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Law Research Centre

NARMADA VALLEY DEVELOPMENT AUTHORITY

PROPOSAL FOR AMENDING THE TERMS OF RESETTLEMENT AND REHABILITATION UNDER NWDT

**Amendment to the stipulations in Sub-clause IV(7) of Clause XI of NWDT Award,
Letter from H.N. Tiwara, Director (TW), Narmada Valley Development Authority,
Bhopal to the Executive Member/Member (E&R), Narmada Control Authority,
Indore, Document No. 79/Socio/GRA/2000/674, 28.03.2001/17.05.2001**

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Dear Sir,

1. About 33,014 families are being affected in MP by SSP and out of these only 18,890 PAFs, as per Action Plan 1,933 are to be resettled in MP and only 830 PAFs are eligible to be allotted land in Madhya Pradesh in lieu of land acquired from them. Although as per initial assessment only 2,000 ha of land was required for these 830 PAFs out of the 14,124 PAFs allocated for resettlement in Gujarat, many of them are changing their option and as a result as per provision under Clause IV(6)(i) of the NWDT Award, the State of MP is required to arrange land for such PAFs also. Number of such PAFs is increasing day by day necessitating requirement of larger area of land in MP. Besides, the PAFs are also demanding their resettlement on the principles of village as a unit as provided in the rehabilitation policy of the State. This would mean that the agricultural land in sufficient measure has to be arranged at the relocation sites or as close to them as possible.

2. Since there is paucity of cultivable government land in Madhya Pradesh as pointed out at various fora, it is difficult to arrange more land for the oustees in the contingency of accepting change in their option exercised earlier. Although efforts are on to identify and procure as much land as possible for allotment to the oustees, past experience does not raise our hopes very high. As such, there is need for considering suitable amendments in Sub-clause IV(7) of Clause XI of the NWDT Award and introducing a provision on the option of the oustee to accept compensation in full in one instalment to enable him to purchase land and settle down as per his choice. It may be recalled that the Hon'ble Chief Minister of Madhya Pradesh in the meeting of the Review Committee NCA, held on 10 January 2001, had very explicitly observed that, if the PAFs are required to be allotted agricultural land and arrangement of land is to be made by the State, and the resettlement is to be village as a unit then it will be very difficult to adhere to the time frame for the resettlement of the PAFs as approved by the NCA.

3. In the light of above, the State of Madhya Pradesh proposes that following Sub-clause IV(7)(a) of Clause XI, proviso may be added in the NWDT Award below the Clause IV(7):

Provided that the displaced family shall have the option of obtaining full compensation for settling down and purchasing land in a village of his choice by submitting an application to this effect in writing, to the concerned officer of the State of Madhya Pradesh or Maharashtra. An option once exercised shall be final and no claim for allotment of land can be made afterwards.

4. The Sub-clause VI of the Clause XI of the NWDT Award – 'nothing contained in Clause XI shall prevent the alteration, amendment and modification of all or any of the foregoing clauses by agreement between all party States'. In view of this provision the aforesaid suggested amendment may please be presented in the next ensuing meeting of NCA for approval by consensus in the interest of the displaced family as it would enable him to settle down and purchase land in a village of his choice at the earliest. This will also help to complete the project as schedule.

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