

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Land and Agricultural Laws
Semester-IX (Batch: 2010-15)



End Term Examination: Oct-Nov. 2014

Date: 30th October, 2014

Duration: 3 hours

Max. Marks: 60

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- **Bare Act of Land Acquisition Act, 1894 is allowed.**

Part-A

Answer all the questions

Marks
(3x5=
15)

Q.1 India, due to lack of technology, was the biggest importer of cold storage devices from USA. More than 30 million rupees was spent, every year, for importing these devices. Cold storage devices were mainly used for agricultural purposes. In 2003, M/s Sathyam Agro Pvt Ltd requested the Government of India (GoI) to establish a cold storage manufacturing unit near Gandhinagar, Gujarat. In the year 2005, the GoI granted license to M/s Sathyam Agro Pvt Ltd to establish a unit and requested the Government of Gujarat (GoG) to issue a notification to allocate 30 acres of land for the same. Subsequently in 2009, the GoG issued a notification under the Land Acquisition Act, 1894 to acquire 30 acres of land in Sector 30, to be transferred to M/s Sathyam Agro Pvt Ltd for establishing cold storage manufacturing unit. As per the notification, GoG undertook the responsibility to incur all the expenses in the acquisition of the land, including the payment of compensation to all the persons interested in the said land.

With the help of decided cases and relevant provision of the Land Acquisition Act, 1894, decide

- a. Whether the acquisition of land in the present case was for a public purpose?
- b. What is the procedure for acquiring land for companies under the Land Acquisition Act, 1894?

Q.2 In order to attract investment in the Greater Noida Region, the Government of Uttar Pradesh (GoUP) issued a notification to acquire 100 acres of fertile agricultural land, for a public purpose, to be transferred to the promoters and developers for the purpose of establishing townships containing High end apartments, Super specialty hospitals, Private educational institutions, Entertainment houses, Golf course etc. The GoUP also invoked Section 17 of the Land Acquisition Act 1894, to avoid unnecessary challenges from the local farmers and justified the acquisition on the rational of trickledown effect as was recognized and approved by the Supreme Court of United States of America in Kelo v/s New City London.

With the help of decided cases and the relevant provisions of Land Acquisition Act 1894 decide,

- a. Whether the acquisition of land in the present case justifies public purpose
- b. Whether invoking Section 17 was justified in the present case.

Q.3 In 2009, the Government of Karnataka (GoK) contemplated of acquiring 15 acres of land in Bangalore near Madivala for the purpose of establishing Agriculture Produce Marketing Committee (APMC). Mr Ravi, Mr Rajesh and Mrs Savithri owned around 5 acres each in the area where the land was proposed to be acquired. Mr Ravi, was urgently in need of money, entered into an agreement with the local collector to give up the land for the above said purpose for 5 lacs rupee per acre. On 12th Jan, 2011 the GoK issued a notification for the acquisition of the said 15 acres of land, owned by Mr Ravi, Mr Rajesh and Mrs Savithri, for establishing APMC. The collector heard the objection and a final declaration was issued on 21st Feb 2011. The collector offered 8 lacs per acre as compensation to Mr Rajesh and Mrs Savithri and 5 lacs to Mr Ravi as per the agreement entered before the notification. Mr Rajesh accepted the award while Mrs Savithri filed for a reference and got her compensation enhanced to 12 lacs per acre from the Civil court. Subsequently, Mr Rajesh filed for enhancement of the compensation which was rejected by the collector. Mr Ravi, dissatisfied with the compensation, determined on the basis of the agreement, filed for enhancement but was rejected by the collector.

Read the above fact and decide with the help of cases and relevant provisions

- a. Whether Mr Ravi is entitled to file for reference to the civil court for the purpose of enhancement of his compensation
- b. Whether Mr Rajesh is entitled for the enhancement of the compensation.

Part-B

Answer **any one** of the following

(1x15=
15)

- Q.4 Differentiate between Land Acquisition Act, 1894 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.
- Q.5 Critically analyze the reasons for the paradigm shift in the understanding of **Right to Property** as a "Fundamental right" to that of a "Constitutional right".

Part-C

Answer **any two** of the following

(2x10
=20)

- Q.6 Elucidate the reasons for the enactment of Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act, 2006 and Critically Evaluate the overall impact of the act on the lives of the Forest Dwellers.
- Q.7 Write a note on the settlement of Village Boundary Dispute and Individual Boundary Dispute under the Gujarat Land Revenue Act, 2010 (Bombay Land Revenue Code).
- Q.8 Give an account of the gender biasness in the succession of property under the personal laws of Hindus, Christians and Muslims.

Part-D

Answer **any two** of the following

(2x5=
10)

- Q.9 Land Reforms
- Q.10 Co-operative Farming and Corporate Farming
- Q.11 Farmers Suicide portrayed in Nero's guest
