

**GOVERNMENT OF INDIA
AGRICULTURE
LOK SABHA**

UNSTARRED QUESTION NO:365
ANSWERED ON:19.11.2007
ACQUISITION OF LAND
Owaisi Shri Asaduddin

Will the Minister of AGRICULTURE be pleased to state:

- (a) whether in its recent ruling Supreme Court has ruled that distinction should be made between land acquired for public and private company purposes;
- (b) if so, the details thereof;
- (c) whether the Supreme Court has also ruled that agricultural land should not be acquired for non-public purpose companies which can not be termed as public purpose;
- (d) if so, whether this is a set back to Special Economic Zones (SEZs) and land acquisition policy of the Government; and
- (e) if so, the steps taken or being taken by Government to change its land acquisition policy in the wake of said judgement?

Answer

MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI KANTILAL BHURIA)

(a) to (e): The Hon'ble Supreme Court of India in its recent judgment on land acquisition has said that the Land Acquisition Act, 1894, stipulates that agricultural land should not be acquired for setting up a factory or for any other corporate purpose. The Court has also observed that when the state intends to proceed with the acquisition of land, it must form an opinion that lands which are going to be acquired are not good agricultural lands. However, as per the Seventh Schedule of the Constitution of India, Land is a State subject, therefore, it is for the State Government to bring suitable legislation regarding land acquisition and land reforms.

Land/Land Usages is also a State subject, and therefore, each State acquires land for various purposes which is governed by their respective policies and procedures and these are also applicable for acquisition of land for Special Economic Zone (SEZs). The SEZ Board of Approval only considers those proposals, which have been duly recommended by the State Government. Since inception of the SEZ Act, 2005 and the SEZ Rules, 2006, formal approval has been granted for setting up of 405 SEZs, which involves about 52,922 ha. of land. Out of which 21,616 ha. of land was already in possession with State Industrial Development Corporations/different State Governments. As the land acquired for SEZ purposes is quite nominal, therefore, there is no set back of such land acquisition.

State Governments had been advised that in case of land acquisition for SEZs, first priority should be for acquisition of waste and barren land and if necessary single crop agricultural land could be acquired for the SEZs. If perforce a portion of double cropped agricultural land has to be acquired to meet the minimum area requirements, especially for multi-product SEZs, the same should not exceed 10% of the total land required for the SEZ. Various issues pertaining to SEZs have been engaging the attention of the Government. In pursuance of the decisions taken by the Empowered Group of Ministers (EGOM), the State Governments have been informed on 15th June 2007 that the Board of Approval will not approve any SEZs where the State Governments have carried out or purpose to carry out compulsory acquisition of land for such SEZs after 5th April, 2007.