

IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. 256 OF 2021

IN THE MATTER OF:

Bharat Bhoomi Bachao Sangarsh ...Petitioner
Samiti

Versus

Union of India &Ors. ...Respondents

PAPER-BOOK
[FOR INDEX: KINDLY SEE INSIDE]

ADVOCATE FOR THE PETITIONERS: GAURAV DHINGRA

DECLARATION

(Dairy NO. 3425/2021)

All defects have been duly cured. Whatever has been added/ modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

(GAURAV DHINGRA)
Advocate-on-Record
Dated : 18.2.2021
Contact No.9873475990

RECORD OF PROCEEDINGS

SR. NO.	RECORD OF PROCEEDINGS	PAGE NO.
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1.	Court's Order dated		
2.	Court's Order dated		
3.	Court's Order dated		
4.	Court's Order dated		
5.	Court's Order dated		
6.	Court's Order dated		
7.	Court's Order dated		
8.	Court's Order dated		
9.	Court's Order dated		
10.	Court's Order dated		
11.	Court's Order dated		
12.	Court's Order dated		
13.	Court's Order dated		
14.	Court's Order dated		
15.	Court's Order dated		
16.	Court's Order dated		
17.	Court's Order dated		
18.	Court's Order dated		

INDEX

Sl. No.	Particulars of Document	Page No. of part to which it belongs		Remarks
		Part I (Content s of Paper Book)	Part II (Content s of file alone)	
(i)	(ii)	(iii)	(iv)	(v)
	Court fee		3230/-	
1.	O/R on Limitation	A		
2.	Listing Proforma	A - A1	A-2	
3.	Cover Page of Paper Book		A-3	
4.	Index of Record of Proceedings		A-4	
5.	Limitation Report prepared by the Registry		A-5	
6.	Defect List		A-6	
7.	Note Sheet			
8.	Synopsis & List of Dates	B-Z		
9.	Impugned Order			
10.	Writ Petition with affidavit in support	1-30		
11.	APPENDIX: Sections 26, 28, 29, 30 and 38 of the RFCTLARR Act, 2013	31-33		

12.	<u>ANNEXURE P-1:</u> True copy of the representation dated 18.11.2020 addressed to Minister for MoRTH	34-44		
13.	<u>ANNEXURE P-2:</u> True copy of the representation dated 20.11.2020 to the Government of Haryana	45-55		
14.	<u>ANNEXURE P-3:</u> True copy of the representation dated 21.11.2020 to Govt. of Rajasthan	56-65		
15.	<u>ANNEXURE P-4:</u> True copy of the supplementary representation dated 21.11.2020 to Govt. of Rajasthan	66-67		
16.	<u>ANNEXURE P-5:</u> True copy of the representations dated 21.11.2020 to Govt. of Gujarat	68-77		
17.	<u>ANNEXURE P-6:</u> True copy of the representation dated 18.12.2020 to the PM for seeking intervention	78-83		
18.	<u>ANNEXURE P-7:</u> True copy of the representation dated 18.12.2020 to the PM for seeking previous sanction for prosecution	84-92		
19.	<u>ANNEXURE P-8:</u> True copy of the representation dated 05.01.2021 to the Delhi Police and the PM	93-97		
20.	<u>ANNEXURE P-9:</u> True copy of the representation dated 18.01.2021 addressed to Govt. of NCT of Delhi	98-108		
21.	<u>ANNEXURE P-10:</u> True copy of the representation dated 20.01.2021 to Competent Authorities.	109-117		

22.	<u>ANNEXURE P-11:</u> True copy of the representation dated 25.01.2021 to Competent Authorities	118-124		
23.	<u>ANNEXURE P-12:</u> True copy of the representation dated 27.01.2021 to Competent Authorities	125-134		
24.	<u>ANNEXURE P-13:</u> True copy of the representation dated 27.01.2021 to the Government of Haryana (ACS)	135-140		
25.	<u>ANNEXURE P-14:</u> True copy of the letter dated 01.02.2021 to the Competent Authorities for seeking High Power Committee	141-148		
26.	Filling Memo		149	
27.	Vakalatnama		150	
28.	Resolution for authorization to file Civil Writ Petition		151-154	

PROFORMA FOR FIRST LISTING**SECTION: X**

Central Act : Code of Civil Procedure

Section:

Central Rule: N.A.

Rule No(s): N.A.

State Act: RFCTLARR Act, 2013

Section: 105 (3)

State Rule: N.A.

Rule No(s): N.A.

Impugned Interim order: N.A.

Impugned Final Order/Decree : N.A.

High Court: N.A.

Name of Judges: N.A.

Tribunal/Authority: N.A.

1. Name of matter: ☒ Civil ☐ Criminal

2. (a) Petitioner/ appellants No.1: Bharat Bhoomi Bachao Sangharsh Samiti and Ors.

(b) e-mail ID: mcdhingra@gmail.com

(c) Mobile Phone Number: 0-9873475990

3. (a) Respondent No.1: Union of India and Ors.

(b) e-mail ID: N.A.

(c) Mobile phone number: N.A.

4. (a) Main category: 18- Ordinary civil matter

Classification:

(b) Sub classification: 1807-others

5. Not to be listed before: N.A.

6. (a) Similar disposed of matter with citation if any & case details: **No similar disposed matter**

(b) Similar/ pending matter with case details: **No similar pending matter**

A-1

ATTERS: N.A.

Whether accused/convict has
surrendered:

☐ Yes

☐ No

(b) FIR No. N.A.
(c) Police Station: N.A.
(d) Sentence Awarded: N.A.
(e) Sentence Undergone: N.A.

8. Land Acquisition Matters:

(a) Date of Section 4
notification: N.A.
(b) Date of Section 6
notification: N.A.
(c) Date of Section 17
notification: N.A.

9. Tax Matter: State of tax effect: N.A.

10. Special Category (first petitioner /appellant only): N.A.

☐ Senior citizen > 65 years
☐ SC/ST ☐ Woman/child ☐ Disabled
☐ Legal Aid case ☐ In custody

11. Vehicle Number (in case of Motor Accident Claim matters): N.A.

Date: 05.02.2021

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SYNOPSIS & LIST OF DATES

This Writ Petition is being filed under article 32 of the Constitution of India to seek equal opportunity of being heard and dialogues with the Governments in connection with Gandhian agitation of the Petitioners for seeking resolution of grievances of affected families from land acquisition. Bharat Bhoomi Bachao Sangharsh Samiti (In short the BBBSS or Petitioner No.1) is an unregistered "Forum" rendering service to the farming community against forcible land acquisition to seek fair payment of compensation and rehabilitation for the affected families in accordance with law. Petitioners No.2 to 6 are directly affected families and citizens from land acquisition and also members of the BBBSS. Presently two agitations of farming community are simultaneously going on in close proximity to each other in NCR. One agitation is being led by another unregistered "Forum" namely "Sayunkt Kisan Morch" (in short SKM) by blocking Railway Tracks and Roads on Delhi Borders and other Gandhian agitation namely "Savidhan Satyagrah Andolan" of the Petitioners (the BBBSS) without creating any hindrance to other sections of the society. In this connection, the Respondent No. 1 held 11th round of meetings for dialogues with SKM but it completely ignored the BBBSS. As such, the respondents infringed

the human and fundamental rights of the Petitioners by violating Articles 14, 19 and 21 of the Constitution of India. With this reasons, this is not a PIL as the fundamental rights of the petitioners have been directly infringed by the Respondents. However, the larger interest of public is also involved.

