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CONSOLIDATION OF HOLDINGS: LEGAL CHALLENGES AND SOCIO-ECONOMIC OUTCOMES IN TAMIL NADU.

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ABSTRACT:

India is a democratic Country and its people have certain fundamental rights as well as constitutional rights. Earlier, the right to property was fundamental rights. Later that the government intended to introduce certain land reforms. So that It was needed that many lands was about to take by the governments to redistribute to the landless poors and the tribal people. So that the right to property was recognized as constitutional rights and not the fundamental rights. Then Land ceiling legislation and Land Acquisition Legislation was introduced in order to limit the holdings of lands. The small parts of lands were owned by many farmers. They are very less in acres so that they are very less productive. The Government introduced the Concept of Land Consolidation so that the fragmented parts of the small lands can be clubbed together to initiate projects for the development of the nation and to improve the economical development.

In order to improve the Infrastructure, the government was enacted a legislation in Tamil Nadu that the Tamil Nadu Land Consolidation (Special Projects) Act, 2023 in Tamil Nadu. In this Act, there was no clear definition has been specified in the Act and the interpretation has to be made by the government and the proponent. So, There are lots of possibilities that the land shall be misused by the Government. The Act came into Force on 17th August 2023. Many Farmers across the Tamil Nadu conducted strike to repeal this act because it affects the social and economic conditions of the farmers. The head of Farmers union in every state was also participated in the Strike.

Really, this Act takes the land away from the land owners. The Compensation for such encroachment has not been guaranteed to the land owners. In 2013 Land Acquisition Act it allows the land acquisition only if 80% of the people have consented to such action. But this Act has no such criteria. This Act causes huge insecurity to the farmers. In this Context, the detailed analysis of the Social, Economic and Legal challenges in the Act.

INTRODUCTION:

”Land Consolidation is falsely understood as simply reallocation of piece of lands to reduce effects of fragmentation and separation. Land Consolidation was introduced in order to bring various social and economic reforms from the time of its earliest applications in Western Europe. Denmark was the first country to introduce the Land Consolidation in 1750. This allowed the farmers to hold private lands. This resulted in increased agricultural productivity. Also it developed rural areas and agricultural development. In this context, the legal challenges of Land Consolidation and Socio-economic impact of Land Consolidation.”¹

LAND CONSOLIDATION:

“Land is the ultimate and foremost source of life without which human life is unimaginable. For every business Land is the basic necessity to earn profit. Land is an asset that always gives profits and huge amount of returns. Land is a physical property as well as the rights to own or alienate it. The Buildings and structures that are attached to the land is considered as a great and foremost financial asset in the Country. The Investors are solely dependent on the lands. Land has been accepted as a scarce capital source that should be protected and safeguarded to future generations”.²

LAND CONSOLIDATION IN INDIA:

”The Numerous discrete parcels of Lands, often scattered over a large area are consolidated together in order to make productive. It results in inefficient use of labour, soil and capital in the way of boundary lands It leads to boundary disputes and litigation costs. When Lands are consolidated Efficiency of cultivation will be diminished and also it prevents the improvement of the land. Consolidation means the step taken by the Government to merge the fragmented

¹ Maximilano Cox, “Land Tenure Studies”, <https://www.fao.org/4/y4954e/y4954e06.htm> <last visited this page on 11.04.2025, 8.00 AM>

² Mehmet Gur, Volkan Cagdas, “Land Consolidation as a tool of Rural Sustainable Development”, <https://www.fig.net> <last visited this page on 11.04.2025, 8.20 AM>

holdings into one plot. This was trying to prevented by the landowners because of the fear of displacement among tenants and especially the farmers are afraid of lack of updated land records, The Farmers are afraid of losing the productivity but the Government thinks that if the lands are consolidated, then such lands can be utilized during natural calamity.”³

The Concept of Land Consolidation has been an important topic to discuss in the past 3 decades.

In the end of fourth year plan, 120 Lakh HA has been Consolidated for agricultural purposes and In the end of fifth year plan, 440 Lakh HA has been Consolidated. The Sixth Five Year Plan had aimed to complete the consolidation in 10 years. But, the Government was able to consolidate only 64.75 lakh hectare of land.⁴ Many states including Kerala and Rajasthan has not even started the process. Presently, the importance of Agriculture has been changed drastically. Land Consolidation helps to join the number of scattered lands together in order to make it productive and to use it in productive manner. When the number of Scattered lands are joined together, a big project could be achieved by the Government for the welfare of the public at large.

