UPA Government, which is committed to the development of the country and its people. It is a historic legislation, such as the Right to Information Act, Mahatma Gandhi National Employment Guarantee Act, Forests Rights Act and the Right to Education Act.

Madam, lastly, I would like to say that Shri Jairam Ramesh was the architect of the Green Tribunal Bill. I have been the Chairman of the Standing Committee on Science & Technology, Environment and Forests. We passed that Bill. Today, the Green Tribunal Bill is of great help to the country. So, in conclusion, I once again congratulate the hon. Minister for bringing forward a wonderful historic Bill. Thank you very much, Madam.

SHRI D. BANDYOPADHYAY (West Bengal): Thank you, Madam. I rise to oppose the Bill though I admit it has many notable features. With notable features, there are many concepts of the old draconian Bill which was totally inhuman, the hon. Minister has tried to put a human face. For that I am grateful to him and I congratulate him. But our opposition is mainly on the whole concept of eminent domain. Eminent domain, Madam, was a royal prerogative. Notionally all land belongs to the king. Individual title holders are absolute owners but the King, now State, is the notional paramount owner of the land. Therefore, if the King, now the State, wants that land

[Dr. T. Subbarami Reddy]

for his own purpose, then it can appropriate the land by paying compensation because it is the recognized right. One good point about this Bill which I oppose but I support the content. ...*(Interruptions)*... I am supporting the good point, but I am opposing the main point. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Mr. Bandyopadhyay, you are going to lose your time. ...*(Interruptions)*...

SHRI D. BANDYOPADHYAY: The concept of owner in original Bill was not required. But for the loss of property and for the compulsory character of the acquisition, compensation is paid. Somehow or the other, the owner always feels that since he cannot sell it in the open market, he is being cheated. If '*cheated*' is the wrong word, he is being betrayed. This comprehensive Bill is not the only law on the land acquisition. There are 13 other laws as mentioned in the Schedule IV of this Bill itself. Now my point is why there should be such multiplicity of law on the same subject. I know the Minister of Rural Development, in-charge of this Bill, cannot control all those 13 Ministries. But, at the time Government as a whole should take a view that there are 13 Acts regarding the acquisition. Each Department wants a Bill of its own. So, when you are having a comprehensive Bill covering all aspects giving a human face to it, why should we have all those Acts? I would request the hon. Minister to take a view collectively in the Government so that you have only one Bill or maximum another Bill if there is a specialized thing. I would like to commend the Minister for inserting Chapter 3, entitled 'special Provisions to Safeguard Food Security'. Large-scale acquisition involving large scale displacement of the rural population creates a great adverse effect on agriculture. Therefore, the point that you want to have the social impact assessment is a very welcome feature. But I am afraid that the limit suggested under clause 10 has not been properly defined. *(Time-bell rings)* I am coming back. ...*(Interruptions)*... Another good feature of the Bill is the social audit which I have already talked about. Now I come to the main thing. So far the acquiring authority never thought of the policy of rehabilitation and resettlement. I congratulate the Minister for bringing that in the statute book this concept to give rehabilitation and resettlement. In spite of good features, we oppose the Bill because this draconian law should not be used by profit making institutions, owners of such entities who believe in the efficiency of market for efficient allocation of resources.

That applies to the principle: When they operate in the land market, as they are operating in the labour market, as they are operating in the resource market, or, in whatever market they are, if there are imperfections in those markets and they operate

[ಆರಂಭಿಕ ಭಾಗ]

ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಪ್ರದೇಶದ ಆರ್ಥಿಕ ಬೆಳವಣಿಗೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದು ಮತ್ತು ಉದ್ಯೋಗ ಸೃಷ್ಟಿಯನ್ನು ಹೆಚ್ಚಿಸುವುದು. 26000 ಕೋಟಿ ರೂಪಾಯಿಗಳ ಮೊತ್ತವನ್ನು ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಉಪಯೋಗಿಸಲು ಸರ್ಕಾರವು ಮುಂದೆ ಪರಿಗಣಿಸುತ್ತಿದೆ. ಈ ಯೋಜನೆಯಡಿ ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಪ್ರದೇಶದ ಆರ್ಥಿಕ ಬೆಳವಣಿಗೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದು ಮತ್ತು ಉದ್ಯೋಗ ಸೃಷ್ಟಿಯನ್ನು ಹೆಚ್ಚಿಸುವುದು. ಈ ಯೋಜನೆಯಡಿ ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಉಪಯೋಗಿಸಲು ಸರ್ಕಾರವು ಮುಂದೆ ಪರಿಗಣಿಸುತ್ತಿದೆ.

ಈ ಯೋಜನೆಯಡಿ ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಪ್ರದೇಶದ ಆರ್ಥಿಕ ಬೆಳವಣಿಗೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದು ಮತ್ತು ಉದ್ಯೋಗ ಸೃಷ್ಟಿಯನ್ನು ಹೆಚ್ಚಿಸುವುದು. ಈ ಯೋಜನೆಯಡಿ ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಉಪಯೋಗಿಸಲು ಸರ್ಕಾರವು ಮುಂದೆ ಪರಿಗಣಿಸುತ್ತಿದೆ.

ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಪ್ರದೇಶದ ಆರ್ಥಿಕ ಬೆಳವಣಿಗೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದು ಮತ್ತು ಉದ್ಯೋಗ ಸೃಷ್ಟಿಯನ್ನು ಹೆಚ್ಚಿಸುವುದು. ಈ ಯೋಜನೆಯಡಿ ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಉಪಯೋಗಿಸಲು ಸರ್ಕಾರವು ಮುಂದೆ ಪರಿಗಣಿಸುತ್ತಿದೆ.

ಸರ್ಕಾರದ ಅಧಿಕಾರಗಳನ್ನು ಒತ್ತಿ ಹಿಡಿಯುವ ಕುರಿತು : ಸರ್ಕಾರವು ಈ ವಿಷಯವನ್ನು...

ಆರಂಭಿಕ ಭಾಗ : ಈ ಯೋಜನೆಯಡಿ ಮುಖ್ಯವಾಗಿ ಕೃಷಿ ಮತ್ತು ಮಳೆ ನೀರು ಸಂಪನ್ಮೂಲಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಮೂಲಕ ಪ್ರದೇಶದ ಆರ್ಥಿಕ ಬೆಳವಣಿಗೆಯನ್ನು ಹೆಚ್ಚಿಸುವುದು ಮತ್ತು ಉದ್ಯೋಗ ಸೃಷ್ಟಿಯನ್ನು ಹೆಚ್ಚಿಸುವುದು.

ሀገር ላይ የሚከተለውን ዓይነት ለማግኘት 11 ሁኔታዎችን ያሳያል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። “የሀገር ውስጥ የሚገኙ 11 ሁኔታዎችን ለማረጋገጥ 11 ሁኔታዎችን ያሳያል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።”

“የሀገር ውስጥ የሚገኙ ሁኔታዎችን ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።”

የሀገር ውስጥ የሚገኙ ሁኔታዎችን ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።

ጋራ ስርዓት ለማግኘት ስርዓት፡ ለምሳሌ ለማግኘት ስርዓት ይሆናል።

ለሀገር ውስጥ የሚገኙ ሁኔታዎችን ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።

የሀገር ውስጥ የሚገኙ ሁኔታዎችን ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።

“ለምሳሌ ለማግኘት ስርዓት - (1) ሁኔታዎችን ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።”

ለምሳሌ ለማግኘት ስርዓት ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።

ለምሳሌ ለማግኘት ስርዓት ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።

70% ለምሳሌ ለማግኘት ስርዓት ለማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል። ለምሳሌ፣ ለሀገር ውስጥ የሚገኙ ሁኔታዎች 100, 200, 300 የሚሆኑትን ማረጋገጥ ይቻላል።

~ሰጠው ምዕራፍ (ሰጠው ምዕራፍ) : ኃይሉን ለማሳደግ፣ ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል።

ሰጠው ምዕራፍ : ሰጠው ምዕራፍ ስራዎችን ማድረግ፣ ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል።

~ሰጠው ምዕራፍ (ሰጠው ምዕራፍ) : ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል።

ሰጠው ምዕራፍ : ስራዎችን ማድረግ፣ ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል።

ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል። ሰጠው ምዕራፍ ስራዎችን ማድረግ፣ ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል።

ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል። ሰጠው ምዕራፍ ስራዎችን ማድረግ፣ ተቆይታን ለማግኘት ይህን ዓይነት ስራዎችን ማድረግ ይገባል።

[Shri Birender Singh]

factory, it may be 400 acres or 500 acres or even 2,000 acres. Then, where is that surplus provision involved? I want to know that. If you can't change the law, at least, you can do one thing. Every entrepreneur who comes forward for putting up some establishment, there is a provision which he is very keen to find out, that is, further expansion of his plant. At least, that should be totally forbidden. The land which is to be acquired for private purpose should be only the land which is required for all practical purposes; there should not be any expansion clause involved. If he can diversify his activities, taking out money from that project, why should he not go to another field? To start with, he should have the expansion of land along with the main project.