The Since 15.01.2021, the BBSS is leading a peaceful Gandhian agitation of thousands farmers from Rajasthan, Gujarat, Haryana, Punjab and Delhi to seek compensation and rehabilitation for the affected families against land acquisition under National Highway Act, 1956 (in short "NH Act").

The cause of action have arisen against mala-fide actions and irregularities committed by the Ministry of Road Transport and Highways (hereinafter referred as the MoRTH), UOI and the National Highways Authority of India (NHAI). The MoRTH and NHAI further disobeyed application of mandatory and beneficial provisions, which are provided in "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" (in short "the RFLARR Act"), with an intent to cause calculated and wrongful loss to the affected families from land acquisition. Further

cause of action arose on ground of discriminatory treatment adopted by the respondents with petitioners.

The discriminatory and legal issues raised herein are:

(A) Why the Delhi Police did not allow Savidhan Satyagraha Andolan Padyatra to enter into Delhi on Republic Day and why it allowed Tractor Parade on Republic Day?.

(B) Why the UOI did not initiate dialogues with the Petitioners as the UOI held 11th round of meeting held with SKM in connection with another agitation of farming community?.

(C) Why the Central Government did not appoint a High Power Committee for resolving genuine demands of the Petitioners as it constituted such High Power Committee on the demand of a single citizen namely Sh. Anna Hazare?.

(D) Whether aforesaid discriminatory treatment adopted by the Governments have violated Fundamental Rights inter-alia Article 14 (equality before law), Article 19 (right to freedom) and Article 21 (protection of life and personal liberty) of the Petitioners which are guaranteed under the Constitution of India?.

(E) Whether the Governments are promoting anarchy and lawless society by ignoring Gandhian Mode of Agitations, including "Savidhan Satyagraha Andolan" of the petitioners, by initiating dialogues only with aggressive protestors who are blockers of railway tracks and roads ?.

This Hon'ble Court is hearing PIL and writ petitions on the various issues in connection with the ongoing agitation of SKM relating to agriculture sector. The SKM is staging Dharna on Delhi Borders to seek repealing of three legislations relating to agriculture sector. The 11th round of dialogues have been held between the SKM and the UOI but no consensus or consented agreement have been reached between both parties.

The Savidhan Satyagraha Andolan is being participated by thousands farmers from five States at village Nilothi in Jhajjar District of Haryana in NCR. Therefore, the arbitrary and discriminatory treatment adopted by the Governments have changed public perception to choose aggressive modes of agitations instead of Gandhian agitation. As such, a strong perception has grown in mind of public that no Government shall pay any attention towards a peaceful and

Gandhian agitation. Such public perception and discriminatory approach adopted by the government in democracy, both may lead our society towards promoting anarchy and lawless society. Petitioner's agitation of farming community is an example of ignoring Gandhian agitation by the Governments. When the protest at Shahin Bagh in Delhi in February 2020 was going on, the thousands members of the affected families from land acquisition for NH projects from Rajasthan, Haryana and Gujarat were also sitting on "Indefinite Hunger Strike" and Satyagraha" at Kisan Bagh at Bagoda in District Jalore in Rajasthan from 28.02.2020 to 17.03.2020 under the BBBSS for seeking justice. The difference between the agitation of Shaheen Bagh and Kisan Bagh was on the style and mode of agitation. The protesters of Kisan Bagh were sitting on "Indefinite Hunger Strike" under Gandhian Philosophy without creating any hindrances for other sections of the society whereas the protesters of Shaheen Bagh were blocking the road in peaceful manner but they were also creating hindrances for road users. The Central government had not offered any dialogue with the petitioners but it had repeatedly invited the protesters of Shahin Bagh for dialogue but the protesters of Shahin Bagh declined those offer of dialogue. Therefore, all aggressive protesters including reservation protest of

Gujjar, Jat, Maratha and Tribal Community were invited by the Government for dialogues but the UOI had completely ignored the peaceful agitation of the petitioners twice once this present agitation and other protest in February 2020. The petitioners are also supporting agitation of SKM on the issues of three legislations and for seeking a law of guarantee on MSP. But the petitioners will never support SKM for blocking Roads and Railways.

This petition further seeks from this Hon'ble Court to issue directions to the Government to frame uniform guidelines and mechanism for addressing grievousness and issues of public agitation within a time frame manner for promoting strong democracy in order to close all possibilities of promoting anarchy and feeling of insecurity.

01.01.2014 The RFCTLARR Act came into force and it contains four schedules. The First Schedule is for fair compensation for land owners and the Second Schedule is for Rehabilitation and Resettlement whereas the Third Schedule was provided for Infrastructure Amenities for the affected families. The Fourth Schedule of it contains list of 13 Central Enactments including the NH Act for regulating Land Acquisition and Rehabilitation

and Resettlement by application of provisions of the RFCTLARR Act. It was provided under section 105(3) of the RFCTLARR Act as under:

“The Central Government shall, by notification, within one year from the date of commencement of the Act, direct that any of the provisions of this Act relating to the compensation in accordance with the First Schedule and Rehabilitation and Resettlement specified in the Second and Third Schedule, being beneficial to the affected families, shall apply to the land acquisition under the enactmentsspecified in the Fourth Scheduleor shall apply with such modifications that do not reduce the compensation or dilute the provisions of this Actrelating to compensation or rehabilitation or resettlement as may be specified in the notification, as the case may be”.

It was further provided under Chapter II in the RFCTLARR Act that Social Impact Assessment Study (inshort“SIA Study”)to acquire land for public purpose for all infrastructure projects including linear projects

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shall be compulsory conducted and the Social Impact Management Plan (in short "SIMP") shall also be prepared, listing the ameliorative measures required to be undertaken for addressing the impact. The SIA Study was aimed for ensuring minimum displacement of affected people. The exemption from SIA Study was only provided by invoking the urgency provisions under section 40 of the RFCTLARR Act in case of urgency categories specified therein to acquire land in certain cases. In those cases of urgency, there is a provision under section 40(5) to pay additional compensation of seventy-five per cent. of the total compensation as determined under section 27 of the RFCTLARR Act.

31.12.2014 The RFCTLARR (Amendment) Ordinance, 2014 was promulgated thereby, inter alia, granting Exemption from SIA Study in case of land acquisition for infrastructure projects by inserting Section 10A and amending section 105 of the RFCTLARR Act to extend the provisions of the Act relating to determination of the compensation and rehabilitation and resettlement

to all cases of land acquisition under the enactments, including NH Act, specified in Fourth Schedule to the RFCTLARR Act.

03.04.2015 The RFCTLARR (Amendment) Ordinance, 2015 was promulgated to give continuity to the provisions of the RFCTLARR ACT (Amendment) Ordinance, 2014.