One of the famous maxim is “*salus populi est suprema lex*” which means that a law which is doing the welfare for the best interest of the large number of people, such law is considered to be the best Law. The Suicide of Farmers has been increased nowadays due to the loss of their land. During Consolidation the lands of the farmers are captured by the government in which they are doing their agriculture for many years. “It was 2.28 hectares (Ha) of the average holding size in 1970-71 but it has been reduced into to 1.08 Ha in 2015-16. The most populated states such as West Bengal, Bihar and Kerala. The State which has largest average farm size was Nagaland. Punjab and Haryana rank second and third respectively. The population was large so that the number of holdings are also at large.”⁵

³ <https://www.gktoday.in/land-ceiling-and-consolidation-of-land-holdings-in-india/> < last visited this page on 11.04.2025 11.00AM.

⁴ <https://www.insightsonindia.com/wp-content/uploads/2013/08/land-reforms-1.pdf> <Last visited this page on 11.04.2025>

⁵ Ibid.

SIGNIFICANCE OF LAND CONSOLIDATION:

1. Increased production and productivity.
2. Less Inequality of Land holdings.
3. Farmers enjoyed autonomy.
4. It enabled farmers to construct enabled roads and irrigation channels and to make investments.
5. The Litigation and the court fee will be reduced.
6. The Farmers can formalize partitions.⁶

Basdev vs State Of U.P. And 5 Others

In this case, "a Hon'ble Bench has rightly held that if the land which is to be consolidated is used for public purposes the Gram Sabha is not explicitly empowered to give consent to the Proponent and it is not empowered to allot for any other purposes. But Section 19-A of 1953 Act states that The Assistant Consolidation Officer has power to determine its validation of land consolidation which is vested with Gram Sabha if the consolidation is the most important or very necessary. Section 117-A of L.R Act states that the Assistant Consolidation officer should write his consent in writing after clear investigation about its purpose. If it serves for the Public Purpose, Then the Officer shall give approval. The officer is empowered to transfer the individual rights into public rights which means the public has the right over that land so that the Land can be used for public purposes."⁷

Shyam Sunder And Others v. Siya Ram And Another

In this case, The Allahabad High Court held that the Land Consolidation laws are constitutional, emphasizing their role in agrarian reform and upholding the judiciary's role in ensuring compliance with constitutional mandates.⁸

Prashant Singh & Ors. v. Meena & Ors

In this case, It was held that the civil courts are barred from jurisdiction when consolidation proceedings are underway, specifically regarding matters related to land tenure rights within the consolidation area, according to "Section 49 of the U.P. Consolidation of Holdings Act,

⁶ Supra Note 4

⁷ Basdev Prasad and others Vs State of UP and 5 others 2023 : AHC: 195717.

⁸ Shyam Sunder and others Vs Siya Ram and Another AIR1973ALL382
<https://www.casemine.com/commentary/in/constitutionality-of-land-consolidation:>

1953”, as reported by the Supreme Court of India.⁹

Amit Kumar and Others v. Deputy Director of Consolidation

This case involves a dispute over land inclusion in a new chak (parcel) after consolidation, with the court finding the Deputy Director's decision flawed.¹⁰

LAND CONSOLIDATION IN TAMIL NADU:

In Tamil Nadu, Earlier, the Land Consolidation was governed by “Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961”. It was not much effective to govern the land consolidation. So, In 2023, The Tamil Nadu government has enacted a state legislation regarding Land Consolidation, “The Tamil Nadu Land Consolidation (Special Projects) Act, 2023”. ”According to the Act, a project proponent will propose the application to the State Government. The Government ensures whether all the conditions for this project has ben fulfilled. Then The Government send the application along with order to the respective district collector. Then an expert committee will be constituted and the proposal will be published. After the public hearing, the government accepts the opposition. Then the panel will create a draft of Land Consolidation scheme and the collector will approve or disapprove it.”¹¹

RESEARCH HYPOTHESIS

“THERE ARE A LOT OF LEGAL CHALLENGES AND SOCIO-ECONOMIC DIFFICULTIES IN TAMIL NADU IN ORDER TO IMPLEMENT CONSOLIDATION OF HOLDINGS FOR SPECIAL PROJECTS”

RESEARCH QUESTIONS

- 1. Whether Tamil Nadu is facing legal challenges to implement “the Tamil Nadu Land Consolidation (Special Projects) Act, 2023”?**
- 2. What are tha Socio-economic impact in Tamil Nadu after implementing “the Tamil Nadu Land Consolidation (Special Projects) Act, 2023”?**

⁹ Prashant Singh & Ors. v. Meena & Ors [2024] 5 S.C.R. 492 : 2024 INSC 380 https://digiscr.sci.gov.in/html_view?dir=YWRtaW4vanVkZ2VtZW50X2ZpbGUvZWJvb2tzLzIwMjQvdm9sdW11IDUvUGFydCBJS8yMDI0NTQ5MjUwMDE3MjY1NDIzMDkuaHRtbA==&judgment_id=Mzc0MzQ= <Last visited this page on 11.04.2025 6:00PM>

¹⁰ Amit Kumar and Others v. Deputy Director of Consolidation 2023: AHC-LKO:62797 <https://indiankanoon.org/doc/179102404/#:~:text=The%20remark%20of%20the%20Deputy,is%20no%20disput e%20about%20this.%22>

¹¹ <https://www.tnpscstherupettagam.com> <last visited this page on 11.04.2025 8:00PM>

1. Whether Tamil Nadu is facing legal challenges to implement “the Tamil Nadu Land Consolidation (Special Projects) Act, 2023”?