One more thing is regarding Second Schedule where they have provided for one-time five lakh rupees. If you remember, when our country got freedom, the first legislation which came was regarding privy purses. Why was it done? What was the need? It was done because the forefathers of our Constitution knew that those *Maharajas* or *Nawabs* did not know anything other than to rule. So, just to put reigns on them, this provision was created so that if they don't understand, at least, their children or their next generation should understand that there are no more *Maharajas* or *Nawabs*. Now, they will have to find out some other avenues. So, the same thing is with the *Kisan* of this country. Our profession is an age-long profession, and if I am to come out of my land, I have no option. I don't have anything to do. So, at least, when we talk of giving fair compensation, of course, it has been provided in this Act, but Rs. 2,000 per family would be the rent sort of thing. (*Time-bell rings*)

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude.

SHRI BIRENDER SINGH : In our State, we have been providing Rs. 15,000 per acre as recurring compensation for 35 years. There may be even Rs. 24,000-25,000 for one acre. If I am being deprived of five acres of land, I should, at least, get Rs.75,000 as compensation per year for 30 years because my children, who don't know anything about entrepreneurship, can't become entrepreneurs. In this country, it is very difficult for a person who comes from a farming family to become an entrepreneur. This has happened to me. I applied for a certain loan. Everything was cleared. But at the last moment, bank officials told me that to become eligible for that loan, either my father or my grandfather should be an entrepreneur. This is the state of affair.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Birender Singhji, please try to conclude. *(In Hindi)*

SHRI BIRENDER SINGH: I am trying. The most important thing is Land Bank. The concept of Land Bank, as I find from the Bill, is not of use to the farmer. Land Bank means when my five acres of land is acquired, I should be offered the same quality of piece of land somewhere else. If I am a kisan by profession, I would not opt for anything else. Rather I would go to the destination wherever it may be. The Government should acquire land, which should be converted into Land Bank, and it should be given to the farmers.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please conclude.

SHRI BIRENDER SINGH: Let me conclude. Land acquisition and rehabilitation are two different things. Multi-crop land should not at all be acquired by the Government for private purposes like industry, housing and for other purposes. This is important if you want to save the granary of Punjab, Haryana and Western Uttar Pradesh. If you don't want to save the granary, then there may be crisis which we are apprehending.

These considerations, these suggestions of mine must be kept in mind. I would like to say that such legislation should be open to amendment. There may be a lot of amendments which may be very useful even for the Government and kisan in future. Thank you, Madam.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Dinner is ready for MPs in Room No. 70 of the Parliament House. For the media and the staff, it is available at Room Nos. 73 and 74 respectively.

Next speaker is Shri Sitaram Yechury.

SHRI SITARAM YECHURY: Madam, it is a very difficult choice for me to start speaking the moment you announced dinner.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): You have a very short time. You have a choice between food to eat and food for thought.

SHRI SITARAM YECHURY (West Bengal): Thank you very much, Madam. I am very happy that we are finally going to have a new law. I congratulate the Minister for all the painstaking homework that he has done. I am sure he would remember that ten years ago we sat together for drafting the Common Minimum Programme of the UPA-I. We had a lot of discussion on the new law that had to be acquired. And you would recollect, Mr. Minister, there was an element that is missing in this law. But, I hope you would consider for future a better law that we can bring about that former

[Shri Sitaram Yechury]

landowners should have a share in the stake of the rise in the value of land after it has been acquired and not only compensation at the time of acquisition, and not only relief and rehabilitation. Most of the heartburn in the case of land acquisition comes because of the value of land that has multiplied after it has been acquired and a share of that does not come to the landowners. Now, this is a point that requires to be properly considered. I hope you will, in future discussions for improving this law, consider this aspect and, therefore, I want to draw this to your attention.

Sir, since my colleague has already spoken in detail about the point of view of my Party, I only want to give the plug points and say that these are the areas in which certain amendments for improving this law will have to be made. First is a proper definition of 'public purpose' and 'affected persons'. Second is the binding nature of social impact assessment. Third is a land use plan and land use commission. Fourth is, provisions for safeguarding food security. There I would like you to consider the point of arid and semi-arid lands which have now been excluded in terms of the concept of production of foodgrains. Now, that is not true. In many parts of the country, arid and semi-arid lands are also producing foodgrains and adding to our total foodgrains production. So, that cannot be completely excluded. That should also be taken into account. Next is the question of fair and just rehabilitation and resettlement. I have made my point on that. Then comes prior informed consent and role of Panchayats as well as Gram Sabhas. These are important. The role of Panchayats and Gram Sabhas will have to be properly brought into the Act and the question of protecting and safeguarding the rights of SCs and STs in terms of land acquisition, particularly STs in the Scheduled Areas. That is something that is not done unless Gram Sabhas are there. Madam, I have two more minutes. I just have to come to my basic points.

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Your total time was three minutes. You overshot it.

SHRI SITARAM YECHURY: I think these are the issues which need to be taken up for future consideration. We will move some amendments, particularly the amendment concerning Fourth Schedule. I know we have had these discussions outside and inside the Parliament and you said that within a period of one year, all these Acts will come under the purview of this Act. Even that one year isn't necessary. Secondly, within that period of one year, through executive action, many of these laws can be amended. Now, you are aware of these problems. We have drawn your attention to them earlier. That must be taken on board. Further, there is the question of special powers of urgency. You must assure the House that it will never be invoked for the sake of private owners.

That assurance has to come in that special powers of urgency will not be invoked for private owners. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please hurry up.

SHRI SITARAM YECHURY: Madam, I will just conclude. Land reforms is something, as the Minister himself mentioned, very dear to us, to the Communists. You have taken the names of some of the stalwarts of the Indian Communist who pioneered the entire movement of land reforms. Even today the State of West Bengal has the most comprehensive land reforms that ever have been implemented in the country. You have taken those names and you have also mentioned the name of our colleague. It's a different matter that he is in a different party today. ...(*Interruptions*)... But, he would be better off where he was earlier. But, that's a different matter. ...(*Interruptions*)... I never claimed that. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRIMATI RENUKA CHOWDHURY): Please don't have cross-conversations.

SHRI SITARAM YECHURY: Madam, the point was that we have been arguing for a new law all these years and I am glad that a new law is coming, but not to our best satisfaction. Nevertheless, if such laws had been there, none of what happened in Singur or any other place would have happened. Even in Nandigram, not an inch of land was ever acquired or taken over, whatever be the forceful thing. Even after Nandigram, sixteen thousand acres of land was distributed through land reform laws in the State of West Bengal. Then, 14 lakh *bargadars* have been recorded for the first time in the history. Actually 13,00,000 families have received land through these land reforms. We are talking with a certain degree of experience and with a certain degree of commitment. Even in the national movement, whether it was Telangana, whether it was the issue of Surma Valley in Assam, whether it was the Tebhaga movement, whether it was the Worli tribals struggle for land, all were led by the Communists and the passion for land to the tiller remains a slogan with us. Now, this Bill doesn't give land to the tiller. But we want to move in that direction. We want to move in the direction where finally the land will be owned by the tiller.

[MR. DEPUTY CHAIRMAN in the Chair]

If that needs to be done, Sir, I think this law will have to be strengthened further; and this is not an issue on which you will have to prove your credentials as is sought to be done. But this is an issue for building a better India that we will have to move

[Shri Sitaram Yechury]

forward. So, short-sighted and narrow people can't do it. You require a larger vision for this; and that larger vision is what is required in order to carry this forward to create a better Bill.

Finally, I want to appeal to the Minister, since you have accepted four of the amendments moved by the principal Opposition party, to accept the genuine concern, at least, two of the amendments that powers of urgency that will not be invoked for private companies. Secondly, accept the Schedule IV. What is your compulsion? I just really can't understand what your compulsion is. I think, clause 4 should be*(Interruptions)*... Sir, I am actually intimidated.

MR. DEPUTY CHAIRMAN: I did not say anything. You know that you are taking more time. I did not say anything.

SHRI SITARAM YECHURY: I thought when Madam Chairperson is in the Chair, I could revert back to Telugu and get an extra minute or so. But the moment you came and sat here...

MR. DEPUTY CHAIRMAN: You can still speak in Telugu.

SHRI SITARAM YECHURY: You came and sat in the Chair and nodded your head. I was actually intimidated. Please don't ring the bell.

MR. DEPUTY CHAIRMAN: I nodded my head because you were making a good speech.

SHRI SITARAM YECHURY: Thank you. But invariably after that nod your finger goes to the bell.

MR. DEPUTY CHAIRMAN: I wanted to look at the display board also.

SHRI SITARAM YECHURY: Finally, the only point that I want to make is, you please take on board the concerns that I have listed out. I did not explain them because of lack of time. But accept some of these genuine amendments which I know, in heart of hearts, you also accept. You may be under your compulsion. As I said, what is required is not narrow vision, not bitter acrimony unnecessarily. What is required is to work collectively to build a better India. I think, we have to move towards building a better India through a better law which we can improve upon. I urge upon you to do that. Please consider seriously the points of giving a certain stake to the former land owner in the enhanced value of land after it has been acquired. Now, this is something very, very important I want to repeat because most of the heart-burn comes when

you find that the land that you had owned after it has been acquired its value has gone up a number of times; and you get no share out of that. Now that is where a certain percentage should be fixed for the former land owners to get an enhanced value from that land. I would once again urge upon you to seriously consider these concrete amendments that we have put forward. Thank you.

