

How TN Land Consolidation Act poses a new big danger



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The Tamil Nadu Assembly, on April 21, 2023, the last day of its session, passed 17 Bills. The Tamil Nadu Land Consolidation (For Special Projects) Act, 2023, one of the laws introduced by the Assembly, is considered as quite dangerous.

There are already laws in existence on this count: The Land Acquisition Act, 2013, The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Highways Act, 2001. Then what is the new Tamil Nadu Land Consolidation (For Special Projects) Act, 2023 for? It is now questioned.

Power of land acquisition

Though lands are generally government-owned, they are under the control of various departments such as PWD, irrigation,

veterinary, revenue, local administration, education, municipality, health and so on. Now the new law vests the government with power to consolidate and acquire these lands under the control of various departments when there is a need. This law is applicable only to the projects in need of over 250 acres.

When a government considers a project as important, it can declare it as a special project. Though there are procedures such as issuance of notification, conduct of public hearing etc., before acquiring land for the project, it is the decision of an expert committee, which finally counts. Even if the land measuring less than 250 acres is found in the hands of a private individual, that too can be acquired by the government. If the individual concerned has any objections, he/she can go on an appeal before the District Collector concerned. But the question is how far it is possible practically.

Which is special project?

Under the British regime too, there was the Land Acquisition Act, 1894. Even after Independence, it is only this colonial law which has been invoked till 2013 because this law invests the government with unlimited powers. If the government wants a land, it will easily acquire it and on its own, fix compensation due to the owner. If the land-owner does not accept the government's terms, he/she can move the court. If the court orders enhancement of compensation, the government will go on an appeal. Thus, the case will get prolonged. Finally, the farmer will lose the land confiscated from him and would not be getting any compensation until his death.

It was with the intention of guaranteeing protection, reasonable compensation and rehabilitation to the owners of land that the Land Acquisition Act, 2013 was brought in.

However, the trend of the government invoking other laws and acquiring land still continues. For instance, the government in

most cases invokes the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 only.

Dying water-bodies

The Tamil Nadu Land Consolidation (For Special Projects) Act, 2023 is purported for special projects which, however, are not defined. So, if the government wants, it can declare any project as special. For instance, 4,000 acres are to be acquired for the Parandur airport project. Parandur is home to 13 lakes, feeder canals and rivers and boasts lands owned by the various government departments and by the farmers. If these lands are acquired, invoking the new law, all existing legal hurdles can be brought to naught.

It is also mentioned that the new law has the intention of 'safeguarding water-bodies'. Yet the law has no room for safeguarding canals, feeder canals and catchment areas. If the government blocks the incoming waterways while taking measures to safeguard water-bodies, they will have no other go but to die down the line.

For argument's sake let us agree that the water-bodies are safeguarded. Then the question arises if the people can use the government water-bodies flowing on the premises of factories and commercial complexes and on the campuses of universities. The water-bodies used by the people as common assets will turn into ponds and lakes owned by private individuals. Then the farmers will forgo their rights over the water-bodies. Agriculture, in turn, will be affected.

It is noteworthy that the courts have issued strict orders to safeguard water-bodies and water resources. Besides, at the biodiversity summit held last year world countries signed the pact that demands that 30 per cent of land in the world be declared as protected regions. But our government seems not to be bothered about all these developments.

The government-owned ponds situated in the areas adjoining private universities and educational institutions are under their control. The common people have no access at all to the water-bodies. If legally the water-bodies are entrusted to the private institutions, the people will be strictly prohibited from seeing them, let alone using them. If the government takes over lands owned by the civic bodies, there will be no public land left. Then there will be no land at all for the people's use to implement the people's projects.

What's the background?

The people in Tamil Nadu are, by and large, aware of the need for protecting land rights, residential rights and livelihood means and also of environment protection. It is this awareness that stands in the way of the rulers acting out according to their whims and fancies.

Now agitations are apace against the land acquisition move for the Neyveli coalmine expansion, for Parandur airport project and for factories through SIPCOT and SIDCO.

In the existing laws, there are several features concerning protection to land-owners, gram sabha resolutions, protection of water-bodies, environment safety and so on. So, in order to brush them aside, the new law – The Tamil Nadu Land Consolidation (For Special Projects) Act, 2023 - has been brought in to vest the government with power to act whimsically. No other state seems to have introduced a similar law.

It is to be recalled that the DMK, in its election manifesto, had promised that when lands were acquired for government projects, the farmers' consent would be obtained. But the new law flies in the face of the promise. If it is implemented, it will surely affect the posterity and the interests of Tamil Nadu as well.

Just as the amendment to increase the working hours to 12-hours a day was rolled back after stiff opposition, so the present law on

land consolidation should also be withdrawn. That alone is the option to guarantee a good future.

Translated by V. Mariappan.E