29.04.2015 The MoRTH issued direction vide a letter to the NHAI to pay all entitlements for land acquisition under NH projects in accordance with the provisions of the RFCTLARR Act from 01.01.2015. The first and last page of this document was available on website of the MoRTH/NHAI and the mid page was removed from public domain by them and this missing page was not provided to the petitioner by the MoRTH despite several requests. Concealment or removal or destruction of such important document is a serious issue and offence. It is pertinent to mention here that four notifications including one notification for application of Multiplication Factor (hereinafter referred as the MF) for determination of compensation

was to be issued by Ministry of Rural Development (in short "the MoRD"), UOI for proper activation and operation of the RFCTLARR Act. But the UOI did not issue these four compulsory notifications for a long time. The Minister for the MoRTH had revealed in a TV program in 2015 that he had issued a direction for uniform application of the MF 2 for determination of compensation in land acquisition cases under NH Act also. With this reason, it appears that application of the MF 2 was directed to be applied by the MoRTH in the above removed or missing page. The MoRTH had no authority to fix MF as this authority for fixation of MF was vested with the MoRD. So, it was an illegal direction issued by the MoRTH relating to application of the MF without issuance and publication of such requisite notification for the MF in Gazette of India by the MoRD, which is nodal ministry for governing the RFCTLARR Act.

30.05.2015 The RFCTLARR (Amendment) Second Ordinance, 2015, was promulgated to give continuity to the provisions of

the RFCTLARR (Amendment), 2015 inasmuch as the replacement Bill relating to the RFCTLARR (Amendment), 2015 could not be passed by the Parliament and therefore it was referred to the Joint Committee of the Houses for examination and report and the same is still pending with Joint Committee.

31.08.2015 As per the provisions of Article 123 of the Constitution of India, the RFCTLARR (Amendment) Second Ordinance, 2015 was to be lapsed on 31.08.2015 and thereby it was to place the land owners at disadvantageous position, resulting in denial of benefits of enhanced compensation and rehabilitation and resettlement to the cases of land acquisition under the 13 Acts (including NH Act) as extended to the land owners under the said Ordinance. Therefore, the Central Government notified the RFCTLARR (Removal of Difficulties) Order, 2015 dated 28.08.2015 to extend all the beneficial advantage to the land owners for uniform application of the beneficial provisions of the RFCTLARR Act, relating to the determination of

compensation and rehabilitation and resettlement to all cases of land acquisition under the aforesaid 13 enactments from the 1st day of September, 2015. As such, the exemption from conduction of SIA Study provided under section 10A of the aforesaid Ordinance in land acquisition cases of infrastructure projects also lapsed on 31.08.2015. It is pertinent to mention that Exemption from conduction of SIA Study in infrastructure projects was not provided in the RFCTLARR (Removal of Difficulties) Order, 2015.

09.02.2016 The long awaited notification for the Multiplier Factor (MF), which was to be notified under section 30(2) read with the First Schedule, was notified to be MF 2 by the MoRD for providing compensation to the land owners of land acquisition in rural zone in a uniform way without any classification and graded system. As such, after uniform application of MF 2, the compensation to all the land losers was to be paid by application of MF 2 on the market price of acquired land in all projects of the Central Government including

NH projects. But the MoRTH paid lower compensation by ignoring application of MF 2 in Rajasthan, Haryana and Punjab whereas it paid higher compensation by application of MF 2 in many States.

21.12.2017 After approval of Bharatmala Pariyojana Phase-1 from the Cabinet Committee for Economic Affairs (CCEA), the Standard Operating Procedure (SOP) containing list of all categories of NH projects and also containing comprehensive guidelines for selection of NH projects and budgetary allocation etc. was issued by the MoRTH for the year 2017-2022. Thereafter fixation of alignment and selection of projects were undertaken by the MoRTH and NHAI in contravention of the provisions of the SOP.

28.12.2017 The MoRTH issued guidelines for payment of compensation which had been framed in contravention of statutory provisions. Therefore, that guidelines are illegal which had been issued by the MoRTH in arbitrary manner without any competency and authority. For instance, some important statutory entitlements for payment of compensation to the land owners were not granted under those guidelines in cases of land acquisition for NH projects. The MF 2 notified by UOI was not made applicable in NH projects in Haryana, Rajasthan and Punjab that caused direct loss to affected families. The conduction of SIA Study and preparation of SIMP was also dropped under those guidelines. Consequently, scope and policy for rehabilitation and resettlement Award for land losers was taken away. The criteria for determination of market value was provided in an arbitrary manner in that guidelines without giving application to the main proviso to section 26 of the RFCTLARR Act. This proviso to section 26 of the RFCTLARR Act was provided by the

law makers in the interest of land losers for determination of the market value in fair and transparent manner. With those irregularities inframing of incorrect and un-notified guidelines, the market value could not be revised and updated by the respective Collectors before initiating land acquisition. Therefore, the awards were passed by the Competent Authority for Land Acquisition (in short "the CALA") without seeking revision and updating of market value from the Collector. The proviso reads as under:

"Provided also that the Collector, shall before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:"

2018-2020 The NH 334B (relating to Village Girawar and Chhara in Jhajjar District in Haryana), 152D (Greenfield NH in Haryana), NH 148N (Delhi-Mumbai Expressway), NH 754K (Amritsar-Jamnagar), Delhi-Amritsar-Katra Expressway and NH 344M for Delhi were notified for

development between the year 2018-2020. Thereupon, the land acquisition proceedings and awards were passed by the NHAI or CALA in arbitrary manner violating policy, SOP and statutory provisions. Resultantly, the affected farmers started agitations by staging Dharna and demonstrations in various districts in Rajasthan, Haryana, NCT Delhi, Punjab and Gujarat. The petitioners and land owners submitted objections, representations in this connection for seeking justice and revision of awards in accordance with applicable provisions and law but the Government did not address the problems and grievances of the affected families.

28.02.2020 The affected land owners decided to intensify their agitation and therefore, a "Gandhian Satyagraha" under day-night "Kisan Mahapadav" was started by farmers at Bagoda in Jalore district of Rajasthan. This "Gandha in Satyagraha-cum- Hunger Strike" andolan was participated by thousands affected farmers from Rajasthan, Gujarat and Haryana and it became

amassive peaceful agitation of farming community.

17.03.2020 The Satyagraha continued for 19 days between 28.02.2020 and 17.03.2020 but the MoRTH did not invite the farmers for dialogue for resolution of their genuine issues. Due to spreading Covid-19, this massive agitation was withdrawn till return of normal life and activities.

16.06.2020 The petitioner submitted a detailed Analysis Report-cum-Complaint on Bharatmala Pariyojana to the MoRTH and State Governments of Rajasthan and Haryana for seeking revision of awards and actions against erring public servants. This Analysis Report-cum- Complaint inter alia contains details of offences committed by certain public servants relating to NH projects for land acquisition.

Sept, 2020 The Minister for the MoRTH called the petitioner for discussion on the issues of aforementioned Complaint but he met the petitioner hardly for one minute and told that he had sent the Complaint to his Joint Secretary for examination and report. The minister

further assured that after receipt of report from the Joint Secretary, he would call the petitioner again within next week for final resolution of the issues. Next week, the Joint Secretary called the petitioner to discuss the issues of that Complaint with the petitioner. After discussion, the Joint Secretary assured the petitioner to submit his report to the Minister within next two days. But neither the Minister nor his assistant fixed the meeting in this connection despite repeated requests made by the petitioner. Further, no any decision taken by the MoRTH on our Analysis Report-cum-Complaint was intimated to the petitioner till date.

