

Dr. SHIVARAM KARANTH BADAVANE SANTRASTARA SANGHA®

Regn No: DRB1/SOR/448/2018-2019

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To,

The Hon'ble Chief Minister of Karnataka &

Finance Minister of Karnataka

Room No. 323A, 3rd Floor,

Vidhana Soudha,

Bengaluru - 560001

29th December, 2022

Subject: Forcible acquisition of land of farmers, pastoralists, dalits, backward classes and other communities, of 17 villages of Bangalore North Taluk, under the colonial, draconian and exploitative Land Acquisition Act, 1894, for the development of Dr. K Shivaram Karanth Layout.

Respected Sir,

A 3-judge bench of the Hon'ble Supreme Court of India laid down the law that applies across India in matters relating to land acquisition and consequent compensation, resettlement and rehabilitation, in the case of *Mahanadi Coal Fields Ltd. and another vs. Mathias Oram & Ors*¹. This was a case in which land acquisition began in 1987 and the land losers were left in the lurch for over 3 decades. The judgement dated 03.11.2022 sets right the grave injustices

¹ MA No. 231/2019 in SLP (C) No. 6933/2007 - <https://indiankanoon.org/doc/126767414/>

faced by land losers by reaffirming that compensation for loss of land has to be determined as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('LARR 2013'). This unprecedented ruling reiterates the necessity for fair & just compensation, social & environmental impact assessments, and rehabilitation, as intricately linked and fundamental to any act of acquiring private land for public projects.

But for us farmers from 17 villages located in Bangalore North Taluk, Yelahanka hobli, Yeshwanthpur hobli and Hesaraghatta hobli, impacted by the Bangalore Development Authority's (BDA) decision to develop the Dr. K. Shivarama Karanth layout on our lands, we are being forced to part with our land under the colonial, draconian and exploitative Land Acquisition Act, 1894 ('LAA 1894'). As you are well aware, following the enactment of LARR 2013, the LAA 1894 is not applicable.

We have been pleading our case with the State Government - that if at all it is necessary to acquire our land, it is to be done by following the procedures under LARR 2013. While the State Government has turned a blind eye to our distress, the BDA, merely a parastatal authority, has initiated land acquisition over 3546 acres and 12 guntas of land under LAA 1894, and claiming validity of the 2008 preliminary notification dated 30th December, 2008² even though it lapsed. In fact the Hon'ble High Court of Karnataka ruled in favour of the State when it took up the cause of the farmers and other land losers in different petitions³ and quashed the preliminary notification. BDA, however, for reasons best known to it, appealed this decision before the Hon'ble Supreme Court.⁴

A Division Bench of the Hon'ble Supreme Court headed by Justice Mr. Abdul Nazeer has been hearing this appeal over the years (since 2017) and issuing various directions to the BDA to proceed with the formation of the layout, and has also established a committee headed by Justice A V Chandrashekar (Retd.)⁵ to monitor implementation of the layout. As directly affected farmers and land losers, we have filed applications to be impleaded into this case, but our applications were dismissed. So constrained, we have also appealed to the Justice Chandrashekar Committee stating that if this layout has to be developed, it should not

² Preliminary Notification No. BDA/COMMR/DC(LA)/SLAO/A5/PR/283/2009-2009

³ WP 9640/2014 and WP 12908/2015

⁴ CA No. 7661-63/2018

⁵ Order dated 03.12.2020 in MA No. 1614/2019 in CA No. 76663/2018

be by throwing us to the streets, which is what will result if the draconian LAA 1894 is employed to divest us of our rightful property.

Interestingly, and rather confoundingly, the BDA issued a final notification of acquisition, dated 30.10.2018⁶ invoking provisions of LARR 2013. However, the Supreme Court Bench headed by Justice Abdul Naseer, by way of its order dated 03.12.2020 (in MA No. 1614/2019 in CA No. 7661/2018), set up the Justice Chandrasekhar Committee for considering applications for denotification of land and held that compensation must only be accorded as per the colonial LAA 1894. This Supreme Court Bench continues to issue various orders (in MA No. 1614/2019) till date, without hearing our pleas. What this means and implies is that for whatever reason we cannot fathom, our legal right to secure relief under LARR, 2013 is being systematically denied.

Despite our fervent appeals⁷ and multiple protests against these grave injustices being done to us, and our consistent demand that we must be compensated under the LARR 2013, if our lands are indeed needed for the Shivaram Karanth Layout, various steps are being taken to dispossess us and throw us to the streets, while our cries for help remain unheard and unanswered by the State. Surely, you will agree, there is no inferior law that applies to us.

