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Title: Introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015.

THE MINISTER OF RURAL DEVELOPMENT, MINISTER OF PANCHAYATI RAJ AND MINISTER OF DRINKING WATER AND SANITATION (SHRI CHAUDHARY BIRENDER SINGH): I beg to move for leave to introduce a Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. ...(*Interruptions*)

HON. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."

...(*Interruptions*)

HON. SPEAKER: Shri Raju Shetty may speak first. There are objections for the introduction of this Bill. Then the Minister will reply at the end.. After Shri Raju Shetty speaks, I will allow you.

...(*Interruptions*)

**श्री राजू शेट्टी (हातकणंगले) :** अध्यक्ष महोदया, मंत्री जी जो भूमि अर्जन विधेयक सदन में पेश कर रहे हैं, मैं उसका विरोध करने के लिए खाड़ा हुआ हूँ। इस बिल को लेकर किसानों में भारी आक्रोश है।

HON. SPEAKER: You tell as to why you are against the introduction of the Bill.

...(*Interruptions*)

**श्री राजू शेट्टी :** मैं इसका विरोध करता हूँ और कहना चाहता हूँ कि जब तक सरकार किसानों की सहमति नहीं लेती, तब तक किसान अपनी एक इंच भूमि भी नहीं देंगे। इसलिए मैं इस बिल का विरोध कर रहा हूँ, यह किसान विरोधी बिल है और उनका गला घोटने वाला बिल है। ...(*Interruptions*)

PROF. SAUGATA ROY (DUM DUM): Madam, under Rule 72(1) of the Rules of Procedure, I oppose the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015. The Bill takes away the Chapter II on social impact assessment and Chapter III on food security in case of certain land acquisition. This Bill is against the interest of the farmers and has been opposed by all Opposition Political Parties and farmers' organizations. Hence, it should be opposed tooth and nail by everybody who has the farmers interest at heart. The Bill also takes away the right of consent of farmers where consent of 80 per cent of the farmers were needed for land acquisition for a private party. That has also been removed in the case of certain land acquisitions. This Bill shows how a Bill should not be put forward because a unanimous Bill was passed in Parliament in 2013. Even the BJP had supported that Bill at that time. The Government suddenly brings forward a Second Amendment Bill. Because of the majority, the Government passes it in the Lok Sabha. The Lok Sabha passes it. It is not even taken up in the Rajya Sabha. After the Session is adjourned briefly, the Government issues an Ordinance. Then, it has again brought forward the Bill to replace the Ordinance. This tortuous process of legislation is something that should not be happening. ...(*Interruptions*)

It is a good news! Congratulations!! We congratulate you. ...(*Interruptions*) Madam, they are very happy. It is very good. While our AIADMK friends have reasons to cheer themselves up with the news from Bengaluru, we feel unhappy that steps are being taken by the Government against the farmers. Steps are being taken by the Government to run the country through an Ordinance Raj. This is the second time that an Ordinance has been introduced. Hence, with all the force at my command, I oppose the introduction of this anti-farmers Bill which takes away from the farmers their own right to give consent for their land acquisition, which takes away from farmers the right to have a social impact assessment on their land acquisition as also the minimum provisions for ensuring food security.

We opposed the Bill even in 2013 when the Government introduced the 80 per cent consent clause. The Trinamool Congress said that we wanted 100 per cent consent of farmers for land acquisition for private parties as was demanded during the Singur agitation. So, it has been a matter of principle and a matter of faith for our Party. We shall continue to oppose any attempt to tweak the Land Acquisition Bill in favour of the big business which this Government is trying to cater to.

SHRI M.B. RAJESH (PALAKKAD): I rise to oppose the introduction of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015.

