

**PRESS RELEASE**

Text of the D.O. Letter dated 15.7.2015 addressed by **Selvi J Jayalithaa**, Hon'ble Chief Minister of Tamil Nadu to **Shri Narendra Modi**, Hon'ble Prime Minister of India and the text of the Speech to be taken on record at the Second Meeting of the Governing Council of NITI Aayog held at New Delhi on 15.7.2015 is reproduced below:-

"I have received the invitation sent by Dr Arvind Panagariya, Vice Chairman, NITI Aayog, dated 7<sup>th</sup> July, 2015, to attend the second meeting of the Governing Council of NITI Aayog on 15.7.2015 at New Delhi which you would be presiding over.

As I am engaged with other pressing official work, which I have been unable to reschedule, I will not be able to attend the meeting on 15<sup>th</sup> July, 2015. I had intended to depute a senior member of my Cabinet, Thiru O. Panneerselvam, Minister for Finance and Public Works, to attend the meeting along with the Principal Secretary, Planning & Development, and the Commissioner of Land Administration. However, we have been informed late last evening by the Chief Executive Officer, NITI Aayog, that the Meeting to deliberate on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, can be attended only by the Chief Minister and nobody else can deputise.

In these circumstances, I am sending my printed speech conveying the views of the Government of Tamil Nadu on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which may be taken on record. I do hope that the views of the Government of Tamil Nadu will be given due consideration by the Government of India."

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"At the outset let me thank the Hon'ble Prime Minister for convening a meeting of the NITI Aayog Governing Council to discuss the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The Government of Tamil Nadu has held a consistent and principle based stance on the issue since the time that the previous UPA Government had introduced the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill. The stance of the Government of Tamil Nadu is based on the twin pillars of the need to preserve State Autonomy within our federal structure and to protect the interests of agriculture and of our farmers.

We had pointed out that the Government of India in replacing a colonial era Land Acquisition Act, 1894, with the Land Acquisition and Rehabilitation and Resettlement Bill, 2011 (LARR Bill) is exceeding its legislative competence under the Constitution of India and encroaching on the legislative competence of State Governments. This is unfortunate and undesirable. Land is a state subject under Entry 18 of List II of the Seventh Schedule. States are much closer to the people and hence the Constitution makers logically provided for the State Governments to deal with matters connected with land. Even administratively, all records and related matters are dealt with by State Government authorities. Hence, it would be appropriate for the field to have been left to States alone to legislate.

As the Government of Tamil Nadu has been consistent in its stance of promoting the interests of farmers, without prejudice to our view that land is a subject on which only the State Governments should legislate, we have engaged constructively in the debate and discussion on the Bill. Even at the very beginning, we were firm on the principle that the concept of "eminent domain" should not be invoked for acquisition of land for use by private companies as was proposed in the original Bill. I had also strongly opposed the amendment proposed in the Ordinance that the consent clause should not cover land acquisition for private hospitals and private educational institutions.

A key feature of the Amendment Bill is the introduction of a new Section 10 A, which lists projects in Defence and defence production, Rural infrastructure including electrification, Affordable housing and housing for the poor, Industrial corridors, Infrastructure and Social infrastructure projects, including projects under public private partnership (PPP), where the ownership of the land continues to vest with the Government. Powers have been conferred on State Governments to exempt such projects from the requirement of

conducting **“Social Impact Assessment (SIA)”** and **“Special Provisions for Safeguarding Food Security”** as well as the requirement of obtaining **‘Consent’** from a fixed percentage of affected families when land is acquired for PPP and private sector projects.

Under my directions, the AIADMK Party voted in favour of the Amendment Bill when it was put to vote in the Lok Sabha on 10.3.2015, since the Government of India had accepted our suggestion of excluding acquisition for private hospitals and private educational institutions from the purview of the Amendment. Since the Amendment Bill conferred powers on the State Governments to exempt specified projects from the application of the provisions of Chapter III of the Act, in the full knowledge and understanding that the State Government headed by the AIADMK Party, which has always strongly acted in favour of the welfare of farmers, small traders and the marginalised in Society, would never have put the clause to use, the Amendment was supported. The Government of Tamil Nadu under my leadership had taken a similar stand that we would not allow FDI in retail in Tamil Nadu even though the previous UPA Government had made necessary enabling provisions.

However, the farmers in the State are strongly opposed to the provisions which empower State Governments to exempt specified projects from the application of Chapter III of the Act. Hence, these provisions in the Amendment Bill are unacceptable to the Government of Tamil Nadu. We believe that the present Amendments take away important safeguards that farmers and agriculture require. Hence, I urge the Government of India not to press these amendments.

The Agenda note circulated for the meeting indicates that as far as the status of implementation of the Act is concerned, many States are yet to formulate rules under the Act, notify the multiplication factor for determination of compensation in rural areas, and notify the extent of land purchased through private negotiation which would trigger the Rehabilitation and Resettlement provisions contained in the Act. Only after the final contours of the Act become clear would we be in a position to notify the Rules and issue other related Notifications.

I am confident that the principled and consistent stand of the Government of Tamil Nadu on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and proposed amendments to the Act would be given due consideration and the Government of India would take an appropriate decision respecting the widespread sentiments of a broad spectrum of public opinion. This would not only be in keeping with democratic

conventions and traditions but also in the interest of the farmers and food security in the country.”

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