There are a lot of opposition from the people against this Act because, Tamil Nadu is well known for Agriculture. The implementation of this act affects the production in agriculture and prevents future productions. It drastically affects the marginal farmers. “The TN Land Consolidation Act aims to regulate the process of consolidation of government lands for large projects and to regulate the system of the exchange of lands involving water bodies and the protection of such water bodies. Farmers' associations, Environmental organisations, and activists are opposing the legislation right from the day of its adoption in the Assembly are up in arms now demanding its immediate repeal. Revenue Minister KKSSR Ramachandran explained the necessity for such legislation. He said the multiplicity of executive instructions and references to land in multiple laws leads to delay and uncertainty in the consolidation of lands, leading to time and cost overruns and loss of public money.”¹²

When PR Pandian, president of All Farmers Organisations, met TNIE and gave a speech that Coordination Committee, said, "August 17, the day when the Land Consolidation Act came into force, is a dark day for our farmers. We are consulting among farmers' unions and environmental organisations to launch a massive agitation against this legislation because it is an anti-farmer law. This legislation has forced farmers to launch one freedom struggle and if the law is not repealed immediately, this agitation will take shape as a movement against the government."

”The Hon’ble General secretaries of Tamil Nadu Vivasayigal Sangam affiliated to CPI and CPM, Mr. Sami Natarajan and Mr.P.S. Masillamani, in a joint statement held that, The Government has enacted various legislation in the name of Land reforms such as Land Acquisition, Land ceiling and Land Consolidation etc. All these reformative measures enables the government to capture the lands of the landowners and the land owners have to struggle a lot against the Government. The Landowners are innocent Farmers, the Governmt is superior so that the Farmers are unable to battle against the government. The Government is denyig to give Compensation most of the times. The New Legislation is also will not protect the farmers and marginal poor farmers.¹³

¹² The New Indian Express Newspaper dated 26.08.2023 , <https://www.newindianexpress.com/states/tamil-nadu/2023/Aug/26/land-consolidation-act-comes-into-force-in-tn-farmers-activists-demand-its-repeal-2608731.html>

¹³ Ibid.

“This Act does not define the term “Special Projects” clearly. It gives more discretion to the Government to interpret itself which may lead to misuse of the power by the government. The plan is always initiated by the government so there are lot of chances that the government may interpret the term as its convenience. There are lot of chances of political interferences because the farmers are the weak in the society.”¹⁴

“This Act is by passing the Land Acquisition Act and Land Ceiling Act. This Act has no Provisions as to public hearing, Social Impact Assessment, Environmental Impact Assessment etc. This Act lacks the power of gram sabha to give approval. So the people are against the implementation of this Act.”¹⁵ “Farmers and environmentalists express concern that the Act enables the transfer of fertile agricultural lands and vital water resources to private entities. Despite clauses intended to protect water bodies, there is skepticism about their effectiveness, fearing that privatization could lead to restricted access and environmental degradation”¹⁶

“Legal experts suggest that the Act may contravene Article 39 of the Indian Constitution, which emphasizes the equitable distribution of material resources to serve the common good. By facilitating the transfer of community resources to private interests without adequate safeguards, the Act's constitutionality is being questioned”¹⁷.

2. What are the Socio-economic impact in Tamil Nadu after implementing “the Tamil Nadu Land Consolidation (Special Projects) Act, 2023”?

”The Farmers are asking the Government to withdraw the implementation of the TN Consolidation Act because this Act was passed recently in the end of the budget session. The Co-ordination Committee of TN farmers association has submitted their petition to the District Collector Mr. Karthikeyan that the bill was passed without getting public opinion. There are lot of chances that the private MNC Companies will acquire the lands of farmers and it will affect the socio economic status of the society.”¹⁸

¹⁴ <https://iaspoint.com/tamil-nadu-land-consolidation-act-controversy/> <last visited this page on 12.04.2025>

¹⁵ "TN: 'Repeal Land Consolidation Act' Urges AIKS, Farmers Worried About Losing Land," NewsClick, October 2023. <https://www.newsclick.in/tn-farmers-question-intentions-behind-land-consolidation-act-allege-threat-agriculture-waterbodies> <last visited this page on 12.04.2025>

¹⁶ TN Farmers Mull Stir Over Move to Enforce Land Consolidation Act," The New Indian Express”, November 7, 2024