The judgement of the 3 judge bench of the Hon'ble Supreme Court, headed then by Chief Justice Mr. U. U. Lalit, in the *Mahanadi Coal Fields case*, is the law of the land. The State of Karnataka is obligated to ensure that every case of land acquisition, including ours, protects the interests and rights of the impacted.

Keeping this in view, we urge that the State Government must take all steps necessary, including if necessary moving the Supreme Court, to ensure that the prevailing orders that are impacting our rights are reviewed with urgency. Meanwhile, the State Government must restrict BDA from violating the ratio laid down in the *Mahanadi Coal Fields case*.

⁶ Notification No. UDD/553/MNX/2018 dated 30.10.2018

⁷<https://www.thenewsminute.com/article/shivaram-karanth-layout-row-farmers-dalit-orgs-want-project-outside-bengaluru-stopped-155455> ; <https://www.thehindu.com/news/cities/bangalore/farmers-plan-protest-against-shivaram-karanth-layout/article34143904.ece> ; <https://vishwavaaridhi.com/epaper/edition/502/dec/page/7>

We emphasise that LARR 2013 was enacted to end grave injustices meted out to citizens of the nation, and it was only enacted after thousands of struggles, multiple Parliamentary Committee Reports, various engagements and debates in State Legislatures⁸, etc. This is the law which was enacted by the Parliament with the clear intent of ensuring farmers, dalits, adivasis, and others who were systematically brutalised by the LAA 1894 would not suffer any further. It is for this very reason that in the very letter of the law, the words fairness and transparency in acquisition and compensation is explicitly stated. This traumatic experience is indicative that we are chosen for particular punishment, and because for reasons unknown to us there is a keenness to develop the Shivaram Karanth Layout by disregarding our social and economic interests under LARR 2013, and attacking our fundamental rights by employing LAA 1894.

Were Dr. Shivarama Karanth alive today, he would have sat with us in protest against his name being besmirched to attack our fundamental rights, and to build an exploitative project under his name. He surely would have been the first to protest in front of the Chairman of BDA, Mr. S. R. Vishswanth, who is also the MLA of the Yelahanka constituency. Mr. Vishawanth, you are well aware, has been pushing to implement this layout, and in no uncertain terms has claimed it would be built - come what may. He has gone on record to even state that he does not care about those impacted in the 17 villages, as he would anyway get elected by those in the rest of the constituency. A person who speaks like this has no reason to be the Chairman of this important Authority, and we demand he must be immediately sacked.

Sir, 2000 families who have lived and cultivated these most fertile lands, cannot be subjected to a most brutal mechanism that is destroying our sense of community, our culture, our agrobiodiversity, which we have honed and protected for generations. This is also the land which forms a critical part of the watershed of Arkavathy River that supplies much needed drinking water for Bengaluru, which is already suffering from grave water shortages.

All things considered, it is imperative on the part of the State Government headed by you to not allow this travesty of justice to be built on the graveyards of our fundamental rights. We,

⁸http://164.100.47.5/newsynopsis1/englishsessionno/229/Supp.%20Synopsis%20_E_%20dated%2004.09.2013.pdf

therefore, urge you to immediately instruct the Advocate General to take all necessary steps to seek a review of the orders issued by the Supreme Court Bench headed by Justice Abdul Nazeer, and to ensure that the ratio of justice established in the *Mahanadi Coal Fields case*, which is the rule of law for all of India in all land acquisition matters, applies to us as well.

We also urge you to take legislative steps, if necessary, to ensure the ends of justice are met in our cause. We hope you will take this decision with the urgency necessary.

Yours sincerely,

M Ramesh Ramagondanahalli
Bangalore District Coordinator

R Panchakshari
General Secretary

Muniraja

Dr. Shivaram Karanth Badavane Santrastara Sangha

Copy to:

His Excellency the President of India
Hon'ble Vice President of India
Hon'ble Chief Justice of India
Hon'ble Prime Minister of India
All Ministers of the Union Cabinet
Hon'ble Governor of Karnataka
All Ministers of the Karnataka Cabinet
All Members of Parliament
All Members of Karnataka Legislative Assembly
Chief Secretary of Karnataka
Development Commissioner of Karnataka
All Addl. Chief Secretaries
Commissioner, Bangalore Development Authority
Director General of Police, Karnataka
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