I am opposing the introduction mainly on two grounds. Number one, this Bill has got provisions which will lead to land grab and the farmers, cutting across political affiliations throughout the country, are opposing this Bill. There is widespread resentment, protest and serious concern among the farmers throughout the country. The provisions for consent, social impact assessment, all these have been taken away from this Bill. Also, the Bill favours the interest of the big business and the corporates. This will lead to corporate land grab. ...(*Interruptions*)

I will be briefly explaining these things. I am opposing it on two grounds. The Government is saying that it is acting in the interest of the nation. According to the Government, the national interest is the interest of the Corporates. To us, it is not the national interest. The national interest is the interest of millions of farmers and poor people of this country.

Number two, the entire process of promulgation of the Ordinance, re-promulgation of it, and the introduction of the Bill is against the basic scheme of Article 123 of the Constitution. Article 123 of the Constitution says that only in exceptional and extraordinary situation, this Ordinance can be promulgated. The Government has created an extraordinary situation artificially by proroguing the other House, and again re-promulgating this Ordinance. This is an extraordinary situation as far as constitutional history of our Constitution is concerned. So, I am vehemently opposing the introducing of this Bill.

HON. SPEAKER: Now, Mr. Premechandran. Please be brief and please don't repeat.

SHRI N.K. PREMACHANDRAN (KOLLAM): I will be very brief and my points will be confined to the Constitution and the Rules of Procedures, not on the merits of the Bill.

I strongly oppose the introduction of the Bill on three grounds. For saving time, I would read Article 107 and Article 123. Firstly, I would like to ask the Government, and I am also seeking a ruling from the hon. Speaker. Will the promulgation of an Ordinance make the Bill infructuous? That is the first question or the first Point of Order I would like to make. Why is that so? It is because there is a process; and a similar Bill which has been passed by the Lok Sabha, and the same has been sent to the Rajya Sabha, which is pending there. Subsequently, an Ordinance has been promulgated. When a Bill is passed by this House and sent to the other House, what is the procedure? The Bill has to be considered by the other House. At the same time, the Government cannot introduce a Bill in this House. It is fallacious to argue that the Bill which was passed by Lok Sabha, and is now pending in the Rajya Sabha, has become infructuous with the promulgation of the Ordinance. An Ordinance is an independent legislative measure exercised by the Executive; it is not a product of the Legislature.

An Ordinance lapses after the expiry of six weeks from the date of reassembly of the House. The pertinent point which I would like to make is that a Bill never lapses. An Ordinance lapses but a Bill never lapses unless and until the House is dissolved. Once again, I would like to stress on the point that a Bill will only lapse when the House is dissolved. There is no other situation in the Constitution or in the Rules of Procedure that a Bill lapses. The hon. Finance Minister has made an observation. It has come out in the Press as well as in the other House. That is why, I am not quoting. He has said that the Bill has become infructuous. I am only up to the point.

The Bill has become infructuous due to the promulgation of the Ordinance. There is no word 'infructuous' either in the Constitution or in the Rules of Procedures and that the Bill will become infructuous. But the word used is 'lapses'. I may be allowed to quote Article 107, Clause 3 which stipulates that a Bill pending in Parliament shall not lapse by reason of the prorogation of the House. By proroguing the other House, definitely, the Bill never lapses. That is as per the Article 107 of the Constitution. My point is that the pending Bill does not lapse when the Ordinance is promulgated. So, this Bill cannot be introduced in this House because it is pending in the Rajya Sabha. The Rajya Sabha has to either pass or amend. If it is amended, then, we will get the opportunity to agitate on the Bill. This is the first point based on the Constitution.

Secondly, Rule 112, Clause 2 of the Rules of Procedure stipulates in respect of the removal of Bills from the House. Yes, I do agree that it is concerning the removal of the Bills. Rule 112, Clause 2 says that a Bill pending before the House shall also be removed from the Register of Bills, pending in the House in case the Bill substantially identical is passed by the House or the Bill is withdrawn under Rule 110. Once again I would like to read it for your kind attention. It says: "Bill pending before the House shall also be removed from the Register of Bills, pending in the House in case the Bill substantially identical is passed by the House."

