Bill No. XLI of 2014

THE CONSTITUTION (AMENDMENT) BILL, 2014

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further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (i) This Act may be called the Constitution (Amendment) Act, 2014.

(ii) It shall come into force at once.

Short title and commence-

2. In article 31A of the Constitution in clause (I) after the second proviso, the following proviso shall be inserted, namely:—

Amendment of article 31A.

"Provided also that no agricultural land shall be acquired by the State except for public utilities such as highways, roads, bridges, dams, airports, railway lines and stations and any acquisition of agricultural land for the purposes other than referred herein and in particular for promoting private entrepreneur or private corporate venture shall be void *abinitio*."

STATEMENT OF OBJECTS AND REASONS

Of late, the agricultural land belonging to poor farmers in various parts of the country is being acquired by the State Governments by paying poor compensation for promoting Special Economic Zones (SEZs) be private entrepreneurs or promoting private sector corporate enterprises setting up power plants, manufacturing of cars, engineering goods, etc. This has agitated the poor farmers and in some parts they have revolted and have become violent in protest against the acquisition of their land, which is the only source of their livelihood. In order to curb them, the State Governments have resorted to arrest, *lathi* charge and even firing, killing many innocent farmers. No doubt, the State can acquire land for public utilities like highways, roads, bridges, dams, airports, railway lines and stations but acquiring land for private entrepreneurs is not the responsibility of the State. The private entrepreneurs can well effort the land price and they can purchase the land directly from its owners at agreed price. But no land should forcibly be acquired for private ventures by the State.

Hence, this Bill.

NARENDRA KUMAR KASHYAP

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

Article 31A: Saving of laws providing for acquisition of estates, etc.

- (1) Notwithstanding anything contained in article 13, no law providing for—
- (a) The acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or
- (b) The taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property, or
- (c) The amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations, or
- (d) The extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors, directors or managers of corporations, or of any voting rights of shareholders thereof, or
- (e) The extinguishment or modification of any rights accruing by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence,

shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14 or article 19:

Provided that where such law is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President has received his assent:

Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof.

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further to amend the Constitution of India.

(Shri Narendra Kumar Kashyap, M.P.)