MR. DEPUTY CHAIRMAN: You have made a valid point. It is a good point. Your last point is the best point. Next speaker, Shri D. Raja.

SHRI P. RAJEEVE: Then, you ask the Government to accept it.

MR. DEPUTY CHAIRMAN: That you ask the Government.

SHRI D. RAJA (Tamil Nadu): Mr. Deputy Chairman, Sir, thank you. In the past two decades, we witnessed farmers' resistance against forcible acquisition of their land by corporate houses and mining companies with the help of the State support. Farmers fought against police oppression and brutality in several parts of the country. It has become imperative to replace the 1894 Act which is a very obsolete one. In this regard, I consider the present Bill is a step forward for which Mr. Jairam Ramesh, the Minister deserves congratulations. Sir, the new Act should have been designed to ensure that rapid and indiscriminate transfer of agricultural land to non-agricultural uses is halted and regulated keeping in view the socially desirable use of land, and that poor farmers and tribals are not displaced from their meagre livelihood resource base. Instead, as the Title suggests, the focus of the Bill is limited to providing adequate compensation and rehabilitation and smoothen the transfer of agricultural land for mining purposes or industrial development or real estate development. Ideally speaking, there should be a moratorium for a considerable period of time on all transfers of agricultural land. The hon. Minister may kindly take note of it. The Government of India should produce a white paper on the land use, and there should be a thorough discussion on land use policy in totality in Parliament. Only then can every citizen be assured that the natural resources of this country belong to everyone and cannot be appropriated by a small elite population.

Sir, the term 'public purpose' is defined so loosely that the State can intervene to facilitate companies to acquire farm land for profit-making activities. In this regard, I refer to Chapter XIII, clause 103. I think it is not sufficient to stop acquisition of land for speculative purposes. I would, therefore, request the hon. Minister to consider that the resale of land is not allowed. If it cannot be used for the purpose for which it was

[Shri D. Raja]

acquired, it should be returned to their original owners or their heirs. If this is not possible, it can be acquired by the Government and used as agricultural land by distributing it to the landless and encouraging cooperative farming.

Sir, the agrarian scene in the country is a matter of great concern. Around 40 per cent of rural households do not possess any land other than homestead. Among those who have farm land, 80 per cent are marginal and small farmers. Farming is not a viable proposition with very small holdings. In such circumstances, these poor farmers can be persuaded to sell their land for a song. These sales are neither beneficial to them individually nor advisable from a macro point of view. There is no provision in the Bill which would intervene in exploitative deals concluded through economic pressures.

Sir, I would like to draw the attention of the hon. Minister to one small important issue. The purposes which are recognized as “public purpose” for which the appropriate Government may acquire land are listed at (a) to (f) of sub-clause (1) of clause 2. There is no specific mention of the Scheduled Castes and the Scheduled Tribes in this important clause and sub-clause. Even if they are covered by items (d) or (f) under sub-clause (1) of clause 2, this is limited to housing and residential purposes.

Sir, land acquisition will also be required for other purposes pertaining to the Scheduled Castes and the Scheduled Tribes. For example, it is essential to endow all rural landless SC and ST families with a viable extent of agricultural land. In the case of S.C.s, this is crucial because they are landless. Untouchability has been imposed on them, with all its ramifications, in all areas of life, occupational, economic, educational, health and child survival-related, etc, bonded labour, — they constitute about two-thirds of all bonded labourers — and atrocities perpetrated on them are all known to everybody. Sir, in such a situation, I think, the Bill should protect the interests of landless agricultural workers, particularly, the Scheduled Castes people. Sir, we have been talking about land reforms. Radical land reforms have not been carried out in many parts of the country, even though since our freedom movement we have talking about land to the tiller, radical land reforms in the post-Independent India. But these land reforms have not been carried out in many parts of the country in true spirit. On the one hand, the feudal remnants still dominate our countryside.

MR. DEPUTY CHAIRMAN: In spite of Communist Party of India? In spite of CPI and CPI (M)?

be no acquisition of land for private purposes. Consent or no consent or even if there is hundred per cent consent, there should be no acquisition. Because the person who is giving the consent is breaking the trust which he has for the future generations on that land. Mr. Ramesh, when somebody asks for using your building, would you allow acquisition? Or would you give it out on rent? Why don't you think of this idea, of land being taken on rent, when private projects, non-infrastructure projects ask for land? Let them take on rent. After all, for how many years they are there— 30 years, 50 years, 100 years or 200 years. Let the title remain with the family of the person and the land can get back to the legal heirs, after 50 years, 100 years or even 200 years. Work out a proposition which is three times of the best income in the last ten years along with non-refundable security deposit. That will take care of it. It will be in the interest of industry also which doesn't have to part with so much of capital for acquisition of land which it would be spending from its revenue. It will be advantageous for the farmers because he doesn't lose the land then. You can provide an escalation clause, 10 per cent every year, unless there is a stagflation. For that also, provision can be made. Kindly consider this proposition.

Sir, my next suggestion is relating to the land acquired for the public purposes. Now, 'land acquired for public purpose' should not leave anybody landless. If it is for an irrigation project where misery is the most by submersion, please take the submersible area and the command area together. Acquire the entire land, including the land acquired for canals, minors, sub-minors, and then rehabilitate all the people from the submersible area, including the command area people in the command area itself. Otherwise, the command area people become too selfish. We tried it in Odisha in a medium-irrigation project, a World Bank project, in the early 80s. It didn't work. It doesn't work if you don't acquire the land of the command area people. When we wanted it, they occupied all the Government land, encroached upon all the Government lands. This is the extent of selfishness. They don't recognize the sacrifice made by the people whose land has been submerged for that irrigation project. Please remember what we are trying to do in the case of urban clusters when we develop new colonies. For infrastructure, you acquire the land, then reduce proportionately the land of different people, treating them into different categories. Please do the same in the case of an irrigation project. In the case of roads, we should acquire a little more on both sides and try to resettle people on that extra land. ...(*Time-bell rings*)...

MR. DEPUTY CHAIRMAN: Now, please conclude.

SHRI PYARIMOHAN MOHAPATRA: I am concluding, Sir. I don't have too many points. I want a few points to be recorded.

[A.B. • Qm, 00, u, ue, Q]

±A0 »-Qp0U Ude 2000e de ~00B 30e00u 20e00 0e00000, ueB Ae. Ae000U t0-0 ~0e00e Qe B 0e 0A00 U0B Ae t0, u U0e0 Ae xU 3e ±A0 »-Qp0U U0 A00e000 0eA Uu, ue, ue, ue t »00 2000 Ae »0e000 »±u, u 30B Ae00e, ue, ue U0 t-ue000 t0, u »0e0000 U0 2000 Ae ±A0 »-Qp0U Ude 20000 Ae.

~0A000000 0e0000, 0 A00B A0-ue00e Ae »000B Uu ue Ae00U 3e ±A0 »-Qp0U U0 A00e000 Uu, ue. 3e Ae00, ue t0000, ue A000e00e U0 A00e000 Uu, ue t0, u •0e A0-ue00e A000e000 »00 ue Ae 0 ~000e t0A00A000 »ue Ae00U Ae0 »000 A000e00e U0e »000 0e 00000 Uu, ue A0000e Ae Ae0 ~000e »000 0e 00000 Uu, ue t0, u »0000e »0000e 0e 00000 0eB Uu, ue 0000e <Uu 30e00 t0000 •00 U0000 0e 30B A000e000 Ae000. Ae00, ue A000000 0e U0t0200, ue A000e000 Ae Ae. 0 A000000 Ae00U ±A0 0k 30e0 t »00000 U0000 0e »00A0B 000, ue U0 A000e000 U0B Y000t;0 Ae 0eA Ae <A0 0eA Ae. Ae A00000 Ae00U ±A0 0e 30B A000e000 Ae. 0 A00B A0-ue00e Ae »0000 Uu ue Ae00U 3e t00e A000e00e U0 »0k 0A0 0 Uu, ue t0, u 0e0 0, u 30, ue00 ue ue. ±0eA 0000e U0 A00e0 0 t000B 2000 A0000 Uu ue Ae 000000=ue.

MR. DEPUTY CHAIRMAN: The question is:

That the Bill to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be a acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The Motion was adopted

MR. DEPUTY CHAIRMAN: I shall now take up clause-by-clause consideration of the Bill. In clause 2, there are six Amendments. Amendments (Nos. 16-19) by Shri P. Rajeeve and Shri K. N. Balagopal and Amendments (Nos. 49 and 50) by Shri D. Raja and Shri M.P. Achuthan. Mr. Rajeeve, are you moving your Amendments?

Clause 2 – Application of Act

SHRI P. RAJEEVE : Sir, I move:

- (16) That at page 2, line 23, the words “or mining activities” be *deleted*.

