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Law Research Centre

NARMADA CONTROL AUTHORITY

CONSIDERATION OF PROPOSAL FOR SPECIAL REHABILITATION PACKAGE

Amendment to Stipulations in Sub-clause IV (7) of Clause XI of NWDT Award Concerning Allotment of Agricultural Lands, Narmada Control Authority, Minutes of the 63rd Meeting, 20 November 2001, Item No. LXIII-4(671)

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The representative of GoMP presented a detailed background as contained in the agenda item regarding amendment to stipulations in Sub-clause IV(7) of Clause XI of NWDT Award and requested the Authority to approve the proviso as proposed by GoMP.

The representative of GoM informed that they were broadly in agreement with the amendment but cautioned that a fool-proof procedure should be evolved by the States to ensure that PAFs purchasing land by themselves do purchase agricultural land free from all encumbrances since empowering PAFs to purchase land on their own may lead to several problems including fixing of cost of the land. Legal implications of this issue is also to be examined.

Vice Chairman, SSNNL, GoG informed that the proposal made by the GoMP, in fact, amounts to liberalisation of R&R policy of State Government over and above the NWDT Award. He further stated that this would help the PAFs to purchase land of their choice and settle. As such, it gives an additional option to the PAFs to purchase land of their own choice and is an additional facility to PAFs losing land. He, therefore, emphasised that this proposal may be agreed. Commissioner (R), SSPA, GoG was of the view that empowerment to PAFs to purchase land on their own needs to be properly monitored through a proper mechanism to ensure that the land purchased by PAFs is free from all encumbrances.

Secretary, Ministry of Social Justice and Empowerment, was of the view that land for land policy should be strictly followed, as stipulated in the NWDT Award. The amendment/provision should cover the fundamental aspects of NWDT. Regarding amendment suggested by GoMP, he suggested that all facts should be furnished before the Law Ministry to ascertain whether the amendment shall be acceptable in the court of law before taking any decision in this regard.

The Chairman, NCA was of the view that GoMP should make all efforts to purchase private land for allotment to PAFs.

The Authority, on the basis of the above deliberations, decided to set up a sub-group to deliberate on this issue and frame suitable draft of the amendment and examine the implications of the proposal of GoMP including the mechanism to ensure that the compensation is utilised to purchase the agricultural land so that the basic provision of land for land in NWDT Award is not altered. The sub-group comprises the following members:

1. Dr S.V. Joshi, Principal Secretary, Government of Maharashtra,
2. Shri V.K. Babbar, Commissioner (R) & CEO, SSPA, Government of Gujarat,
3. Shri N.B. Desai, Director, SSNNL, Government of Gujarat,
4. Shri Rajneesh Vaish, Director (R), Government of MP,
5. Shri H.N. Tiwari, Advisor, Government of MP,
6. Shri N.D. Tiwari, Member (E&R), NCA-Convenor.

The Committee will submit its recommendations to MOWR immediately, for seeking necessary legal opinion.

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