

## **RAJYA SABHA**

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### **\*SYNOPSIS OF DEBATE**

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**(Proceedings other than Questions and Answers)**

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**Wednesday, September 04, 2013/Bhadrapada 13, 1935 (Saka)**

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#### **SUBMISSION BY THE MEMBERS**

**LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY):** The hon. Prime Minister had said that the Government had nothing to hide. But it appears that the Government has a lot to hide. It has the coal files to hide. They are missing. They have been allegedly stolen. They are not available. The concerned Investigating Officer has sought for the examination of the Prime Minister, on the grounds that he was the then Coal Minister.

The CBI says that it wants the files. Files are the principal evidence, the documentary evidence. If files are missing and documentary evidence is not available, then, the only other evidence is oral evidence. 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. We would have preferred had the hon'ble Prime Minister taken a few queries from the Members. The oral examination is of the most relevant witness. We would like the Government to respond to us as to how this matter is going to proceed further?

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**\*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

**SHRI SITARAM YECHURY:** I had suggested that the Government must procure the files from the CAG. The Government should file an FIR. I want the guilty to be brought to book. This is casting a very serious doubt on the entire country. This doubt has to be erased. The Government should speedily come out with the truth.

**SHRI NARESH AGRAWAL:** Today the entire country want to know as to what response would be given about the question which has arose about the Government. If our points are not taken seriously and they remains meaningless, what would be the use of the House? It would not give a good message to the Country. I request you that some responsible person should come here on behalf of the Government.

**DR. V. MAITREYAN:** Hon. Prime Minister should accept that the files are missing. The officials in the Coal Ministry are responsible for it. The Prime Minister should explain how PMO officer went to CBI Office and what action has been taken against that officer? What were the circumstances for the then Law Minister to resign? Why didn't the Prime Minister take action against the official in the PMO? What action is being taken against the Officer in the Coal Ministry who was responsible for the loss?

**SHRI DEREK O'BRIEN:** Yesterday, the hon. Prime Minister said that 'He is not the custodian of those files.' May I ask, then who is the custodian of these files? Whether files go missing or they are made to go missing?

**SHRI D. RAJA:** The scam in coal block allocations is one of the biggest in the post-independent India. We are asking the Government what it is going to do on this issue? There are allegations that the CBI is being misused and abused by those who are in power. Whether the Government will ensure that the investigation will be allowed without any political interference. The Prime Minister will have to tell the nation what went wrong with his Government.

**SHRI K.C. TYAGI:** Our party is committed on the issues which have been raised either in the other house or in this House by

the leader of the Opposition about this coalgate matter. Our Bihar Government has a zero tolerance about corruption. Our party is of the view that coal licences of all those who are involve in corruption should be cancelled.

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTER OF PLANNING (SHRI RAJEEV SHUKLA), responding to the matter, said:** The process of clarification is still continuing. In between the Prime Minister intervened. I will definitely convey the observation to the Minister of Coal.

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### **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):** Sir, I move:

"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."

**SHRI VINAY KATIYAR:** Whenever there is a question of land acquisition, farmers have to cry. There is an agreement on social and political level on the issue that the existing law has loopholes. The acquisition agency has once under the Land Acquisition Act 1894, made up his mind to acquire a particular piece of land, it is sure to acquire it without considering that what would be the effect thereof on the person whose land is being acquired.

There is no provision for rehabilitation of the people displaced due to acquisition of land. The compensation for land acquisition is provided on the current circle rates which is quite less than the actual rates. Taking advantages of the loopholes in the Land Acquisition Act, 1894, the central Government, state Governments and the Government bodies have acquired large area of fertile land also. The state Governments acquire the land in the public interest and hand it over to the private builders and entrepreneurs. If the irrigated land is continued to be handed over in this manner, the villages will vanish and urbanization will take place. Wherever the resettlement colonies are set up, there are no schools, drinking water etc. The tribes are being grossly neglected. They have to depend on the forests for basic amenities. There is an urgent need to enact a legislation regarding land acquisition. There should be proper compensation for land acquisition and a regulatory authority should be constituted.

There should be ban on hoarding of land in large volume and earning of profit therefrom in future. Food security should be protected. "Public interest" word should be interpreted properly. The Government role in land acquisition for PPP and private sector has been included in this bill while Government should have no role in land acquisition for these sectors. ASI should have mandatory consent of Gram Sabha. A commission should be established for fixation of market price of the land. Offences committed by companies should be dealt under the Indian penal code. Clause 99 should be removed. Eleven points suggested by Parliamentary Standing Committee have not been included in the Bill. Britishers have formulated land acquisition Bill first time in 1894 and since then it has been amended three times. Farmer want land acquisition should be done in proper

way and land acquisition in an arbitrary manner makes them angry. There should be uniform ceiling with regard to consent in land acquisition but Government projects have been kept outside its purview. There should be planning for increase in population of villages in future.

Section 9 is anti-farmer and there is no justification of it any where. It may be abolished. Assessment should be done about the acquiring land. Clause 10 says that no multi-cropped land shall be acquired subject to certain conditions whereas Section 2 says that it can be done. It means multi-cropped land can be acquired and it is contradictory. It should be uniform or it may be abolished. No land should be acquired without the consent of farmer at any cost. There is lot of barren land in some states. It should be acquired.

Section 63 says that the farmer can not made appeal. I want to know where they would made appeal. I request you that they may be permitted to go Court. Section 38 is also anti-farmer and it should be abolished. Place and number of authorities have not been clarified. Authorities should be set up at District-Centres so that farmers and rest of people can go there easily. Fast-Track Courts should be established to dispose of the cases quickly and time-limit should also be fixed for this. Land should not be acquired more than its requirement.

The acquired land which has not been used till five years should be returned to the farmers but at the same time you have also provided that this land will go to the Governments Land Bank. In my opinion the land of the farmers who have returned the compensation should be returned to them. You have made separate provisions for the villages and cities. But several villages have been urbanized today. So, will you include them under urban area?

There should be some legislation on population-control. Several problems including the land problems cannot be solved without putting control on the population. The industries should be allowed on the unused lands only. The agricultural land of the farmers which is used for having several crops should not be acquired. Consent of cent percent farmers should be taken for this acquirement.

The purpose for what the land will be used should also be written at the time of Registry.

This should be mentioned in the registry. At least one job must be provided to the person whose land you are taking. Section 9, 10 and 38 are anti farmers, they should be deleted. Income tax on the farmers should be stopped. If the farmers are not heard, there will be dictatorship in our country. I request to accept our amendments.

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**SHUMSHER K. SHERIFF,**  
*Secretary-General.*

**[rssynop@sansad.nic.in](mailto:rssynop@sansad.nic.in)**

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**\*\*Supplement covering rest of the proceedings is being issued separately.**