18.11.2020 The Analysis Report-cum-Complaint was updated again on 17.11.2020 and the same was again forwarded by the petitioner to the Minister for the MoRTH and also to the Chief Secretaries of Rajasthan, Delhi, Gujarat and Haryana for seeking revision of awards and appropriate actions, including to seek previous sanction for prosecution of their respective erring

Public Servants.

18.12.2020 The Petitioner further forwarded the aforesaid "Analysis Report-cum-Complaint dated 17.11.2020" vide letter dated 18.12.2020 to the Prime Minister for seeking revision of awards and previous sanction under Section 197 CrPC for prosecution of the Minister for MoRTH on ground of committing offences by him relating to NH Projects. The petitioner further requested the PM by a separate letter dated 18.12.2020 to intervene in long pending matter and to appoint a group of ministers for dialogues and resolution of grievances relating to land acquisition. In his representation, the Petitioner also raised the issue of undemocratic attitude and approach of the government for ignoring peaceful agitation of the petitioners and thereby to promote undemocratic and aggressive agitations in the country. The petitioner also invited attention of the PM by representations that the governments were not recognizing peaceful way of public agitations across the country and thereby

such discriminatory approach of the Governments in dealing with such public agitations are a mala fide action for violating "Right to Equality", "Right to Life and Liberty" and "Right to Freedom" which are guaranteed under the Constitution of India. The petitioner also apprised the PM in his representations that discriminatory approach of the government in dealing with peaceful public agitations will also promote anarchy and lawless society. Further, such discriminatory approach of the government shall further lead the public to abolish foundation and roots of the democracy.

05.01.2021 The petitioner further requested the PM vide his letter dated 05.01.2021 for urgent intervention for legitimate solution into the matter of land acquisition. The petitioner also sought permission from the central government and other law enforcing agencies including Delhi Police vide his letter dated 05.01.2021 to stage a peaceful, democratic and Gandhian agitation of the affected families namely "Savidhan Andolan" at

Jantar-Mantar, New Delhi from 16.11.2021 for indefinite period unless the legitimate demands of BBBSS are accepted by the MoRTH.

- 08.01.2021 The Deputy Commissioner of Delhi Police, New Delhi rejected permission to stage peaceful Gandhian agitation "Savidhan Satyagraha Andolan" at Jantar-Manter from 16.01.2021 by the Petitioner.
- 15.01.2021 Savidhan Satyagraha Andolan was started by affected families from land acquisition relating to Gujarat, Rajasthan, Haryana, Punjab and Delhi at Village Hamayunpur in District Rohtak, Haryana as no dialogue was initiated by the MoRTH in this connection.
- 17.01.2021 Savidhan Satyagraha Padyatra was started by thousands farmers under leadership of the Petitioner No. 1 for marching towards Delhi to seek justice.
- 18.01.2021 Savidhan Satyagraha Andolan Padyatra reached at Village Nilothe in Jhajjar District of Haryana but it could not proceed further towards Delhi as the permission was declined by Delhi Police. As no dialogue was initiated with the Petitioners by the UOI, the farmers

called "Kisan Sansad" (Farmer Parliament) and Dahiya Khap also called "Sarv Khap Panchayat", jointly to be held on 20.01.2021 at village Nilothi against undemocratic attitude of the MoRTH for avoiding dialogues.

20.01.2021 Farmers and Khap Chiefs representing over 10 states and 200 Khap attended Farmer Parliament and Sarv Khap Panchayat and they extended support to Savidhan Satyagraha Andolan. They also authorized the Petitioners to continue their Gandhian movement till demands are accepted. As the MoRTH was ignoring dialogues , therefore the Farmer Parliament and Sarv Khap Panchayat jointly also urged the President of India, the Prime Minister and other Constitutional Authorities to grant permission to thousands members of affected families for Euthanasia if the UOI don't believe in Constitution of India and Democratic Dialogues for resolving the genuine problems of affected families.

21.01.2021 The farmers started Symbolic Bhumi-Samadhi and Mon-Vart under Savidhan Satyagraha Andolanto seek permission from competent authorities for Euthanasia as the MoRTH does not believe in democracy and dialogues. This Symbolic Bhumi-Samadhi is continuously going on for seeking either dialogues in democratic manner or permission for Euthanasia to the land losers. In this connection, the Petitioner is regularly writing letter to the President, the Prime Minister, the Chief Justice of India, Chairman of Human Rights Commission, the Home Secretary to MHA, the Secretary to MoRTH, Commissioner of Delhi Police and Chief Secretaries to Gujarat, Rajasthan, Haryana and Delhi to apprise and update them about Savidhan Satyagraha Andolan for seeking justice or permission for Euthanasia.

- 23.01.2021 Delhi Police granted permission to SKM for Tractor Parade in Delhi whereas no permission to Savidhan Satyagraha Padyatra was given by Delhi Police on the same line to enter into Delhi despite reminders after reminders were sent to all constitutional Authorities and Delhi Police against arbitrary and discriminatory treatment and approach adopted by them in case of petitioners agitation. In this connection, the Petitioner also sent letter dated 24.01.2021 and 25.01.2021 by Email to all aforementioned competent authorities but no lawful actions or dialogues were initiated.
- 27.01.2021 The Petitioner further sent his letter dated 27.01.2021 to Competent Authorities relating to Savidhan Satyagraha Andolan requesting them to initiate dialogues in democratic manner by giving up discriminatory treatment and attitude.
- 01.02.2021 The petitioner further sent a letter to all concerned competent authorities for seeking constitution of a High Power Committee to resolve the grievances of the affected families. In this communication, the petitioner

has also given precedents whereby the Central Govt. had earlier appointed High Power Committee including a recent committee constituted on 29.01.2021 on the request of social activist-Anna Hazare to report for implementation on Swaminathan commission recommendations.

05.02.2021 Hence, the present writ petition.

IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

1. Bharat Bhoomi Bachao Sangarsh Samiti through its President Ramesh Dalal S/o Shri Randhir Singh, R/o V.P.O.-Jakhodha, District-Jhajjar, Haryana
2. Vinod Kumar S/o Shri Sultan Singh, R/o V.P.O.-Mouri, District-Charkhi-Dadari, Haryana-127222
3. Narian Bhai Lumbha Bhai Kag S/o Shri Lumbha Bhai Vakhataji V.P.O.Vantadau, Tehsil-Tharad, District-Banaskantha, Gujarat-385565
4. Mohan Ram S/o Shri Ramrakha Ram R/o Village-Gopalyan, District-Bikaner Rajasthan-334603
5. Kaptan Singh S/o Shri Khem Chand R/o V.P.O.-Ranikhera, New Delhi-110081
6. Jagjit Singh S/o Jarnail Singh R/o Village Galoli, V.P.O.-Shergarh, Tehsil-Patran, District-Patiala, Punjab-147105. .Petitioners

Versus

1. Union of India
 through Cabinet Secretary
 Rashtrapati Bhawan, President's Estate, New Delhi-110004

2. Govt. of Haryana
through its Chief Secretary
Haryana Civil Secretariat,
Chandigarh.
3. Govt. of Gujarat
through its Chief Secretary,
1st Block, 5th Floor, Sachivalaya,
Gandhinagar.
4. Govt. of Rajasthan
through its Chief Secretary
Tilak Marg, PanchBatti,
CScheme, Secretariat,
Jaipur, Rajasthan 302005.
5. Govt. of NCT of Delhi
through its Chief Secretary
Delhi Secretariat, IP Estate, New Delhi-
210002.
6. Government of Punjab
through its Chief Secretary,
Punjab Civil Secretariat, Chandigarh. ..Respondents