Madam, coming to the explanation, a Bill pending before the House shall include a Bill introduced in the House. According to Rule 112 (2) of the Rules of Procedure and Conduct of Business in Lok Sabha, if the House agrees for the introduction of the Bill, what would be the consequences? According to Rule 112 (2), the Bill has to be removed because it says that if an identical Bill, which has already been passed by this House and sent to the other House, comes to the House, that Bill has to be removed. So, if the Bill is introduced as per the direction of the hon. Speaker or if the leave is being granted to introduce the Bill, definitely this Rule 112 (2) will be applicable and the Bill has to be removed. Such a situation will never arise. Also this is a mandatory provision. The term 'shall' is used in the provision. So, definitely Rule 112 (2) is applicable. Since an identical Bill has already been passed by this House and pending in the other House, this Bill cannot be introduced under Rule 112 (2).

Coming to Rule 67, last time also I had raised the same issue, this is regarding identical Bill. Rule 67 says:

"When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs."

In this case, the hon. Speaker is having absolute authority to direct that the Bill can be introduced. So, I am not sticking to this Rule 67.

But, Madam, under Rule 112 (2) of the Rules of Procedure and Conduct of Business in Lok Sabha and Articles 107 and 123 of the Constitution of India, my strong point is that this Bill cannot be introduced. If this is introduced, that will violate the provisions of the Constitution as well as the Rules of Procedure and Conduct of Business in Lok Sabha. Hence I am seeking a ruling from the hon. Speaker and also I would like to oppose the introduction of this Bill on these grounds.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I stand here to oppose the introduction of the Bill. We need to understand why this Bill that was passed by this House – though we had walked out and many Members from the Opposition also had walked out at the time of passing – is being introduced again and why an Ordinance was promulgated in the first week of April. That Ordinance also was introduced in the beginning of the Second Part of the Budget Session in the month of April.

Madam, an interesting incident has occurred in between and here I would like to refer to the period of Ramayana when during the Ikshvaku Dynasty because of tapasya Trishanku was raised by Viswamitra to go to Heaven in life. But he was not allowed to enter the Heaven. So he stayed in between and a new Swarga was created. Are we going to create another Swarga in between for this Bill? This Bill was passed by this House. It did not reach the Rajya Sabha though my colleague Mr. Premachandran was saying that it is a property of the Rajya Sabha. It is not a property of the Rajya Sabha because it did not reach the Rajya Sabha. It is somewhere in between. I was searching whether it can be found in the Central Hall or not. It is not there, anywhere. Where is that Bill? At least when this Bill is sought to be introduced in the House, the Minister should tell us as to what happened to that Bill. The Government has brought in an Ordinance. Now they are introducing a Bill. The Ordinance and this Bill are identical to the Bill that was passed by this House earlier. So, what forces the Government to bring this Bill again for our consideration?

Madam, I am not quoting any rules or any provisions of the Constitution.

PROF. SAUGATA ROY: This is making a mockery of the Constitution.

SHRI BHARTRUHARI MAHTAB: That is one thing. I am not going into the merit of the issue. But when we are referring to land acquisition, when you read through the title of the Bill, it is mouthful. But, shortly, it is Land Acquisition Bill. This Land Acquisition Bill was not unanimously passed. It was a consensus that was built by the then Government. Many political parties had their reservations. Even today, I would say that there is a need for correction of that Bill. It was only the Trinamool Congress since beginning which had the opinion that they do not want Land Acquisition Bill. Many Members also feel – they hold an opinion – that 'Land' is a State Subject. Let the respective States formulate their own Bill. Why should we have a Bill made by the Centre?

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Madam Speaker, I would like to clarify for a minute.

HON. SPEAKER: No.

...(Interruptions)

SHRI BHARTRUHARI MAHTAB : But, here I would like to mention that we have serious objection to the present formulation of the Bill that is being introduced. We will be also moving our amendments. We are opposed to the introduction of the Bill *per se*.

HON. SPEAKER: Yes, Mr. Minister.