- (17) That at page 2, *after* line 42, the following proviso be *inserted*, namely:-

“Provided that no land referred to in section 38A shall be acquired, transferred or leased in any Scheduled Area for public purpose without the prior, full, informed written consent of the Gram Sabha:

Provided further that land in possession of Scheduled Tribes outside the Scheduled Areas but in any other specified area such as under ITDP areas shall not be acquired, transferred or leased for public purpose without the prior full, informed written consent of the Gram Sabha:

Provided also that in case of non-consent of the Gram Sabha in the Scheduled Areas the land acquisition shall not be done”.

- (18) That at page 3, lines 13 and 14, *for* the words “Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas”, the words “Provided also that no land shall be acquired, transferred or leased in any Scheduled Areas” be *substituted*.

- (19) That at page 3, *after* line 15, the following proviso be *inserted*, namely:-

“Provided further that land in possession of Scheduled Tribes outside the Scheduled Area but in any other specified area such as under ITDP area shall not be acquired, transferred or leased”.

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN: Now, Amendments (Nos.49 and 50) by Shri D. Raja and Shri M. P. Achuthan. Are you moving?

SHRI D. RAJA :Sir, I move:

- (49) That at page 2, lines 43 to 48, be *deleted*.

- (50) That at page 3, lines 1 to 28, be *deleted*.

The questions were put and the motions were negatived.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, clause 3. There are five Amendments. Amendments (Nos. 20-23) by Shri P. Rajeeve and Shri K. N. Balagopal and Amendment (No.51) by Shri D. Raja and Shri M.P. Achuthan. Now, Amendments (Nos .20-23) by Shri P. Rajeeve and Shri K.N. Balagopal. Mr. Rajeeve, are you moving?

Clause 3 – Definitions

SHRI P. RAJEEVE : Sir, I move:

- (20) That at page 3, line 37, *for* the words “agricultural labourers”, the words “agricultural workers” be *substituted*.
- (21) That at page 3, line 42, *after* the words “lost any of their”, the words “traditional rights as well as” be *inserted*.
- (22) That at page 6, line 17, *after* the word and figure “section 26”, the words “and the value of land in Scheduled Areas which shall be decided only in agreement with the Scheduled Tribe Landholders” be *inserted*.
- (23) That at page 6, line 27, *after* the words “lost any”, the words “traditional rights as well as” be *inserted*.

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN: Now, Amendment (No. 51) by Shri D. Raja and Shri M.P. Achuthan. Mr. Raja, are you moving?

SHRI D. RAJA : Sir, I move:

- (51) That at page 5, *for* lines 16 and 17, the following be *substituted* namely:-
- “(k) “displaced family” means any family who can on account of land acquisition, erosion of river, sea or any kind of natural disaster or any kind of social ethnic commotion gets affected and has to be relocated and resettled from the affected area to the resettlement area”

The question was put and the motion was negatived.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, clause 4. There are seven Amendments. First, Amendment (No. 11) by Shri N. K. Singh. Mr. N.K. Singh, are you moving?

SHRI N. K. SINGH: Sir, the Minister had indicated that he would be quite favourable to looking at the suggestion, which is contained in my Amendment, in some form or the other, and in the event of his assurance, I will really not want to move the Amendment. The explanation has been given.

MR. DEPUTY CHAIRMAN: So, you are not moving the amendment. I shall now take up Amendments (Nos. 24-26) by Shri P. Rajeeve and Shri K. N. Balagopal. Now, you can follow this good example.

SHRI P. RAJEEVE: If the Minister gives an assurance for our Amendment, then, we can follow this model. But the Minister has not given an assurance to us.

MR. DEPUTY CHAIRMAN: So, are you moving?

Clause 4 – Prepration of Social Impact Assessment Study

SHRI P. RAJEEVE :Sir, I move:

(24) That at page 7, line 12, *after* the words “as the case may be”, the words “including Gram Sabhas at the village and habitation level” be *inserted*.

(25) That at page 7, *after* line 14, the following proviso be *inserted*, namely:-

“Provided that a study of socio-economic impact upon the families residing in the adjoining areas of the land acquired shall also be done”.

(26) That at page 7, line 17, *after* the words “local language to the”, the words “habitation and Gram Sabhas level and” be *inserted*.

The questions were put and motions were negatived.

MR. DEPUTY CHAIRMAN: Now, Amendments (Nos. 52 and 53) by Shri D. Raja and Shri M. P. Achuthan. Are you moving?

SHRI D. RAJA : Sir, I move:

(52) That at page 8, *after* line 38, the following be *inserted* namely:-

“(e) people’s representatives from Panchayati Raj Institutions, local Members of Legislative Assembly, Members of Parliament or their representatives;

(f) representatives of the displaced families; and

(g) representatives from local Kisan, agricultural workers and women organizations.”

(53) That at page 9, *after* line 18, the following be *inserted* namely:-

“(7) For land use map in a State, the State Government shall, by law, constitute a Multi Member Expert committee.”

The questions were put and motions were negatived.

MR. DEPUTY CHAIRMAN: Now, Amendment (No. 63) by Dr. V. Maitreyan and Shri K. N. Balaganga. Are you moving?

SHRI N. BALAGANGA : Sir, I move:

(63) That at page 7, line 11, *after* the words “the concerned panchayat”, the words “Gram Sabha” be *inserted*.

The question was put and the motion was negatived.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 6. There is one amendment. Amendment (No. 7) by the Minister.

Clause 6 – Publication of Social Impact Assessment Study

SHRI JAIRAM RAMESH : Sir, I move:

(7) That at page 8, *after* line 27, the following proviso be *inserted* namely:-

“Provided that, in respect of irrigation projects where the process of Environmental Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply”.

The question was put and the motion was adopted.

Clause 6, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 7. There are three amendments. Amendments (Nos. 27 to 29) by Shri Rajeeve and Shri Balagopal. Are you moving?

Clause 7 – Appraisal of Social Impact Assessment Report by an Expert Group

SHRI P. RAJEEVE : Sir, I move:

(27) That at page 9, lines 3 to 5, be *deleted*.

(28) That at page 9, line 7, for the words “any public purpose”, the words “stated public purpose” be *substituted*.

(29) That at page 9, *after* line 13, the following proviso be *inserted*, namely:-

“Provided further that no notification shall be issued under sub-section (1) of Fifth Scheduled and Sixth Scheduled Areas without the full, informed, prior written consent of the Gram Sabhas or Village Committees or the Autonomous Council as the case may be”.

The questions were put and the motions were negatived.

Clause 7 was added to the Bill.

Clauses 8 to 9 were added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 10. There is one amendment. Amendment (No. 15) by Shri D. Raja and Shri Achuthan. Are you moving?

Clause 10 – Special Provisions to Safeguard Food Security

SHRI D. RAJA : Sir, I move:

(54) That at page 10, line 3, for the words “no irrigated multicropped land”, the words “no land under agricultural cultivation”, shall be *substituted*.

The question was put and the motion was negatived.

Clause 10 was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 11 of the Bill. There is one amendment. Amendment (No. 1) by Shri K.C. Tyagi. Are you moving?

MR. DEPUTY CHAIRMAN: Sir, I move: (54) That at page 10, line 3, for the words “no irrigated multicropped land”, the words “no land under agricultural cultivation”, shall be substituted.

MR. DEPUTY CHAIRMAN: No speech, please. You have explained it; that is enough.

MR. DEPUTY CHAIRMAN: Sir, I move: (54) That at page 10, line 3, for the words “no irrigated multicropped land”, the words “no land under agricultural cultivation”, shall be substituted.

MR. DEPUTY CHAIRMAN: Sir, I move: (54) That at page 10, line 3, for the words “no irrigated multicropped land”, the words “no land under agricultural cultivation”, shall be substituted.

MR. DEPUTY CHAIRMAN: Sir, I move: (54) That at page 10, line 3, for the words “no irrigated multicropped land”, the words “no land under agricultural cultivation”, shall be substituted.

MR. DEPUTY CHAIRMAN: So, you are not moving the amendment.

SHRI K.C. TYAGI: Yes, Sir.

Clause 11 was added to the Bill.

Clauses 12 to 16 were added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 17 of the Bill. There are three amendments. Amendments (Nos. 30 to 32) by Shri P. Rajeeve and Shri Balagopal. Are you moving?

**Clause 17 – Preparation of Rehabilitation and Resettlement
Scheme by the Administrator**

SHRI P. RAJEEVE : Sir, I move:

- (30) That at page 12, line 47, *after* the words “is being acquired”, the words “but this shall not apply to Fifth Scheduled and Sixth Scheduled Areas” be *inserted*.
- (31) That at page 12, line 48, for the word “consultation”, the words “prior written, informed consent” be *substituted*.
- (32) That at page 12, line 48, *after* the words “Scheduled Areas”, the words “under the Fifth Schedule” be *inserted*.

The questions were put and the motions were negatived.

Clause 17 was added to the Bill.

Clauses 18 to 24 were added to the Bill.

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 25 of the Bill. There are two amendments. Amendments (Nos. 8 and 9) by the Minister.

**Clause 25 — Land Acquisition Process underact No. 1 of 1894 shall be
deemed to have lapsed in certain cases**

SHRI JAIRAM RAMESH: Sir, I beg to move:

- (8) That at page 15, *for* lines 20 and 21, the following be *substituted*.

