

## **Centre will permit state govts to amend 2013 Land Act Jaitley**

On a day that the 2013 land Act came into effect again with the lapsing of the current government's land ordinance, Finance Minister Arun Jaitley said all that state governments now needed to do was to bring legislations to amend the central law and seek presidential assent for it. He said the Centre would permit the state governments to make state-specific amendments in the 2013 Land Act.

Jaitley said acquisition of property was a list III entry 42 in the concurrent list of the Constitution. He said the provisions of Article 254 (2) clearly provide that a state government can bring legislation on a concurrent list subject even if it conflicts with the central legislation, provided that presidential assent is given to such legislations. "The states are thus, fully empowered to amend the 2013 land law and seek presidential assent before the amendment can be effected. This has been precisely agreed to in the meeting convened by the NITI Aayog. One state has already brought the amendments and some others are likely to follow," he said. The states can provide for alternative mechanism which balances the interests of farmers and also provides for land required for acquisition, the finance minister stated in an article *The Land Ordinance — The Obvious Reasons*.

"The 2013 Act occupies the field. The Bill remains for consideration of the Standing Committee and, if some consensus suggestions are made, the same would be implemented. That if any state wishes to make some amendments in the central law, the same would be permitted by the Central Government," he said, explaining the current situation.

Jaitley said the 2013 Act was a "badly drafted legislation" which has "a lot of ambiguities and obvious errors," and "legitimate difficulties" would arise once the Act is implemented. "It was at the request of the state governments that the amendment to land acquisition law of 2013 was issued. However, after the issuance of the ordinance, the Congress party changed its position and wanted to oppose the ordinance for political reasons," he said. For the past one year, the government had argued in favour of more flexibility in relation to consent and social impact provisions of the 2013 Act since several state governments had demanded it.

The finance minister said the provisions of the 2013 land Act would prevent development of rural infrastructure and creation of job opportunities. He disputed the Congress' argument that the 2013 law provided for consent of the farmers before the land is acquired and the 2015 law having snatched away this mandatory consent of the farmers. He said the provision in the 2013 Act was diluted by the use of the word "also" in section 2(2) "where it indicates confusion in the mind of the draftsman with regard to non-applicability of the consent provisions to section 2(1). This ambiguity is required to be corrected." He said under the 2013 Act provisions relating to 'social impact assessment' and various steps to be taken therein require a large timetable which taken together could go up to several years. The language of the time provisions uses the word "within" the time period. "This time requires to be shortened or exempt in some cases," Jaitley said. The finance minister said the 2013 Act required the entire acquired land to be utilised within a period of five years but "townships cannot be completed within five years." that were exempted from consent and social impact assessment provisions.

He said 13 legislations were exempted from social impact assessment and consent in the 2013 Act. They were also exempted from the provisions of additional compensation, relief and rehabilitation.

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