...(Interruptions)

SHRI JYOTIRADITYA M. SCINDIA (GUNA): Madam, we want to say something...(Interruptions)

HON. SPEAKER: No, you have not given any notice. All of them had given notices. We have to follow the Rules.

...(Interruptions)

HON. SPEAKER: I know, you are the main Opposition Party but you must also go though the Rules of Procedure.

...(Interruptions)

HON. SPEAKER: All of them have given notices. He also asked for permission but I did not give him.

...(Interruptions)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, we are seeking your permission. This is very important. We also want to say something....(Interruptions)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): That is not the system....(Interruptions)

HON. SPEAKER: Why do they not follow the procedure?

...(Interruptions)

HON. SPEAKER: Okay. They are requesting, that is why I am permitting him. But it is not according to the rule. I am permitting you but it should not be like that.

...(Interruptions)

**श्री मल्लिकार्जुन खर्गे:** मैडम स्पीकर, प्रेमचन्द्र जी ने अभी आर्टिकल 123 और 107 के बारे में कहा और उसके बाद जो रूल ऑफ प्रोसीजर बताया, उसकी डिटेल्स मैं दोहराना नहीं चाहता हूँ। आपको यह मालूम है और सदन को भी मालूम है। महताब जी ने भी अपने विचार रखे हैं। जो बिल यहाँ पर आकर गया था, वह राज्य सभा में अभी पेंडिंग है। वह इंट्रोड्यूस भी नहीं हुआ, वह कहाँ है, इसका पता नहीं है। ... (व्यवधान) वह कहीं भी नहीं है। ट्रिगंकर में है या कहाँ है, मालूम नहीं है। क्या विधायित्व की अभी सृष्टि हो रही है, कहाँ है, मालूम नहीं। ऐसी स्थिति में जो बिल अभी जीवित है,

उसे मारने की कोशिश क्यों हो रही है? यह बात मुझे समझ में नहीं आ रही है। उसे वहां पास होना चाहिए या रिजर्व होना चाहिए। इसके बाद अगर वह बिल यहां लाया गया, फिर उसके बाद हम यहां उस पर चर्चा कर सकते हैं। एक तो यह बिल पेंडिंग है, जीवित है, जीवित रहने के बावजूद भी अगर आप फिर एक ऑर्डिनेंस लाकर, यहां पर इंट्रोड्यूस करके हम पर थोपना चाहते हैं और इस देश की जनता के ऊपर थोपना चाहते हैं, तो इसे हम कभी बर्दाश्त नहीं करेंगे।

यह ऐसा बिल है जो किसानों के हित में नहीं है। वर्ष 2013 का जो बिल था, वह सभी की सहमति से बना हुआ बिल था। यह बिल सिर्फ पूंजीपतियों के, कारपोरेट के लिए, इंडस्ट्रियलिस्ट के लिए, उनके लिए, उनकी हिफाजत के लिए, उनको जो पैमेंट करनी थी, उस पैमेंट के लिए लाया गया है। ... (व्यवधान) आज वही चल रहा है। ... (व्यवधान) इस बिल पर एक बार चर्चा होकर जाने के बाद फिर ऑर्डिनेंस के रूप में यह कैसे आ गया? रूल्स में ऐसा नहीं है, संविधान में नहीं है, फिर भी इसे थोपने की कोशिश हो रही है, क्योंकि आपको डिस्टर्बेंस है। इसको हम चैलेंज नहीं करते हैं। ... (व्यवधान) जो भी डिस्टर्बेंस है, वह जुडिशियलरी यूज करना चाहिए। ... (व्यवधान) आप किसानों के हित में रहने वाली, सोचने वाली स्पीकर हैं। ... (व्यवधान) ऐसे वक्त में अगर यह बिल लाया गया, तो हम इसका पूरा विरोध करेंगे और इस सदन को हम चलने भी नहीं देंगे। ... (व्यवधान)