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

To
The Hon'ble Chief Justice of India
and his companion Judges of the
Supreme Court of India, New Delhi

The Humble Petition of the
Petitioners above-named

MOST RESPECTFULLY SHOWETH:

1. That the petitioners being citizens of India are filing the present civil writ petition for enforcement of their legal and fundamental rights envisaged by Part-III of the Constitution of India and also against violation of their legal and fundamental rights. Recently, two agitation of farming community, one "Savidhan Satyagarh Andolan" a Gandhian agitation led by the Petitioners through its unregistered "Forum" namely Bhart Bhumi Bachao Sangharsh Samiti (in short BBBSS) without creating any hindrances for other section of society and another agitation of blocking Rail Tracks and Roads by another unregistered "Forum" namely Sayunkt Kisan Morcha (in short "SKM"), are simultaneously going on from many days in close proximity to each other in NCR. The respondent No.1 held 11th round of meeting for dialogues with SKM but no such dialogue was initiated with the BBBSS and petitioners by the respondents and therefore discriminatory treatment is given to the Petitioners by the respondents violating Articles 14, 19 and 21 of the Constitution of India. As fundamental rights of the petitioners are infringed by the respondents, this petition does not come under the ambit of PIL. However, larger public interest is also involved herein.
- 1A. The petitioners from serial number 2 to 6 are directly affected families, belonging to their respective State of Rajasthan, Haryana, Gujarat, Delhi

and Punjab, from forcible land acquisition for development of National Highways Projects whereas the petitioner No. 1, an unregistered "Forum" is rendering service to the farming community across the country from many years. Hence, the petitioners are competent to file the present civil writ petition under article 32 to seek enforcement of their human and fundamental rights. Despite all efforts made by the petitioners and thousands affected farmers from the above five States, the Respondents continued to ignore Savidhan Satyagraha Andolan and thereby the Respondents infringed the Fundamental Rights by adopting discriminatory treatment with the petitioners

2. Brief facts leading to filing the present petition are as under:

- I. That three different farmer agitations by three different groups of the farming community were initiated by placing their respective demands before the Central Government between 27.11.2020 and 30.01.2021. One agitation was being led by several farm unions under a joint banner of Sayunkt Kisan Morcha (SKM) who blocked roads and rails to seek repealing of three central legislations. The second agitation was threatened to sit on Hunger Strike from 30.01.2021 by a single citizen namely Sh. Anna Hazare for seeking implementation of Swaminathan Commission Report. The third

agitation "Savidhan Satyagraha Andolan" was initiated from 15.01.2021 by the petitioners, which is regularly being participated by thousands farmers under the leadership of the petitioner no. 1, to seek justice in land acquisition cases of aforementioned five States. In the case of petitioners, some public servants committed offences and gross irregularities in contravention of mandatory provisions of the RFCTLARR Act, 2013, which are punishable with imprisonment from six months to three years.

- II. The Central Government has given a discriminatory treatment to the agitation of the Petitioners by not initiating any dialogue with them whereas the Central Government held 11th round of meetings with SKM. Further, the Central Government went to the residence of Sh. Anna Hazare, a single citizen and leader of aforementioned third agitation for initiating dialogues with him on 29.01.2021. The Government offered SKM to constitute a High Power Committee for resolution of farmer grievances but the SKM didn't agree to it. Further, the Government constituted a High Power Committee with the consent of Sh. Anna Hazare to examine and report on his demands. But the Central Government continuously ignored the

Gandhian agitation of the petitioners as neither it initiated dialogues nor it constituted any such High Power Committee to examine and report on the issues of the petitioners. Therefore, such discriminatory treatment and policy of pick and choose adopted by the Respondents is not permissible under the Constitution of India. The government in a democratic system cannot discriminate between groups of citizens. But the respondents discriminated with the agitation of the petitioners in an unhuman and unlawful manner. Briefly, the issues of violating the Human and Fundamental Rights of the petitioners are raised in this petition.

- III. On 01.01.2014, the RFCTLARR Act came into force and it contains four schedules. The First Schedule is for fair compensation for land owners and the Second Schedule is for Rehabilitation and Resettlement whereas the Third Schedule was provided for Infrastructure Amenities for the affected families. The Fourth Schedule of it contains a list of 13 Central Enactments including the NH Act for regulating Land Acquisition, Rehabilitation and Resettlement by application of provisions of the RFCTLARR Act. It was provided under section 105(3) of the RFCTLARR Act as under:

“The Central Government shall, by notification, within one year from the date of commencement of the Act, direct that any of the provisions of this Act relating to the compensation in accordance with the First Schedule and Rehabilitation and Resettlement specified in the Second and Third Schedule, being beneficial to the affected families, shall apply to the land acquisition under the enactments specified in the Fourth Schedule or shall apply with such modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation or resettlement as may be specified in the notification, as the case may be”.

- IV. That on 01.01.2014, it was further provided under Chapter II in the RFCTLARR Act that Social Impact Assessment Study (hereinafter referred as the SIA Study) to acquire land for public purpose for all infrastructure projects including linear projects shall be compulsory conducted and the Social Impact Management Plan (hereinafter referred as the SIMP) shall also be prepared, listing the ameliorative measures required to be undertaken for addressing the impact. The SIA Study was aimed for ensuring minimum displacement of affected people. The exemption from SIA Study was only provided under section 40 of the RFCTLARR Act in case of urgency categories specified thereinto acquire land in certain cases. In those cases of urgency, there is a provision under section 40(5) to pay additional

compensation of seventy-five per cent. of the total compensation as determined under section 27 of the RFCTLARR Act to the affected families.

- V. That on 31.12.2014, the RFCTLARR (Amendment) Ordinance, 2014 was promulgated thereby, inter alia, granting Exemption from SIA Study in case of land acquisition for infrastructure projects by inserting Section 10A and also amending section 105 of the RFCTLARR Act to extend the provisions of the Act relating to determination of the compensation and rehabilitation and resettlement to cases of land acquisition under the enactments, including NH Act, specified in Fourth Schedule to the RFCTLARR Act.
- VI. That on 03.01.2015, the RFCTLARR (Amendment) Ordinance, 2015 was promulgated to give continuity to the provisions of the RFCTLARR ACT (Amendment) Ordinance, 2014.
- VII. That on 29.04.2015, the MoRTH issued direction vide a letter to the NHAI to pay all entitlements for land acquisition under NH projects in accordance with the provisions of the RFCTLARR Act from 01.01.2015. The first and last page of this document was available on website of the MoRTH/NHAI and the mid page was removed intentionally from public domain by them and this missing page was

not provided to the petitioner by the MoRTH despite several requests. Concealment or removal or destruction of such important document is a serious issue and offence. It is pertinent to mention here that four notifications including one notification for application of Multiplication Factor (hereinafter referred as the MF) for determination of compensation was to be issued by Ministry of Rural Development (hereinafter referred as the MoRD), UOI for proper activation and operation of the RFCTLARR Act. But the UOI did not issue these four compulsory notifications for a long time. The Minister for the MoRTH had revealed then in a TV program that he had issued a direction for uniform application of the MF 2 for determination of compensation in land acquisition cases under NH Act also. With this reason, it appears that application of the MF 2 was directed to be applied by the MoRTH in the above removed or missing page. The MoRTH had no authority to fix MF as this authority for fixation of MF was vested with the MoRD only. So, it was an illegal direction issued by the MoRTH relating to application of the MF without issuance and publication of such requisite notification for the MF in Gazette of India by the MoRD, which is nodal ministry for governing the RFCTLARR Act.