¹⁷ Ibid

¹⁸ Farmers Seek Repeal of Tamil Nadu Land Consolidation (for Special Projects) Act 2023, The Hindu (May 22, 2023), <https://www.thehindu.com/news/cities/Madurai/farmers-seek-repeal-of-tamil-nadu-land-consolidation-for-special-projects-act-2023/article66880930.ece>

“This Act is protested by the Farmers of entire Tamil Nadu because it enables any private entity to encroach any piece of land in order to do any special project for the welfare of the people at a large without any public opinion. The Tamil Nadu vivasayigal sangam has conducted a protest against the DMK government to withdraw this legislation. According to this Act, The Project proponent should submit the hydrological plan to the government to ensure that the flow of water is not affected both in upwaed and downward scheme. The Government can encroach upto 100 hectares to protect the water bodies and water resources. If the land is handed over to the proponent then it will be difficult for the common public and farmers to use the water bodies including rivers all across the state, ponds and lakes. Handing over of land with water body will lead to cause damages to the water bodies and causing pollution and destruction of the level of surface water. There are lot of criticism arises as that the government intends to destroy the agriculture and to develop the industrial sectors.”¹⁹

“According to the Land Acquisition Act, 2018, the Government could acquire the land with the consent of 80% of the population of that area but this act enables the Government to acquire 100 hecatres without any consent and any Assessment.”²⁰ “The Government sees this act as streamlining the land acquisition for special projects and infrastructures. But there are lot of criticisms created by the farmers and environmental activists. The Special Projects include agricultural, industrial, infrastructural and commercial developments.”²¹

“Mr. P.R.Pandiyan, the president of all farmers association stated that August 17 was the day when the act came into force is a black day for all the farmers. So he initiated the massive protest against the Government to repeal the Act because this enactment is an anti- farmer Legislation. And also he stated that the farmers should act against the DMK government in the Lok sabha elections because government has empowered the private sectors to take the lands from the poor farmers. The Life of the farmers solely dependent on those lands. The 2013 Act, atleast provided compensation to the landowners for encroaching the land. But for this Act, the farmers have to battle to get Compensation.”²²

¹⁹ “TN: Land Consolidation Act Poses Threat to Agriculture, Water bodies”, People’s democracy, dated 24.11.2024.

²⁰ IANS, “TN farmers plan major stir in Chennai against Land Consolidation Act” dated 07.11.2024>

²¹ Geetha Srimathi, “Land with water bodies needs to be preserved, not subsumed by large projects”, “The Hindu”, dated November 6, 2024

²² T. Muruganandham” Land Consolidation Act comes into force in TN; farmers, activists demand its repeal”, “The New Indian Express” dated 25.08.2023.

“Mathivannan, a former leader from trichy have also spoke that the law is very draconian and it drastically affects the life of the farmers. So he was also joined the protest. 2013 Act allows the encroachment with the consent of the 80% of the people of that area but 2023 Act has bno such criteria. So the political parties will encroach the land in illegal manner and they will misuse their power.”²³

Many developing countries are trying to implement various infrastructural projects in order to develop its economical situation due to high Population. Agriculture is the backbone of India but still other industries are giving more profits and developments in India. During Land acquisition the government usually conducts Socio-impact assessment and environmental impact assessment. But in Land Consolidation such assessment is is rarely taking place. No public opinion is involved. So the marginal farmers are getting affected.

CONCLUSION:

Hence, the Research Hypothesis: “THERE ARE A LOT OF LEGAL CHALLENGES AND SOCIO-ECONOMIC DIFFICULTIES IN TAMIL NADU IN ORDER TO IMPLEMENT CONSOLIDATION OF HOLDINGS FOR SPECIAL PROJECTS ” has been proved. In Tamil Nadu there are a lot of difficulties. India is a democratic Country. Democracy means ruling by the people for the welfare of the people. The Laws are enacted in order to shape the society into good morality. The People are bound to follow the laws. At the same time, The people have right to oppose the laws that are enacted by the Government. The Laws are enacted only for the welfare of the people. If the People are not satisfied with the laws, then the people has the right to fight against it. If the enacted legislative laws are unconstitutional, then it is the responsibility of the Supreme Court to strike it down and to repeal it. So The people are addressing their issues and conducting strikes to repeal that legislation.

Even if the Government is unable to epeal the Act, atleast, The Government shall bring certain amendments to that act by having provisions of Impact assessment and getting consnt fromnthe people. Let us see any amendments that are upcoming in the future.

²³ IANS, “TN farmers plan major stir against Land Consolidation Act, 2023”, “DT News”, dated 07.11.2024 <https://www.dtnext.in/news/tamilnadu/tn-farmers-plan-major-stir-against-land-consolidation-act-2023-810302>

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