“then, all provisions of this Act relating to the determination of compensation shall apply; or”.

- (9) That at page 15, lines 32 and 33, *for* the words “compensation in respect of a majority of land holdings has not been accepted”, the words “compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries” be *substituted*.

The questions were put and the motions were adopted.

Clause 25, as amended, was added to the Bill

Clause 26 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 27, there are three amendments. Amendment (No. 2) by Shri K. C. Tyagi. Are you moving it?

SHRI K. C. TYAGI: I am not moving it, Sir.

MR. DEPUTY CHAIRMAN: Amendment (No. 33) by Shri P. Rajeeve and Shri K. N. Balagopal. Are you moving it?

SHRI P. RAJEEVE: I am moving it, Sir.

MR. DEPUTY CHAIRMAN: Don't you want to follow Shri K. C. Tyagi?

SHRI P. RAJEEVE: We can follow him if the Minister is ready to accept at least one amendment from our side, which is on the Fourth Schedule.

MR. DEPUTY CHAIRMAN: Okay.

Clause 27 – Determination of Market Value of Land by Collector

SHRI P. RAJEEVE : Sir, I move:-

- (33) That at page 16, *after* line 5, the following be *inserted*, namely:-

“(d) In Scheduled Areas the value of land as decided in consultation and with the agreement of land losers”.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: Amendment (No. 55) by Shri D. Raja and Shri M. P. Achuthan. Are you moving it?

SHRI D. RAJA :I am moving it, Sir, and I want division.

MR. DEPUTY CHAIRMAN: Okay. Shri Raja wants division on Amendment (No. 55).

SHRI D. RAJA: Sir, I move:-

55. That at pages 15 and 16, *for* lines 44 to 48 and 1 to 23, respectively, the following be *substituted* namely:-

“27 (1) The competent Government shall set up the Land Price Commission at National, State and District level for assessing and determining the market value of land.

(2) The Commission shall declare the real price of the land of different categories every year.

(3) The Central and the State Governments at their levels shall enact legislation in this regard to comply with the provisions of the Act.”

The question was proposed.

MR. DEPUTY CHAIRMAN: Let the lobbies be cleared.

DR. NAJMA A. HEPTULLA (Madhya Pradesh): Sir, while the lobbies are being cleared, could we request Shri D. Raja to explain to us what his amendment is?

MR. DEPUTY CHAIRMAN: Yes, yes. You can do that till the lobbies are cleared.

SHRI D. RAJA: The Amendment is on page 15. It says that the Collector shall adopt the following criteria in assessing and determining the market value of the land. The Amendment is that the competent Governments shall set up Land Price Commissions at the national, State and district levels for assessing and determining the market value. ...*(Interruptions)*... I am explaining because the Chair has asked me to do so. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Lobbies are cleared. ...*(Interruptions)*... Rajaji, lobbies are clear. Now, you cannot. ...*(Interruptions)*... Please. ...*(Interruptions)*... Mr. Raja, lobbies are cleared. So, not now. ...*(Interruptions)*... Mr. Raja, lobbies are cleared. You take your seat now. Now, you stop.

SHRI D. RAJA: You asked me.

MR. DEPUTY CHAIRMAN: Yes. I agree. But once the lobbies are cleared, you must take your seat.

SHRI D. RAJA: But you must tell them.

MR. DEPUTY CHAIRMAN: Yes. I told them. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The Secretary-General will explain the voting procedure. ...(*Interruptions*)... Please listen to the voting procedure.

DR. V. MAITREYAN: We know it. We heard it the day before yesterday.

MR. DEPUTY CHAIRMAN: I have to do it. ...(*Interruptions*)... Once I have to do it. ...(*Interruptions*)... Please listen to the voting procedure.

I shall Now put Amendment (No. 55), moved by Shri D. Raja and Shri M.P. Achuthan, to vote.

The House divided

MR. DEPUTY CHAIRMAN: Subject to correction:

Ayes : 23

Noes : 96

Ayes

Ali, Shri Munquad

Arjunan, Shri K. R.

Baidya, Smt. Jharna Das

Balaganga, Shri N.

Balagopal, Shri K. N.

Behera, Shri Shashi Bhusan

Bernard, Shri A. W. Rabi

Chakraborty, Shri Shyamal

Chatterjee, Shri Prasanta

Goud T., Shri Devender

Lakshmanan, Dr. R.

Maitreyan, Dr. V.

Narayanan, Shri C. P.

Parida, Shri Baishnab

Raja, Shri D.

Rajeeve, Shri P.

Rangarajan, Shri T. K.

Rathinavel, Shri T.

Roy, Shri Tarini Kanta

Seema, Dr. T. N.

Sen, Shri Tapan Kumar

Sudharani, Smt. Gundu

Yechury, Shri Sitaram

Noes

Abraham, Shri Joy

Adeeb, Shri Mohammed

Aiyar, Shri Mani Shankar

Ali, Shri Munquad

Anand Sharma, Shri

Ansari, Shri Ali Anwar

Ansari, Shri Salim

Antony, Shri A. K.

Ashk Ali Tak, Shri

Azad, Shri Ghulam Nabi

Baghel, Prof. S. P. Singh

Balmuchu, Dr. Pradeep Kumar

Batra, Shri Shadi Lal

Bhattacharya, Shri P.

Bora, Shri Pankaj

Budania, Shri Narendra

Chaturvedi, Shri Satyavrat

Chiranjeevi, Dr. K.
Chowdhury, Smt. Renuka
Dalwai, Shri Husain
Darda, Shri Vijay Jawaharlal
Dwivedi, Shri Janardan
Fernandes, Shri Oscar
Gill, Dr. M. S.
Gupta, Shri Prem Chand
Hariprasad, Shri B. K.
Hashmi, Shri Parvez
Jain, Shri Ishwarlal Shankarlal
Jinnah, Shri A. A.
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Smt.
Kannan, Shri P
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Khabri, Shri Brijlal
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Smt. Mohsina
Kshatriya, Prof. Alka Balram
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Malihabadi, Shri Ahmad Saeed

Masood, Shri Rasheed

Mayawati, Km.

Misra, Shri Satish Chandra

Mukut Mithi, Shri

Mungekar, Dr. Bhalchandra

Naik, Shri Shantaram

Nandi Yellaiah, Shri

Natarajan, Smt. Jayanthi

Natchiappan, Dr. E.M. Sudarsana

Pande, Shri Avinash

Patel, Shri Ahmed

Pathak, Shri Brajesh

Patil, Smt. Rajani

Rajan, Shri Ambeth

Ram Prakash, Dr.

Ramalingam, Dr. K.P.

Ramesh, Shri Jairam

Rao, Dr. K.V.P. Ramachandra

Rao, Shri V. Hanumantha

Rapolu, Shri Ananda Bhaskar

Rashtrapal, Shri Praveen

Ratna Bai, Smt. T.

Reddy, Dr. N. Janardhana

Sadho, Dr. Vijaylaxmi

Sahani, Dr. Anil Kumar

Sahu, Shri Dhiraj Prasad

Saini, Shri Rajpal Singh

Saleem, Chaudhary Munavver
Seelam, Shri Jesudasu
Selvaganapathi, Shri T.M.
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Birender
Singh, Shri Ishwar
Singh, Shri N. K.
Singh, Shri Ramchandra Prasad
Singh, Shri Veer
Singhvi, Dr. Abhishek Manu
Soni, Smt. Ambika
Soz, Prof. Saif-ud-Din
Stanley, Smt. Vasanthi
Syiem, Smt. Wansuk
Tariq Anwar, Shri
Thakur, Dr. Prabha
Thangavelu, Shri S.
Tiwari, Shri Alok
Tyagi, Shri K.C.
Vasan, Shri G.K.
Vora, Shri Motilal
Yadav, Prof. Ram Gopal
Yadav, Shri Ram Kripal

The motion was negatived.

Clause 27 was added to the Bill.

Clause 28 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 29. In Clause 29, there is one Amendment (No. 56) by Shri D. Raja and Shri M.P. Achuthan. Mr. Raja, are you moving?

**Clause 29 – Parameters to be considered by Collector in
Determination of Award**

SHRI D. RAJA : Sir, I move:

56. That at page 17, *after* line 26, the following be *inserted* namely:-

“eighthly, the wealth under the land specially in case of land acquisition for mining work.”

The question was put and the motion was negatived.

Clause 29 was added to the Bill.

Clause 30 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 31. In Clause 31, there is one Amendment (No.57) by Shri D. Raja and Shri M.P. Achuthan. Are you moving?

Clause 31- Award of solatium

SHRI D. RAJA: I move:

57. That at page 17, *after* line 49, the following be *inserted* namely:-

“(4) The State Government shall have the right for fixing the share of compensation payable, which shall be not less than fifty percent of the awarded compensation to the share croppers and amount equivalent to 365 days wages to the agricultural labourers.”

The question was put and the motion was negatived.

Clause 31 was added to the Bill.

Clauses 32 to 38 were added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 39. In Clause 39, there is one Amendment (No. 12) by Shri N.K. Singh. Are you moving?

SHRI N.K. SINGH: Sir, I am not moving my amendment.

