

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Land and Agricultural Law**
Semester-IX (Batch: 2016-21)

End Semester Online Examination: December 2020

Date: 12th December, 2020

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.

Q.1 a) Mr. Vikram is a resident of Rampara village which is situated in Vignoti District of Maharashtra State. In the year 2007, the State Government had planned to establish a Special Economic Zone for food processing companies in Vignoti district for which total 500 hector land was required. The Government initiated the proceedings for land acquisition immediately and accordingly, preliminary notification was issued on 10th October 2007 under section 4 of the erstwhile Land Acquisition Act 1984 to the various land holders including the land holders in Rampara village. Mr. Vikram also came to know about the notification wherein his 100 acres of Agricultural land was proposed to be acquired. The land owners were not happy with the proposal of the State Government, particularly with the compensation amount and therefore representations were made before the appropriate places as per the said Act. However the Government was reluctant to roll back the proposal for land acquisition. The Government promised to increase the compensation for few hundred rupees per acre of land. On 15th November 2008, the possession of the land was taken by the District Collector after making the award and the land owners were informed to collect the amount of compensation from the office of District Collector however the land owners along with Mr. Vikram were not happy with the amount of compensation which was very less considering the situation of land and possibilities of price rise in future. Therefore they did not collect the cheques. The District collector made a note for the same and all the cheques were deposited with the Government treasury with intimation to the land holders about the same. Aggrieved by the action of Government, agitation started among the villagers and various appeals were also filed before the appropriate authority which went for few more years and during this entire period no work could be started on the acquired land and meanwhile, the new Act i.e. the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 was notified by the Central government on 1st January 2014. Finding a ray of hope, the land holders of Rampara village led by Mr. Vikram preferred to approach Hon'ble Bombay High Court under the provisions of section 24 of the Right to Fair Compensation,

Marks
(5x2=
10)

Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. Their main contention includes disagreement with the purpose of land acquisition, very less amount of compensation and more particularly, non-receipt of the amount of compensation. The contention of the Government is that the amount is already moved towards the land owners before making award, however due to the reluctance from the land owners to collect the amount, the same was placed in the Government treasury for safe custody and the same can be withdrawn at any time. Considering the details of the above mentioned matter, decide the validity of the claim raised by Mr. Vikram in light of applicable legal provisions and decided cases. Give your own opinion about the latest position of the Supreme Court of India about such situations.

- b) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 intends to deal with delay, latches and lethargy of land acquisition agencies and to provide for time bound approach of land acquisition. Do you agree with the statement? Explain how time bound approach of land acquisition is available under the act.

- Q.2 a) In the revenue records of village Anantpur, Taluka and District Gandhinagar, name of Abhayasingh is registered as an owner of agricultural land of survey number 8001 measuring about 20000 square meter. His wife and four sons were engaged in land cultivation jointly. By virtue of Notification issued by the Government of Gujarat on 16th April 2005, The Prevention of Fragmentation and Consolidation of Holdings Act 1947 had been made applicable to 15 major agricultural districts including Gandhinagar. As per the notification, the area of 10000 square meter land is identified as a fragment and it has been declared that no person shall be allowed to dispose/ partition property of agricultural land so as to create a fragment. Abhayasingh died on 30th February 2020 and all his successors are willing to divide the said land of survey number 8001 equally and therefore they have approached you to execute necessary legal documents to satisfy their legal claims on the said land. What are the options available to them under the provisions of The Prevention of Fragmentation and Consolidation of Holdings Act 1947? (5x2=10)

Suppose, Abhayasingh died before the application of the said Act in the Gandhinagar district and if his property of land is divided equally among the successor and thereafter if the Government decides to consolidate the land up to the fragment area, what procedure is required to be followed? Do you think that the provisions of the said Act is an interference with the right to property? Answer in the light of applicable legal provisions and cases.

- b) Among the Government efforts to introduce land reforms, 'tenancy reforms' have a very significant place in the legal regime of the country. To provide protection to tenants and for securing the agricultural land, the Bombay Tenancy and Agricultural Lands Act 1948 is a very important legislation. Critically evaluate

whether the Act has been successful to protect agricultural land tenants in a proper way? Give your own suggestions to eliminate legal issues and challenges of the said Act, if any.

- Q.3 a) Ravirajsing is a resident of Vadodara, Gujarat and he is the owner and occupier of various properties including agricultural and non-agricultural land situated in Vadodara district. His family consists of his wife Rupaben, Four Sons namely Virendra, Yashpal, Yuvraj and Rubin and two daughters namely Roshni and Rishika. All his sons and daughters are well settled with their own families. He died on 20th March 2020 due to COVID 19 at the age of 91 years. He had not executed any will and therefore his sons had decided to register the names of existing successors in the revenue records of Ravirajsing. Both daughters have agreed to waive their rights voluntarily from the property of their father as they are very well settled with their families and they are ready and willing to execute proper declarations in this regard before the appropriate authorities. Mr. Virendra has taken the responsibilities to do the legal formalities in this behalf. In light of appropriate legal provisions and decided cases, advice Mr. Virendra how can he get the names of existing successors in the revenue records? (5x2=10)
- b) In continuation of the above mentioned facts, Mr. Viral is a son of Rishika who is the daughter of Ravirajsingh. Unfortunately, Rishika died on 20th November 2020 and thereafter, Mr. Viral came to know about the properties owned by his maternal grandfather and he is willing to get a share being the successor of his mother in the property. Mr. Viral does not have knowledge about the voluntary declaration signed by his mother waving her right in the property of her father. When his share was denied by Mr. Virendra, he is willing to move before the appropriate court for filing a suit for injunction. Do you think, he will be successful in obtaining an injunction? In the above mentioned circumstances, whether Mr. Virendra will get clear and marketable title in the properties of his father? Do you think that the present property titling system needs improvement? Answer in light of legal provisions and appropriate cases.

- Q.4 'Vanvasi' is the name of community of people who have been residing in the forest from many generations. Principal livelihood of the members of the said community is to collect minor forest products and to sell them in the urban areas. They also used to cultivate land in forest areas however they do not have any legally identified rights over the land and they have been on the mercy of Forest Officers and State Government. Many of the members of the said community have been prosecuted for the offences punishable under the provisions of the Forest Conservation Act 1980 and the Wildlife Protection Act 1972. In order to deal with such 'historical injustice', the Government of India has enacted a legislation for the larger interest of various communities including 'Vanvasi' community. How the members of said community can get benefits available under the Act? What is the procedure for identification of their rights? Elucidate different committees and their functions entrusted to work under the Act. (10)

Q.5 The present world is led by excellent technological inventions and innovations wherein the telecommunication sector has played a very significant role and there is a great scope for this field in future also, wherein the 5G technology will be a game changer. India has also a potential to achieve remarkable success in the field of telecommunication. However, due to scattered growth of the allied industries, the real progress is difficult to achieve. Reliance Group is willing to be a leader in this field in India and therefore they have planned to develop a designated area in form of a Special Economic Zone for establishing all the sectors related to telecommunication industry at one place, where the manufacturing and operating of telecommunication devices can become cost effective. The designated area is identified near the border of Maharashtra and Karnataka. Advise the Reliance Group about the complete procedure for establishment of SEZ and the benefits they will get as per the applicable law. (10)

In light of available research data, critically discuss about the experience of India on the functioning of Special Economic Zones.
