

LOK SABHA
UNSTARRED QUESTION NO.2260
TO BE ANSWERED ON THE 31ST JULY, 2018

2260. SHRI RAM TAHAL CHOUDHARY:
SHRI MANSUKHBHAI DHANJIBHAI VASAVA:

Will the Minister of AGRICULTURE AND FARMERS WELFARE †āðŠāāÓā एवं किसान कल्याण ½āâ~āāè
be pleased to state:

- (a) whether fertile land is being acquired for development projects in the country and inadequate compensation is being paid to the farmers for land acquisition;
- (b) if so, the opinion of the Government in this regard;
- (c) whether some provisions are existing in this regard and if so, the details thereof;
- (d) whether the Government propose to enact any law to acquire only barren land for such projects; and
- (e) the corrective steps taken in this regard?

MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND FARMERS WELFARE

‡ãŠããÓã एवं किसान कल्याण ½ã¨ããÊã¼ã ½ãñã Æã¾ã ½ãã¨ããè (SHRI GAJENDRA SINGH SHEKHAWAT)

(a) to (e): It is acknowledged that to some extent agricultural land is acquired for developmental projects in the country. However, details of agricultural land diverted to non-agricultural uses including land acquired for the purpose of development and inadequate compensation being paid are not maintained centrally. Department of Land Resources, Ministry of Rural Development has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which provides adequate compensation to the farmers as per Schedule-I of the Act. The copy of Schedule-I is given at Annexure-I.

As per Seventh Schedule of Constitution of India, land comes under the purview of State Government and, therefore, it is for the State Governments to take suitable steps to check diversion of agricultural land for non-agricultural purposes. However, under National Policy for Farmers-2007 (NPF-2007), State Governments have been advised to earmark land with low biological potential such as uncultivable land, land affected by salinity, acidity, etc., for non-agricultural development activities, including industrial and construction activities. Besides, National Rehabilitation and Resettlement Policy- 2007 (NRRP-2007) has recommended that as far as possible , projects may be set up on wasteland, degraded land or un-irrigated land. Acquisition of irrigated, multi-cropped agricultural land for non agricultural uses may be kept to the minimum and avoided, to extent possible.

In addition the Section-10 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 restrict acquisition of multi cropped agriculture land for development projects. The details of Section-10 is given at Annexure-II.

Annexure-I

(Annexure to be un-starred question No. 2260 on Acquisition of Fertile Land due for 31.7.2018)

The First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas.	1(One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatium	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8.	Other component, if any, to be included		

NOTE—The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

Annexure-II

(Annexure to be un-starred question No. 2260 on Acquisition of Fertile Land due for 31.7.2018)

Section-10 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Special provision to safeguard food security

(1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act.

(2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in subsection (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.

(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.

(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:

Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.