Clause 39 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 40. In Clause 40, there is one Amendment (No.13) by Shri N.K. Singh. Are you moving?

SHRI N.K. SINGH: Sir, I am not moving my amendment.

Clause 40 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 41. In Clause 41, there are two amendments. Amendment (No.3) by Shri K. C. Tyagi and Amendment (No.34) by Shri P. Rajeeve and Shri K. N. Balagopal. Mr. Tyagi, are you moving your amendment?

Clause 41- Special powers in case of urgency to acquire land in certain cases

SHRI K.C. TYAGI: Sir, I am not moving my amendment.

SHRI P. RAJEEVE: I move:

34. That at page 20, *after* line 23, the following proviso be *inserted*, namely:-

“Provided further that the urgency clause shall not apply to land in Scheduled Areas”.

The question was put and the motion was negatived.

Clause 41 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 42. In Clause 42, there are six amendments (Nos.35 to 40) by Shri P. Rajeeve and Shri Balagopal. Are you moving?

Clause 42- Special provision for Scheduled Castes and Scheduled Tribes

SHRI P. RAJEEVE: I move:

35. That at page 20, line 28, *for* the words “Gram Sabha or the Panchayats”, the words “Gram Sabha and the Panchayats” be *substituted*.

36. That at page 20, *for* lines 33 and 34, the following be *substituted*, namely:-

“Provided that in case where the Gram Sabha has not been constituted, it is mandatory to constitute the Gram Sabha without whose prior written informed consent, no acquisition shall take place”.

37. That at page 20, line 37, *after* the words “Development Plan shall be prepared”, the words “in consultation and with the agreement of Scheduled Caste or the Scheduled Tribe families” be *inserted*.

38. That at page 20, line 40, *for* the words “together with land acquisition”, the words “before any land acquisition as provided for in the Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006” be *substituted*.
39. That at page 20, *for* lines 44 to 47, the following be *substituted*, namely:-
“(6) In case of land being acquired from members of the Scheduled Castes or Scheduled Tribes, the entire compensation amount shall be paid to the affected families”.
40. That at page 21, lines 13 and 14, for the words “twenty-five per cent.”, the words “hundred per cent.” be *substituted*.

The questions were put and the motions were negatived.

Clause 42 was added to the Bill.

Clauses 43 to 52 were added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 53. In Clause 53, there is one Amendment (No.14) by Shri N.K. Singh. Are you moving?

SHRI N.K. SINGH: Sir, I am not moving my amendment.

Clause 53 was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 54. In Clause 54, there is one Amendment (No.4) by Shri K.C. Tyagi. Are you moving?

SHRI K.C. TYAGI: Sir, I am not moving my amendment.

Clause 54 was added to the Bill.

Clauses 55 to 64 were added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 65. In Clause 65, there is one Amendment (No.5) by Shri K.C. Tyagi. Are you moving?

SHRI K.C. TYAGI: Sir, I am not moving my amendment.

Clause 65 was added to the Bill.

Clauses 66 to 69 were added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Clause 70. In Clause 70, there is one Amendment (No.64) by Dr. V. Maitreyan and Shri N. Balaganga. Are you moving?

Clause 70- Determination of award by the Authority

SHRI N. BALAGANGA : Sir, I move:

64. That at page 27, line 13, *for* the words “calculated at the rate of twelve percent”, the words “calculated at the rate of fifteen percent” be *substituted*.

The question was put and the motion was negatived.

Clause 70 was added to the Bill.

Clauses 71 to 72 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 73. In Clause 73, there is one Amendment (No. 15) by Shri N.K. Singh. Mr. N.K. Singh, are you moving?

SHRI N.K. SINGH : Sir, I am not moving.

Clause 73 was added to the Bill.

Clauses 74 to 80 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 81. In Clause 81, there is one Amendment (No.6) by Shri K.C. Tyagi. Mr. K.C. Tyagi, are you moving?

SHRI K.C. TYAGI : Sir, I am not moving.

Clause 81 was added to the Bill.

Clauses 82 to 96 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 97. In Clause 97, there is one Amendment (No.68) by Shri K.C. Tyagi. Mr. K.C. Tyagi, are you moving?

SHRI K.C. TYAGI : Sir, I am not moving.

Clause 97 was added to the Bill.

Clauses 98 to 99 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 100. In Clause 100, there is one Amendment (No. 41) by Shri P. Rajeeve and Shri K.N. Balagopal. Mr. Rajeeve, are you moving?

Clause 100 – No change of purpose to be Allowed

SHRI P. RAJEEVE :Sir, I move:

41. That at page 33, line 17, *for* the words “may use such land for any other public purpose”, the words “shall return the land to the original land owners” be *substituted*.

The question was put and the motion was negatived.

Clause 100 was added to the Bill.

Clause 101 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 102. In Clause 102, there is one Amendment (No. 42) by Shri P. Rajeeve and Shri K.N. Balagopal. Mr. Rajeeve, are you moving?

Clause 102 – Return of Unutilised Land

SHRI P. RAJEEVE : Sir, I move:

42. That at page 33, lines 22 and 23, *for* the words “Land Bank of the appropriate Government by reversion”, the words “shall be returned to the original land owners” be *substituted*.

The question was put and the motion was negatived.

Clause 102 was added to the Bill.

Clauses 103 to 105 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 106. In Clause 106, there is one Amendment (No. 58) by Shri D. Raja and Shri M.P. Achuthan. Mr. Raja, are you moving?

Clause 106 – Provisions of this Act not to apply in certain cases or to apply with certain modifications

SHRI D. RAJA : Sir, I move:

58. That at page 34, *for* lines 1 and 2, the following be *substituted* namely:-

“106 (1) The provisions of the Act shall apply to all enactments relating to all land acquisition specified in the Fourth Schedule.

(2) The Central Government shall, by law, amend other enactments accordingly.”

The question was put and the motion was negatived.

Clause 106 was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up Clause 107. In Clause 107, there is one Amendment (No. 65) by Dr. V. Maitreyan and Shri N. Balaganga. Mr. Balaganga, are you moving?

Clause 107 – Power to Amend Schedule

SHRI N. BALAGANGA : Sir, I move:

65. That at page 34, line 21, *after* the words “the Central Government may”, the words “in consultation with the State Governments” be *inserted*.

The question was put and the motion was negatived.

Clause 107 was added to the Bill.

Clauses 108 to 115 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, I shall take up The First Schedule. In the First Schedule, there is one Amendment (No. 43) by Shri P. Rajeeve and Shri K.N. Balagopal. Mr. Balagopal, are you moving?

The First Schedule

SHRI K.N. BALAGOPAL : Sir, I move:

43. That at page 37, line 13, for the figures, word and bracket “2.00 (Two)”, the figures, word and bracket “3.00 (Three)” be *substituted*.

The question was put and the motion was negatived.

The First Schedule was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up Schedule II of the Bill. There are eight Amendments. Amendment (Nos. 44 to 46) by Shri P. Rajeeve and Shri K. N. Balagopal. Are you moving?

The Second Schedule

SHRI P. RAJEEVE : Sir, I move:

44. That at page 40, line 27, *for* the words “whichever is lower”, the words “whichever is higher” be *substituted*.
45. That at page 40, lines 50 and 51, the words “*after providing suitable training and*” be *deleted*.
46. That at page 41, lines 2 to 4, the words “skill development in the required field, make provision for employment” be *deleted*.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 59 to 62) by Shri D. Raja and Shri M.P. Achuthan. Are you moving?

SHRI D. RAJA : Sir, I move:

59. That at page 41, lines 23 to 27, the following be *substituted* namely:-
“shall be given subsistence allowance minimum of three thousand rupees per month for three years from the date of award wherein the quantum shall be linked with the enactment of Consumer Price Index.”
60. That at page 41, lines 44 to 46, *for* the words “financial assistance of fifty thousand rupees as transportation cost”, the words “financial assistance of a minimum fifty thousand rupees and the quantum may be more, considering the distance of shifting and enhanced transport fare in the respective area.” be *substituted*.
61. That at page 42, lines 6 and 7, *for* the words “twenty five thousand”, the words “fifty thousand.” be *substituted*.
62. That at page 42, lines 24, *for* the words “twenty five thousand”, the words “one lakh.” be *substituted*.

MR. DEPUTY CHAIRMAN: Amendment (No.10) by Shri Jairam Ramesh.

SHRI JAIRAM RAMESH: Sir, I move:

10. That at page 40, line 7, *for* the words “each affected family”, the words “as far as possible and in lieu of compensation to be paid for land acquired, each affected family” be *substituted*.

SHRI K.N. BALAGOPAL: Sir, you are taking all the amendments together.
.....(Interruptions)...

MR. DEPUTY CHAIRMAN: Sit down.(*Interruptions*)... I shall now put the amendments moved by Shri P. Rajeeve and Shri K.N. Balagopal to vote.

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN: I shall now put the Amendments moved by Shri D. Raja and Shri M.P. Achuthan to vote.

The questions were put and the motions were negatived.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment moved by the Minister to vote.

The question was put and the motion was adopted.