- VIII. That on 30.05.2015, the RFCTLARR (Amendment) Second Ordinance, 2015, was promulgated to give continuity to the provisions of the RFCTLARR (Amendment), 2015 inasmuch as the replacement Bill relating to the RFCTLARR (Amendment), 2015 could not be passed by the Parliament and therefore it was referred to the Joint Committee of the Houses for examination and report and the same Bill is still pending with Joint Committee.
- IX. That on 31.08.2015, as per the provisions of Article 123 of the Constitution of India, the RFCTLARR (Amendment) Second Ordinance, 2015 was to be lapsed on 31.08.2015 and thereby it was to place the land owners at disadvantageous position, resulting in denial of benefits of enhanced compensation and rehabilitation and resettlement to the cases of land acquisition under the 13 Acts (including NH Act) as extended to the land owners under the said Ordinance. Therefore, the Central Government notified the RFCTLARR (Removal of Difficulties) Order, 2015 dated 28.08.2015 to extend the beneficial advantage to the land owners for uniform application of the beneficial provisions of the RFCTLARR Act, relating to the determination of compensation and rehabilitation and resettlement to all cases of land acquisition under the said

enactments of Fourth Schedule from the 1st day of September, 2015. As such, the exemption from conduction of SIA Study under section 10A of the said Ordinance in land acquisition cases of infrastructure projects had also lapsed on 31.08.2015 inasmuch as the Exemption from conduction of SIA Study in infrastructure projects was not provided in the RFCTLARR (Removal of Difficulties) Order, 2015.

- X. That on 09.02.2016, the long awaited notification for the MF, which was to be notified under section 30(2) read with the First Schedule, was notified to be MF 2 by the MoRD for providing compensation to the land owners of land acquisition in rural zone in a uniform way without any classification and graded system. As such, after uniform application of MF 2, the compensation to all the land losers was to be paid on the prevailing market value in all projects of the Central Government including NH projects.
- XI. That on 21.12.2017, after approval of Bharat mala Pariyojana Phase-1 from the Cabinet Committee for Economic Affairs (CCEA), the Standard Operating Procedure (SOP) containing list of all categories of NH projects and also containing comprehensive guidelines for selection of NH projects and budgetary allocation etc. was issued by the MoRTH for the year 2017-2022.

XII. That on 28.12.2017, The MoRTH issued guidelines for payment of compensation which have been framed in contravention of statutory provisions. Therefore, those guidelines are illegal which had been issued by the MoRTH in arbitrary manner without any jurisdiction, competency and authority. For instance, some important statutory entitlements for payment of compensation to the land owners were not granted under those guidelines in cases of land acquisition for NH projects. The MF 2 notified by UOI was not made applicable in NH projects that caused direct loss to affected families. The conduction of SIA Study and preparation of SIMP was compulsory but provision of SIA Study and SIMP was also dropped and consequently, scope for rehabilitation and resettlement Award for land losers was taken away. The criteria for determination of market value in those guidelines was provided to be applied in an arbitrary manner without giving application to the main proviso to section 26 of the RFCTLARR Act. This proviso to section 26 of the RFCTLARR Act was provided by the law makers in the interest of land losers for determination of the market value in fair and transparent manner. With those irregularities in framing of incorrect and un-notified guidelines, the market value could not be revised and updated by the respective

Collectors before initiating land acquisition. Therefore, the awards were passed by the Competent Authority for Land Acquisition (hereinafter referred as the CALA) without seeking revision and updating of market value from the respective Collector. The proviso reads as under:

“Provided also that the Collector, shall before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:”

- XIII. That in the year 2018-2020, the NH 334B (relating to Village Girawar and Chhara in Jhajjar District in Haryana), NH 152D (Haryana), NH 148N (Delhi-Mumbai Expressway), NH 754K (Amritsar-Jamnagar), Delhi-Amritsar-Katra Expressway and NH 344M (Delhi) were notified for development between the year 2018-2020. Thereupon, the land acquisition proceedings and awards were passed by the NHAI or CALA in arbitrary manner violating policy, SOP and statutory provisions of the RFCTLARR Act. Resultantly, the affected farmers started agitations by staging Dharna and demonstrations in various districts of Rajasthan, Haryana, NCT Delhi, Punjab and Gujarat. The petitioners and land owners submitted objections and representations in this connection for seeking justice and revision of

awards in accordance with applicable provisions and law but the Government did not address their problems and grievances.

- XIV. That on 28.02.2020, the affected land owners decided to intensify their agitation and therefore, a "Gandhian Satyagraha" under day-night "Kisan Mahapadav" was initiated by farmers at Bagoda in Jalore district of Rajasthan. This "Gandhain Satyagraha-cum- Hunger Strike" Andolan was participated by thousands members of affected farmers from Rajasthan, Gujarat and Haryana and it became a massive peaceful agitation of farming community.
- XV. That the above Satyagraha continued between the period from 28.02.2020 to 17.03.2020 but the MoRTH did not invite the farmers for dialogue for resolution of their genuine issues. Due to spreading Covid-19, this massive agitation was withdrawn till return of normal life and activities.
- XVI. That on 16.06.2020, the petitioner submitted a detailed Analysis Report-cum-Complaint on Bharat mala Pariyojana to the MoRTH and State Governments of Rajasthan and Haryana for seeking revision of awards and actions against their respective erring public servants. This Analysis Report- cum- Complaint *inter alia* contains details of

offences committed by certain public servants relating to NH projects for land acquisition.

XVII. That on Sept, 2020, the Minister for the MoRTH called the petitioner no. 1 only for discussion on the issues of aforementioned Complaint but he met the petitioner hardly for one minute and told that he had sent his Complaint to his Joint Secretary for examination and report. The minister further assured that after receipt of report from the Joint Secretary, he would call the petitioner again within next week for final resolution of the issues. Next week, the Joint Secretary called the petitioner to discuss the issues of that Complaint with the petitioner. After discussion, the Joint Secretary assured the petitioner to submit his report to the Minister within next two days. But neither the Minister nor his assistant fixed any meeting in this connection thereafter despite repeated requests made by the petitioner. Further, neither any lawful action was taken by the MoRTH on the Analysis Report-cum-Complaint of the Petitioners nor any intimation of action taken was intimated to the petitioner till date.

