

SOCIO – LEGAL ASPECT OF LAND ACQUISITION IN KARNATAKA

Today the ghost that is hunting farmers and their families security is Land Acquisition notifications. Why such aspersions are there with common man regarding land Acquisitions? The answer may be simple, because of lower rates offered in acquisition proceedings, but problems are not there with that aspect only. The farmers feel secure with their prime job and land. The acquisition is displacing them from their job and also from their emotional attachment. There are no rehabilitation programs from either acquiring body or from beneficiaries. There are no proper investment guidelines or educational awareness to farmers. When a family sells of the land and its members spend lavishly over consumer goods and lose their monetary wealth and sudden fall in their wealth and income will make the people around them to fear about their future also.

Age old central act increasing corruption

The age old Land acquisition act 1894 is making way for corrupt practices, there is no proper guidelines for making pre acquisition assessments of suitability of land. The fertile lands with good irrigational facilities and standing trees are brought under acquisition notifications without proper pre acquisition surveys and planning. Some acquisitions are purposefully made to target political rivals. Some acquisitions are made without estimating properly the burden on public money and the depth of public interest involved in it. There are major complaints regarding indiscriminate selection of land and extent. Although successive governments have framed several circulars to avoid some excesses, such circulars are not laws and it cannot be enforced. Concrete legislation is needed.

Land acquisition in Karnataka

In Karnataka at present land acquisition is being done in large scale under KIADB act. The KIADB is under severe scanner because the allegations that land allottee's from KIADB have took the land more than what is required by them and they are selling off the land in turn as realtors, making excess profits. Many vacant Industrial areas are not seriously working with their basic established zeal. The another important act which is acquiring land is BDA act. There is similar procedures involved in three acts. The preliminary notifications are first step and final notification is next step. But KIADB act and Land acquisition act gives hearing in the middle of the above two steps, to the land owners regarding their objections, But BDA does not give such oral hearing opportunity. But the way the reasons were given to strike down the objections is a serious failure on the side of all the authorities which is increasing litigations. The objections were not properly considered in correct perspective. Consideration of the objections was mandatory in all the three cases, It is also to be noted that to 'consider' is to fix the mind upon with a view to careful examination; to ponder; study, meditate upon, think or

reflect with care. It is therefore, manifest that careful thinking or due application of the mind regarding the necessity of land in question is a basic thing lacking in the reports submitted by land acquisition officers to government. When law requires reasons to be recorded in a particular order affecting prejudicially the interests of any person. The violation of the principles of natural justice on account of omission to communicate the reasons by administrative authority is liable to be challenged before courts. In Karnataka several authorities are entrusted with powers to accord permission as a single window authority with several laws. For example, the Government passed an order on 1-6-1995 authorising the BDA to permit Group Housing Projects to be undertaken by landowners in association with developers/institutions. Once the approval is given, necessary exemption would also be granted under the provisions of the Karnataka Land Reforms Act, 1961. Likewise Department of Industries and commerce is also giving such exemptions under several laws for the purchase of agricultural lands by companies and firms. Government is openly making promises to the investors of all facilities and exemptions under several statutory fields by providing suitable land, this will estoppe government from implementing any welfare statute which prohibits such land acquisitions or displacement of tribals or sc/st. This is one aspect where the litigation chances are in depth. Whether a single department is empowered under such welfare acts to give such exemption is a legal question to be decided by Judiciary. But, It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any Statute, the act must be done in that manner or not at all.

De-notification Dramas

The De-notification dramas to denotify the excess land under acquisition notification is making its own roots for corruption. Although as back as in 1975 Supreme court has stated in specific words “Neither the Government nor the Commissioner could withdraw under s. 48(1) from the acquisition of any portion of the land which had been taken over by and vested in the Government.” (**Balwant Narayan Bhagde vs M. D. Bhagwat & Ors AIR 1975 SC 1767**) But still many De-notifications are blindly made even after taking of such possessions.

What changes needed in Karnataka to make phase out acquisition ghost:-

1. The special Judicial courts for land acquisition to be established to hear objections to the acquisitions.
2. The compensation payment and procedure to be simplified.
3. The Fertile land selection to be avoided.
4. The proper pre planning and survey to be conducted regarding the proposed project and land feasibility.
5. The Environmental considerations shall not be overlooked.

6. The awareness regarding investments and rehabilitation measures by providing alternate land and compensation shall be encouraged.
7. The displaced agricultural labour force shall be rehabilitated.
8. The participation of farmer in the form of land investment or in the form of development sharing is to be encouraged.
9. The solution is to make the land-losers also the beneficiaries of acquisition so that the land-losers do not feel alienated but welcome the acquisition.
10. Proper planning, adequate counseling, and timely mediation with different groups of land losers, should be resorted.

The final word which is to be noted by all concerned is politically motivated acquisitions and oppositions to acquisitions is to be avoided, by all political parties, it will not only hamper the progress but waste the time of party in power to make vengeance rather than to show developing attitude.

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