The Second Schedule, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up the Third Schedule of the Bill. There is one Amendment (No.47) by Shri P. Rajeeve and Shri K.N. Balagopal. Are you moving?

The Third Schedule

SHRI P. RAJEEVE : Sir, I move:

47. That at page 44, line 20, *after* the words “with their”, the words “traditional and” be *inserted*.

The question was put and the motion was negatived.

The Third Schedule was added to the Bill.

MR. DEPUTY CHAIRMAN: I shall now take up the Fourth Schedule of the Bill. There are three Amendments. Amendment (No.48) by Shri P. Rajeeve and Shri K.N. Balagopal. Are you moving?

The Fourth Schedule

SHRI P. RAJEEVE : Sir, this is the most important amendment. If this Schedule is there, there is no relevance of this Bill. Sir, I move:

48. That at page 45, the Fourth Schedule, be *deleted*.

MR. DEPUTY CHAIRMAN: Amendment (No.66) by Dr. V. Maitreyan and Shri N. Balaganga.

SHRI N. BALAGANGA : Sir, I move:

66. That at page 45, lines 13 and 14 be *deleted*.

MR. DEPUTY CHAIRMAN: Then, Amendment (No. 67) by Shri Dharmendra Pradhan. Are you moving?

SHRI DHARMENDRA PRADHAN : Sir, I am satisfied with the Minister's assurance. I am not moving.

MR. DEPUTY CHAIRMAN: Okay. Now, I shall first put the Amendment moved by Shri P. Rajeeve and Shri K.N. Balagopal to vote.

SHRI P. RAJEEVE: Sir, we want division.

SHRI K.N. BALAGOPAL: This is the heart of the Bill.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No.48) moved by Shri P. Rajeeve and Shri K.N. Balagopal to vote.

The House divided.

MR. DEPUTY CHAIRMAN: Subject to correction:

Ayes : 23

Noes : 129

Ayes

Achuthan, Shri M.P.

Arjunan, Shri K. R.

Baidya, Smt. Jharna Das

Baishya, Shri Birendra Prasad

Balaganga, Shri N.

Balagopal, Shri K.N.

Behera, Shri Shashi Bhusan

Bernard, Shri A. W. Rabi

Chakraborty, Shri Shyamal

Chatterjee, Shri Prasanta

Goud.T., Shri Devender

Lakshmanan, Dr. R.

Maitreyan, Dr. V.

Narayanan, Shri C.P.

Parida, Shri Baishnab

Raja, Shri D.

Rajeeve, Shri P.

Rangarajan, Shri T.K.

Rathinavel, Shri T.

Roy, Shri Tarini Kanta

Seema, Dr. T.N.

Sen, Shri Tapan Kumar

Yechury, Shri Sitaram

Noes

Abraham, Shri Joy

Adeeb, Shri Mohammed

Aiyar, Shri Mani Shankar

Ali, Shri Munquad

Anand Sharma, Shri

Ansari, Shri Ali Anwar

Antony, Shri A.K.

Ashk Ali Tak, Shri

Azad, Shri Ghulam Nabi

Baghel, Prof. S.P. Singh

Balmuchu, Dr. Pradeep Kumar

Batra, Shri Shadi Lal

Bhattacharya, Shri P.

Bora, Shri Pankaj
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chiranjeevi, Dr. K.
Chowdhury, Smt. Renuka
Dalwai, Shri Husain
Darda, Shri Vijay Jawaharlal
Dwivedi, Shri Janardan
Fernandes, Shri Oscar
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goyal, Shri Piyush
Gupta, Shri Prem Chand
Hariprasad, Shri B. K.
Hashmi, Shri Parvez
Heptulla, Dr. Najma A.
Irani, Smt. Smriti Zubin
Jain, Shri Ishwarlal Shankarlal
Jaitley, Shri Arun
Javadekar, Shri Prakash
Jinnah, Shri A. A.
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Smt.
Kannan, Shri P.
Karan Singh, Dr.
Karimpuri, Shri Avtar Singh

Kashyap, Shri Narendra Kumar

Katiyar, Shri Vinay

Khabri, Shri Brijlal

Khan, Shri K. Rahman

Kore, Dr. Prabhakar

Khan, Shri Mohd. Ali

Khanna, Shri Avinash Rai

Khuntia, Shri Rama Chandra

Kidwai, Smt. Mohsina

Koshyari, Shri Bhagat Singh

Kshatriya, Prof. Alka Balram

Kujur, Shri Santiuse

Kulaste, Shri Faggan Singh

Mahra, Shri Mahendra Singh

Malihabadi, Shri Ahmad Saeed

Mandaviya, Shri Mansukh L.

Manjunatha, Shri Aayanur

Masood, Shri Rasheed

Mathur, Shri Om Prakash

Mayawati, Km.

Misra, Shri Satish Chandra

Mitra, Dr. Chandan

Mukut Mithi, Shri

Mungekar, Dr. Bhalchandra

Nadda, Shri Jagat Prakash

Naik, Shri Shantaram

Nandi Yellaiah, Shri

Natarajan, Smt. Jayanthi

Natchiappan, Dr. E.M. Sudarsana

Pande, Shri Avinash

Pandya, Shri Dilipbhai

Parmar, Shri Bharatsinh Prabhatsinh

Patel, Shri Ahmed

Pathak, Shri Brajesh

Patil, Shri Basawaraj

Patil, Smt. Rajani

Pilania, Dr. Gyan Prakash

Pradhan, Shri Dharmendra

Prasad, Shri Ravi Shankar

Rai, Smt. Kusum

Rajan, Shri Ambeth

Ram Prakash, Dr.

Ramalingam, Dr. K.P.

Ramesh, Shri Jairam

Rangasayee Ramakrishna, Shri

Rao, Dr. K.V.P. Ramachandra

Rao, Shri V. Hanumantha

Rapolu, Shri Ananda Bhaskar

Rashtrapal, Shri Praveen

Ratna Bai, Smt. T.

Reddy, Shri Palvai Govardhan

Rudy, Shri Rajiv Pratap

Sadho, Dr. Vijaylaxmi

Sahani, Dr. Anil Kumar
Sahu, Shri Dhiraj Prasad
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Seelam, Shri Jesudasu
Selvaganapathi, Shri T.M.
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Birender
Singh, Shri Ishwar
Singh, Smt. Maya
Singh, Shri N. K.
Singh, Shri Ramchandra Prasad
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Soni, Smt. Ambika
Sood, Smt. Bimla Kashyap
Soz, Prof. Saif-ud-Din
Stanley, Smt. Vasanthi
Syiem, Smt. Wansuk
Tariq Anwar, Shri
Tarun Vijay, Shri
Thakor, Shri Natuji Halaji
Thakur, Dr. Prabha

Thangavelu, Shri S.

Tiwari, Shri Alok

Tyagi, Shri K.C.

Vasan, Shri G.K.

Vegad, Shri Shankarbhai N.

Vora, Shri Motilal

Yadav, Shri Bhupender

Yadav, Prof. Ram Gopal

Yadav, Shri Ram Kripal

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment moved by Dr. V. Maitreyan and Shri N. Balaganga to vote.

The question was put and the motion was negatived.

The Fourth Schedule was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Shri Jairam Ramesh to move that the Bill, as amended, be passed.

SHRI JAIRAM RAMESH: Sir, I move:-

That the Bill, as amended, be passed.

The question was proposed.

...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. What are you doing? *...(Interruptions)...*

SHRI DEREK O'BRIEN: I want division, Sir.

MR. DEPUTY CHAIRMAN: No, no. What are you doing, Mr. Derek? *...(Interruptions)...* You know the result. It is very clear.

SHRI DEREK O'BRIEN: Sir, this 70:30, 80:20 will not do; it should be 100:0. This forcible acquisition will not do. This has taken us thirty years, in fact, another 20 years...*(Interruptions)...*

MR. DEPUTY CHAIRMAN: All right. If a Member is pressing for division, the Chair will have to accept it. Let me put the question again....(*Interruptions*)... Now, please. ...(*Interruptions*)... The lobbies have already been cleared. I hope, you accept that. Then, the procedure has already been explained. Therefore, I am going in for division directly. I shall put the question again.

The question is:

That the Bill, as amended, be passed.

The House divided

MR. DEPUTY CHAIRMAN: Subject to correction:

Ayes : 134

Noes : 10

Ayes

Abraham, Shri Joy

Adeeb, Shri Mohammed

Aiyar, Shri Mani Shankar

Ali, Shri Munquad

Anand Sharma, Shri

Ansari, Shri Ali Anwar

Ansari, Shri Salim

Antony, Shri A.K.

Ashk Ali Tak, Shri

Azad, Shri Ghulam Nabi

Baghel, Prof. S.P. Singh

Balmuchu, Dr. Pradeep Kumar

Batra, Shri Shadi Lal

Behera, Shri Shashi Bhusan

Bhattacharya, Shri P.