XVIII. That on 18.11.2020, the Analysis Report-cum-Complaint was updated again on 17.11.2020 and the same was again forwarded by the petitioner to the Minister for the MoRTH and also to the Chief

Secretaries of Rajasthan, Gujarat, Delhi and Haryana for seeking revision of awards and appropriate actions, including to seek previous sanction for prosecution of their respective erring Public Servants. True copy of the representation dated 18.11.2020 addressed to Minister for MoRTH is annexed and marked as **Annexure P-1 at pages (34-44)**

- XIX. That on 20.11.2020, the petitioner also sent a letter dated 20.11.2020 vide speed post to the Chief Secretary to Government of Haryana for seeking revision of awards and previous sanction for seeking prosecution of erring public servants of Haryana. True copy of letter dated 20.11.2020 is annexed herewith as **Annexure P-2 at pages no. 45-55** In similar way, representations dated 21.11.2020 were also sent to the Chief Secretaries of Rajasthan and Gujarat respectively vide speed post for seeking revision of awards and previous sanction for seeking prosecution of their respective erring public servants. True copies of the representations dated 21.11.2020 & 21.11.2020 to Govt. of Rajasthan and Gujarat are annexed and marked as **Annexure P-3 at pages 56-65 Annexure P-4 at pages 66-67 Annexure P-5 at pages 68-77** respectively.

XX. That on 18.12.2020, the petitioner no. 1 made a representations to the prime minister of India also to intervene and appoint a group of ministers for resolving their long pending issues by dialogue. The Petitioner had also forwarded the "Analysis Report-cum-Complaint" dated 17.11.2020 with his letter dated 18.12.2020 to the Prime Minister for seeking revision of awards and previous sanction under Section 197 Cr.P.C. for prosecution of the Minister for MoRTH for committing offences by him relating to NH Projects. The petitioner further requested the PM by a separate letter dated 18.12.2020 to intervene in long pending matter and to appoint a group of ministers for dialogues and resolution of grievances relating to land acquisition. In his representation, the Petitioner also raised the issue of undemocratic attitude and approach of the government for ignoring peaceful and democratic agitation of the Petitioners and thereby to promote undemocratic and aggressive agitations in the country. The petitioner also invited attention of the PM by his representations that the central and states governments were not recognizing peaceful way of public agitations across the country and thereby discriminatory treatment was adopted by the Governments in connection with such peaceful agitations. The petitioners submitted

that these are mala fide actions of the government for violating "Right to Equality", "Right to Life and Liberty" and "Right to Freedom" which are guaranteed under the Constitution of India. The petitioner also apprised the PM in his representations that discriminatory approach of the government in dealing with such peaceful agitations will also promote anarchy and lawless society. Further, such discriminatory approach of the government shall further lead the public towards anarchy and to abolish roots of the democracy. True copies of the representations dated 18.12.2020 is annexed and marked as Annexure P-6 at pages 78-83 & Annexure P-7 at pages 84-92

- XXI. That on 05.01.2021, the petitioner further requested the PM vide his letter dated 05.01.2021 for urgent intervention for legitimate solution into the matter of land acquisition. The petitioner also sought permission from the central government and other law enforcing agencies including Delhi Police vide his letter dated 05.01.2021 to stage a peaceful, democratic and gandhian agitation of the affected families terming it as "Savidhan Satyagraha" at Jantar-Mantar, New Delhi from 16.11.2021 for indefinite period unless the legitimate demands of BBBSS are accepted by the MoRTH. True copy of the

representation dated 05.01.2021 is annexed and marked as

Annexure P-8 at pages (93-97)

- XXII. That on 08.01.2021, the Deputy Commissioner of Delhi Police, New Delhi rejected permission to stage peaceful Gandhian agitation "Savidhan Satyagraha Andolan" at Jantar- Manter from 16.01.2021 by the Petitioner.
- XXIII. That on 15.01.2021, the Savidhan Satyagraha Andolan was started by affected families from land acquisition relating to Gujarat, Rajasthan, Haryana, Punjab and Delhi at Village Hamayunpur in District Rohtak, Haryana as no dialogue was initiated by the MoRTH in this connection.
- XXIV. That on 17.01.2021, Savidhan Satyagraha Padyatra was started by thousands farmers under leadership of the Petitioner No. 1 for marching towards Delhi to seek justice as no dialogue was initiated by the MoRTH.
- XXV. That on 18.01.2021, Savidhan Satyagraha Andolan Padyatra reached at Village Nilothe in Jhajjar District of Haryana but no dialogues was initiated by the UOI. The farmers called Kisan Sansad (Farmer Parliament) and Dahiya Khap called "SarvKhap Panchayat", both

jointly to be held on 20.01.2021 at village Nilothei against undemocratic and discriminatory attitude of the MoRTH of avoiding dialogues with the petitioners. True copy of the representation dated 18.01.2021 addressed to Govt. of NCT of Delhi is annexed and marked as Annexure P-9 at pages (98-108)

XXVI. That on 20.01.2021, Farmers and Khap Chiefs representing over 10 states and 200 Khaps attended "Farmer Parliament" and "Sarv Khap Panchayat" and they also extended support to "Savidhan Satyagraha Andolan". Thereby they also authorized the Petitioner to continue this Gandhian movement till demands are accepted. As the MoRTH was still ignoring dialogues, therefore the Farmer Parliament and Sarv Khap Panchayat jointly also urged the President of India, the Prime Minister and other Constitutional Authorities to grant permission to thousands members of affected families for Euthanasia if the UOI don't believe in Constitution of India and Democratic Dialogues for resolving the genuine problems of affected families. True copy of the representation dated 20.01.2021 is annexed and marked as Annexure P-10 at pages (109-117)

XXVII. That on 21.01.2021, the farmers started Symbolic Bhumi-Samadhi and Mon-Vart under Savidhan Satyagraha Andolan to seek

permission from competent authorities for Euthanasia as the MoRTH does not believe in democracy and dialogues. This Symbolic Bhumi-Samadhi is continuously going on for seeking either dialogues in democratic manner or permission for Euthanasia to the land losers. In this connection, the Petitioner is regularly writing letter to the President, the Prime Minister, the Chief Justice of India, Chairman of Human Rights Commission, the Home Secretary to MHA, the Secretary to MoRTH, Commissioner of Delhi Police and Chief Secretaries to Gujarat, Rajasthan, Haryana and Delhi to apprise and update them about Savidhan Satyagraha Andolan for seeking justice or permission for Euthanasia.

XXVIII. That on 23.01.2021, Delhi Police granted permission to SKM for Tractor Parade in Delhi whereas no permission to Savidhan Satyagraha Padyatra of the Petitioners was given by Delhi Police, on the similarline of SKM, to enter into Delhi. The petitioners had sent reminders after reminders to all Competent Authorities and Delhi Police against arbitrary and discriminatory treatment and approach adopted by them in connection with the agitation of the Petitioners . In this connection, the Petitioner no. 1 had sent their letters by Email to all concerned competent and constitutional authorities but no

lawful actions or dialogues were initiated. True copy of one such representation dated 25.01.2021 is annexed and marked as

Annexure P-11 at pages (118-124)

XXIX. That on 27.01.2021, the Petitioner further sent his letter dated 27.01.2021 to Competent Authorities to initiate dialogues with them as demanded by members of affected families participating in Savidhan Satyagraha Andolan to initiate dialogues in democratic manner and to avoid discriminatory treatment and attitude with them. Further, the petitioner also sent one letter dated 27.01.2021 to the Additional Chief Secretary (Revenue) of Haryana Government. True copy of both communications dated 27.01.2021 are annexed and marked as Annexure P-12 at pages (125-134)
& Annexure P-13 at pages (135-140)