**श्री एम. वैकेंर्या नायडू :** अध्यक्ष महोदया, यह गंभीर मामला है, इसलिए आप भी इसको थोड़ा ध्यान से सुनिए। बिल के ऑब्जेक्ट और प्रोसिजर पर ऑब्जेक्ट करने के लिए हर एक सदस्य को अधिकार है, इसमें मेरा कोई ऐतराज नहीं है। मगर, उस नाम पर सरकार के ऊपर आरोप लगाना, पूंजीपतियों की सरकार कहना, यह-वह कहना, यह अनुचित है। ... (व्यवधान) इस देश में किसान 50 सालों में पूंजीपतियों को सपोर्ट किया, ... (व्यवधान) उनको बढ़ाया है। ... (व्यवधान) यह सबको मालूम है। ... (व्यवधान) मेरा कहना है कि ... (व्यवधान) यह बिल ... (व्यवधान) Under Article 123, the Ordinance power is given to the Government by the Constitution of India. Article 123 is very clear that the Government can issue an Ordinance. Once an Ordinance is issued under this Article that Ordinance has the same force and effect as an Act of Parliament. Then, it has to be ratified by Parliament. The very purpose or why the Government has brought this is that the Government wanted Parliament to be taken into confidence because we made changes subsequently. How can it be undemocratic and anti-people when the House has overwhelmingly supported it? ... (Interruptions)

It is a pro-farmer legislation ... (Interruptions) The entire country and the majority in Parliament have decided it. All parties including Congress wanted changes and that is why, these changes have been made. This is in the interest of the country. Otherwise, the growth of the country will be affected. This is what the Minister at that time had also said. They have written letters. If the hon. Members want those documents, those also can be given to them who are opposing it. ... (Interruptions)

**माननीय अध्यक्ष :** आपकी पार्टी की तरफ से बोला गया है।

â€¦ (व्यवधान)

**SHRI SUDIP BANDYOPADHYAY :** I should categorically mention it that it was not a unanimous decision. It was a consensus. I moved an amendment from our party's side, the Trinamool Congress, and that was voted in August, 2013. The result of the voting was - Ayes '268' possibly and Noes '19'. That was the difference. So, Trinamool Congress is not against the introduction of any type of Bill as such, but that should be a pro-farmers' Bill. When we opposed it, this Bill said: "That 80 per cent of the total land will have to be taken by the owner concerned and 20 per cent will have to be taken by the Central Government interference." ... (Interruptions)

HON. SPEAKER: We are not discussing it now.

... (Interruptions)

HON. SPEAKER: Whatever you are saying has already been spoken. Please sit down. Now, the hon. Minister.

... (Interruptions)

**श्री मल्लिकार्जुन खड़गे :** मैडम, रूलिंग होनी चाहिए।

**श्री ज्योतिरादित्य माधवराव सिंधिया :** अध्यक्ष महोदय, किसानों के मुद्दे पर ... (व्यवधान)

**माननीय अध्यक्ष :** रूलिंग मिलेगी let him speak first.

... (Interruptions)

HON. SPEAKER: He also has his right. He can also say something.

... (Interruptions)

**SHRI MALLIKARJUN KHARGE :** We are objecting for its introduction itself ... (Interruptions)

**श्री ज्योतिरादित्य माधवराव सिंधिया :** मैडम, इस समय रूलिंग की जरूरत है। ... (व्यवधान)

**माननीय अध्यक्ष :** जब वह उत्तर दे देंगे, फिर मैं रूलिंग दूंगी।

â€¦ (व्यवधान)