Bora, Shri Pankaj
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chiranjeevi, Dr. K.
Chowdhury, Smt. Renuka
Dalwai, Shri Husain
Darda, Shri Vijay Jawaharlal
Desai, Shri Anil
Dwivedi, Shri Janardan
Fernandes, Shri Oscar
Gehlot, Shri Thaawar Chand
Gill, Dr. M.S.
Goud T., Shri Devender
Goyal, Shri Piyush
Gupta, Shri Prem Chand
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Heptulla, Dr. Najma A.
Irani, Smt. Smriti Zubin
Jain, Shri Ishwarlal Shankarlal
Jaitley, Shri Arun
Javadekar, Shri Prakash
Jinnah, Shri A.A.
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Smt.
Kannan, Shri P.

Karan Singh, Dr.
Karimpuri, Shri Avtar Singh
Kashyap, Shri Narendra Kumar
Katiyar, Shri Vinay
Khabri, Shri Brijlal
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Khanna, Shri Avinash Rai
Khuntia, Shri Rama Chandra
Kidwai, Smt. Mohsina
Kore, Dr. Prabhakar
Koshiyari, Shri Bhagat Singh
Kshatriya, Prof. Alka Balram
Kujur, Shri Santiuse
Kulaste, Shri Faggan Singh
Mahra, Shri Mahendra Singh
Malihabadi, Shri Ahmad Saeed
Mandaviya, Shri Mansukh L.
Manjunatha, Shri Aayanur
Masood, Shri Rasheed
Mathur, Shri Om Prakash
Mayawati, Km.
Misra, Shri Satish Chandra
Mitra, Dr. Chandan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Nadda, Shri Jagat Prakash

Naik, Shri Shantaram
Nandi Yellaiah, Shri
Natarajan, Smt. Jayanthi
Natchiappan, Dr. E.M. Sudarsana
Pande, Shri Avinash
Pandya, Shri Dilipbhai
Parmar, Shri Bharatsinh Prabhatsinh
Patel, Shri Ahmed
Pathak, Shri Brajesh
Patil, Shri Basawaraj
Patil, Smt. Rajani
Pilania, Dr. Gyan Prakash
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rajan, Shri Ambeth
Ram Prakash, Dr.
Ramalingam, Dr. K.P.
Ramesh, Shri Jairam
Rangasayee Ramakrishna, Shri
Rao, Dr. K.V.P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Rashtrapal, Shri Praveen
Ratna Bai, Smt. T.
Raut, Dr. Bharatkumar
Raut, Shri Sanjay
Rudy, Shri Rajiv Pratap

Sadho, Dr. Vijaylaxmi
Sahani, Dr. Anil Kumar
Sahu, Shri Dhiraj Prasad
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munavver
Sancheti, Shri Ajay
Seelam, Shri Jesudasu
Selvaganapathi, Shri T.M.
Sharma, Shri Raghunandan
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Arvind Kumar
Singh, Shri Birender
Singh, Shri Ishwar
Singh, Smt. Maya
Singh, Shri N. K.
Singh, Shri Ramchandra Prasad
Singh, Shri Veer
Singh Badnore, Shri V.P.
Singhvi, Dr. Abhishek Manu
Soni, Smt. Ambika
Sood, Smt. Bimla Kashyap
Soz, Prof. Saif-ud-Din
Stanley, Smt. Vasanthi
Sudharani, Smt. Gundu
Syiem, Smt. Wansuk
Tariq Anwar, Shri

Tarun Vijay, Shri
Thakor, Shri Natuji Halaji
Thakur, Dr. Prabha
Thangavelu, Shri S.
Tiwari, Shri Alok
Vasan, Shri G. K.
Vegad, Shri Shankarbhai N.
Vora, Shri Motilal
Yadav, Shri Bhupender
Yadav, Prof. Ram Gopal
Yadav, Shri Ram Kripal

Noes

Brien, Shri Derek
Baishya, Shri Birendra Prasad
Bandyopadhyay, Shri D.
Bose, Shri Srinjoy
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Parida, Shri Baishnab
Roy, Shri Sukhendu Sekhar
Singh, Dr. Kanwar Deep
Tyagi, Shri K. C.

The motion was adopted.

MR. DEPUTY CHAIRMAN: The Bill, as amended, is passed. I would like to thank every hon. Member. Even though Members agitate and sometimes there are disruptions, we have shown unity. At the hour of need, we are one. I thank you all. Now, lobbies may be opened. Special Mentions will be taken up tomorrow. ...*(Interruptions)*...

Gomti and Revati rivers amongst others. The removal of minerals from the riverbeds is causing serious threat to the flow of the river, forests on river banks and most seriously to the environment of these areas. Similarly, the illegal beach sand mining from the coastal areas is also creating a lot of environment problems. This should be checked and the Government is requested to take strong action for protecting the environment. The mining mafia who are very powerful must be controlled through stringent measures.

But, at the same time, the Government have to ensure regulated mining of river sand and beach sand for the developmental purposes. The principle of sustainable growth is to be followed in deciding policies related to mining. The Supreme Court and the National Green Tribunal have directed the States to ensure regulated mining. Sand is an important ingredient for all kinds of construction in the country. Lakhs of workers are engaged in sand mining and in construction activities. The beach sand in the coast of Kerala and Tamil Nadu contains lakhs of tonnes of rare earth which cost thousands of crores of rupees. Even rare metals like titanium, zircon and products like thorium, monosite, etc., are coming from the sand. Employment and economy-wise this sector is very important.

But, recently, the National Green Tribunal has banned the river sand and beach sand mining. It directed for new clearances from environmental authorities. Through this order, almost all mining activities in the country have come to a standstill. In the case of Kerala, the authorities are not allowing the ongoing regulated mining which resulted in the job loss of lakhs of workers both in mining sector and construction sector. The IRE unit in Kollam district is also compelled to stop its production. Hence, the urgent intervention from the Environment Ministry and other Departments is needed to protect the regulated sand mining in the country.

**Demand to provide reasonable relief to compensate destruction caused by
wild elephants in several districts of Assam**

SHRI SANTIUSE KUJUR (Assam): Sir, I would like to draw the attention of the Government towards the attacks by wild elephants which continue in villages along the India-Bhutan border in Assam's Udalguri district.

Sir, almost every day, elephant herds are entering from multiple locations to the villages, human settlements and tea garden estates from hills and adjoining forests damaging houses and crops. People are scared and worried. The population of the affected area has to pass sleepless nights and to live in panic all the time. The villagers

**Demand to take corrective measures to improve basic infrastructure
in Primary and Upper Primary schools in the country**

DR. GYAN PRAKASH PILANIA (Rajasthan): Sir, a sample survey titled 'Learning Blocks' conducted by the Non-governmental Organisation, Child Relief and You (CRY), has revealed that primary and upper primary schools in the country do not meet the basic requirements expected in an educational institution. The study was conducted in 750 schools across 71 districts in 13 States and three metro cities, namely, Delhi, Kolkata and Chennai.

The study found that more than 75 per cent of schools lacked furniture and fixtures like tables, chairs and benches; in 41 per cent of schools, students were taught in open space; 28 per cent primary schools and 31 per cent upper primary schools did not have Principals; 11 per cent schools did not have toilets; 49 per cent had common toilets for staff and students; 20 per cent did not have drinking water; 74 per cent schools did not have library; 18 per cent did not have a designated kitchen for midday meals; 60 per cent did not have playgrounds; 9 per cent did not have school management committees; and 21 per cent of primary schools and 17 per cent of upper primary schools reported involvement of teachers in activities other than teaching.

The study also found that about 44 per cent schools had no electricity. While 11 per cent of schools did not have toilets, and of those available, 34 per cent were unusable and every one of two schools did not have water near toilets. Close to 80 per cent of schools did not have cleaning staff to keep the toilets clean. Nearly one-fourth of schools in India functioned without blackboards, while school education is synonymous with the black board.

In view of above woeful scenario, I would urge upon the hon. Minister for Human Resources Development to take corrective steps.

MR. DEPUTY CHAIRMAN: Dr. Janardhan Waghmare, not present. Shrimati T. Ratna Bai, not present. Shri K.C. Tyagi, not present. Shri Tarun Vijay, not Present.

**Demand for early establishment of a Maritime University
at Cochin in Kerala**

SHRI P. RAJEEVE (Kerala): Sir, the Parliamentary Standing Committee on Transport and Tourism had recommended establishment of five marine universities at Mumbai, Kolkata, Chennai, Visakhapatnam and Cochin with clear demarcated geographical jurisdiction. The executive council had decided to discuss the upgradation of Marine

[Shri P. Rajeeve]

University, Cochin campus as a full pledged university. But, at last, it had been referred.

The State Government had offered 60 acres of land for establishing this Maritime University. Out of 14 districts in Kerala, nine districts are coastal districts, and 71 per cent of Kerala's population is living in coastal areas. Establishment of a Maritime University at Cochin will take maritime education and training to their doorsteps and this will help a lot of poor people and the weaker sections of the society, namely fishermen, the poor and disadvantaged sections of coastal region to avail themselves of university education at lower cost. I urge the Shipping Ministry to consider this case and approve Maritime University for Cochin, Kerala.

MR. DEPUTY CHAIRMAN: Sardar Sukhdev Singh Dhindsa, not present.

The House is adjourned to meet tomorrow, the 5th September, 2013, at 11.00 a.m.

The House then adjourned at fifty-two minutes past ten of the clock till eleven of the clock on Thursday the 5th September, 2013