**श्री चौधरी बरिन्द्र सिंह :** अध्यक्ष महोदया, मैंने सदन से लैंड एक्वीजिशन बिल पेश करने की आज्ञा मांगी थी। वह इसलिए कि हम जो एक नया ऑर्डिनेंस ले कर आये, उसके तहत यह जरूरी था कि हम सत् के पहले दिन उस ऑर्डिनेंस को हाउस में रखें और मेरे साथी मंत्री रूड़ी जी ने उस दिन ऑर्डिनेंस को हाउस में रखा और इसी हाउस को इस बिल पर चर्चा करनी है और आज मैंने आपसे यह अनुरोध किया है कि इस पर चर्चा करने के लिए मुझे बिल को इंट्रोड्यूस करने के लिए समय दिया जाये। The first thing, which comes from Mahtabji, is that where the Bill is. I am the in-charge of this Department, the first and the second Bill are with me ... (Interruptions) There is no in between ... (Interruptions)

Madam, what I want is that I am seeking the leave of the House and I want that I should be granted leave to introduce this Bil. If they want to discuss it, they can discuss it when the discussion takes places...*(Interruptions)* But this is not the proper way...*(Interruptions)*

श्री ज्योतिरादित्य माधवराव सिंधिया : महोदया, मंत्री जी कह रहे हैं कि दो बिल इनके पास हैं, पहला बिल भी इनके पास है और दूसरा बिल भी इनके पास है...*(व्यवधान)*

HON. SPEAKER: Hon. Members, now, I am giving my ruling.

â€¦*(Interruptions)*

HON. SPEAKER: Hon. Members, please sit down.

...*(Interruptions)*

HON. SPEAKER: Hon. Members, no identical Bill to one being proposed to be introduced, is pending in the Lok Sabha.

...*(Interruptions)*

HON. SPEAKER: There is no such Bill pending.

...*(Interruptions)*

HON. SPEAKER: Therefore, I am saying it.

...*(Interruptions)*

SHRI M. VENKAIAH NAIDU: It is a new Bill. He said it...*(Interruptions)*

HON. SPEAKER: That is what I am also saying.

â€¦*(Interruptions)*

HON. SPEAKER: Yes, Mahtabji

...*(Interruptions)*

माननीय अध्यक्ष : उन्होंने क्या कहा है? What he said?

â€¦*(व्यवधान)*

श्री ज्योतिरादित्य माधवराव सिंधिया: उन्होंने कहा है कि पहला बिल भी उनके पास है और दूसरा बिल भी उनके पास है...*(व्यवधान)* अध्यक्ष महोदया, आप स्पष्टीकरण करवा लीजिए। उन्होंने कहा है कि उनके पास दो बिल हैं...*(व्यवधान)*

माननीय अध्यक्ष : अगर सब विल्लाएंगे तो मुझे कुछ समझ में नहीं आएगा।

â€¦*(व्यवधान)*

SHRI BHARTRUHARI MAHTAB : Madam, I am asking, what was the extraordinary situation, which forced the Minister to bring out an Ordinance. He is still repeating that he has two Bills with him...*(Interruptions)* Of course, it is not in the Lok Sabha, but it is with him; and so, he has to explain before you take up for consideration and passing...*(Interruptions)*

SHRI CHAUDHARY BIRENDER SINGH: That is your saying that there are two heaven. Where is the second heaven?

HON. SPEAKER: Mahtabji, please sit down.

...*(Interruptions)*

HON. SPEAKER: Hon. Members, no Bill identical to one being proposed to be introduced is pending in the Lok Sabha. Therefore, as contended by Shri Premachandranji, Rule 67 and Rule 112 are not applicable here. There is no Rule, which bars introduction of a Bill while a Bill on the same subject passed by the Lok Sabha is pending in the Rajya Sabha.

That is why, hon. Members, as per the established practice, the Speaker does not decide whether a Bill is within the legislative competence of a House or not; and the House also does not take a decision on this.

I shall, therefore, put the motion to the vote of the House.

...*(Interruptions)*

SHRI MALLIKARJUN KHARGE: Madam, we object to it; and we walk out, in protest.

**11.34 hrs**

*At this stage, Shri Mallikarjun Kharge, Shri N.K. Premachandran and some other*

*hon. Members left the House.*

HON. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."

*The motion was adopted.*

SHRI CHAUDHARY BIRENDER SINGH: Madam, I introduce the Bill.