XXX. That on 01.02.2021, the petitioner no. 1 further sent a letter to all concerned authorities requesting them for constitution of High Power Committee to resolve the grievances of the affected families. In this communication, the petitioner has also given precedents whereby the Central Govt. had earlier appointed High Power Committee including a recent committee constituted on 29.01.2021 on the request of social activist-Anna Hazare to report for implementation on Swaminathan

commission report. True copy of the letter dated 01.02.2021 is annexed and marked as Annexure P-14 at pages (141-148)

GROUND

- A. BECAUSE the fundamental rights of the petitioners have been infringed inasmuch as they have not been treated equally before law. In fact, the Govt. has not initiated any dialogue with the petitioner's agitation relating to the land acquisition whereas in the same circumstances, the respondent no. 1 has initiated 11th round of dialogue with agitating farm unions relating to three legislations of agriculture sector.
- B. BECAUSE the respondent no. 1 had offered to constitute a High Power Committee to seek resolution of all issues raised by the other farmer union against three legislations relating to agriculture sector but those unions of farming community declined the same. In context of petitioner's agitation, the respondent no. 1 did not offer constitution of any such High Power Committee for resolution of genuine issues relating to petitioner's agitation in connection with agriculture sector. Therefore, such discriminating treatment adopted by the Central Govt. is unlawful and unconstitutional.

- C. BECAUSE the Central Govt.-respondent no. 1 has constituted High Power Committee to report on implementation of Swaminathan Commission on the basis of the request made by a single citizen of India namely Shri Anna Hazare as he had announced to sit on indefinite hunger strike (fast) from 30.01.2021. In case of agitation of the Petitioners relating agriculture sector on land acquisition, the thousand members of affected families representing Gujarat, Rajasthan, Haryana, Punjab and Delhi are requesting the respondents for seeking resolution of their grievances demanding constitution of a High Power Committee. Despite taking hunger strike for 10 days, peaceful Dharna for months, a "Savidhan Satyagrah Yatra" in Gandhian way towards Delhi from 15.01.2021 followed by "Symbolic Bhumi-Samadhi" since 21.01.2021 by the members of the affected families, neither the respondents initiated any dialogue with petitioners nor the Central Government constituted a High Power Committee in this connection.
- D. BECAUSE the petitioners and members of effected families have made serious efforts to seek dialogue with them by the respondents from a long time for seeking resolution of their genuine problems

relating to forcible land acquisition in contravention statutory provisions.

- E. BECAUSE the public servants working under the respondents have committed gross irregularities and mala-fide actions relating to land acquisition by contravening mandatory and statutory provisions and failed to comply with prescribed procedures and provisions
- F. BECAUSE the respondents did not decide the issues raised by the petitioners to seek revision of awards relating to acquisition of their land.
- G. BECAUSE the gross irregularities and mala-fide actions had been committed by the public servants with an intent to cause wrongful loss and injury to the members of affected families from land acquisition.
- H. BECAUSE the respondents did not take appropriate actions against erring public servants despite receipt of many complaints from time to time from the petitioners in this connection.
- I. BECAUSE the respondents did not decide the representations submitted by the petitioners for seeking prior sanction/permission for prosecution of erring public servants in accordance with law.

- J. BECAUSE discriminatory treatment is provided by the respondents to deal with the peaceful and Gandhian agitation of the petitioners whereas the respondents have given special treatment and attention to hold 12th round of meeting for dialogue with other farmer organizations relating to agriculture sector.
- K. BECAUSE ignoring a Gandhian protest and further initiating dialogues with SKM only by the Respondent No.1 shall motivate aggressive protestors to block roads and rails for creating hindrances for civil society and thereby such actions shall promote anarchy and lawless society in the country.
- L. BECAUSE violence was spread by some elements under a larger conspiracy on Republic Day with an intent for defaming entire farming community and destabilizing democracy to promote anarchy.
- M. BECAUSE contravention of statutory provisions of the RFCTLARR Act and commission of mala-fide actions and irregularities in land acquisition are placed under category of cognizable offences by the Parliament with a punishment for imprisonment to erring Public Servants for imprisonment up to three years, therefore constitution of High Power Committee to examine and report on complaints of

the Petitioners shall be just and proper in this case of public importance.

3. That the petitioners have other remedies but is approaching this Hon'ble Court for the reasons stated in para 2 of the writ petition under Article 32 of the Constitution of India as those remedies are not efficacious in the facts and circumstances of the case.
4. That the petitioners have not filed any other similar petition in this Hon'ble Court and any other High Court in the country seeking same reliefs.

PRAYER

In the facts and circumstances of the case, it is prayed that this Hon'ble Court may be pleased to:-

- (a) Issue a writ of mandamus directing the respondents to frame guidelines and a uniform policy for dealing with public agitations for resolution of public concerns through dialogue within a time framed manner in order to promote true and strong democracy;
- (b) Issue a writ of mandamus/direction/order directing the respondents/Govt. to provide equal opportunity of dialogue and

being heard to the Petitioners before the Government for seeking resolution of issues relating to land acquisition;

(c) Issue a writ of mandamus/direction/order directing the respondents to appoint a High Power Committee to examine and report on all complaints of the petitioners; and

(d) Pass such order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL EVER PRAY FOR THEIR LORDSHIPS.

DRAWN BY:-

FILED BY:

[RAMESH DALAL]
Advocate

[GAURAV DHINGRA]
Advocate for the Petitioners

SETTLED BY:

[M.C. DHINGRA & SUMIT DALAL]
Advocates

DRAWN ON: 04.02.2021

FILED ON: 05.02.2021

IN THE SUPREME COURT OF INDIA
CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2021

IN THE MATTER OF:

Bharat Bhoomi Bachao Sangarsh Samiti	...Petitioner
Versus	
Union of India & Ors.	...Respondents

AFFIDAVIT

I, Ramesh Dalal aged about 59 years S/o Shri Randhir Singh, R/o V.P.O.- Jakhodha, District-Jhajjar Haryana, Presently at New Delhi, do hereby solemnly affirm and state as under:-

1. That I being the president of the Petitioners in the above-mentioned petition, am aware of the facts and circumstances of the case, hence entitled to swear this affidavit.
2. That I state that the contents of the accompanying Writ Petition consisting in Paragraphs 1 to 4 from pages 1 to 30, Synopsis and List of dates at pages B to Z are true and correct to the best of my knowledge, belief and nothing material information has been concealed therefrom. No part of it is false.
3. That the Annexures P-1 to P-14 are true copies of their respective originals.

DEPONENT**VERIFICATION:**

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part it is false and nothing material has been concealed therein.

Verified at New Delhi on this th day of February, 2021

DEPONENT

APPENDIX**Section 26 of Land Acquisition Act 2013 "Determination of Market Value of land by collector"**

- (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land. namely:-
- (a) the market value, if any. specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell. as the case may be. in the area, where the land is situated; or
 - (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
 - (c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Section 28 of the RFCTLARR Act, 2013

Collector may be directed to pay interest on excess compensation. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of ⁶⁷ [nine per centum] per annum from the date on which he took possession of the land to the date of payment of such excess into Court State Amendments

Section 29 of the RFCTLARR Act, 2013

Section 29 of RFCTLARR Act, 2013 further clarifies that for purpose of determining the value of things/assets attached to the land or building and trees and plants attached to the land, use the services of a competent Engineer or any other specialist or experienced persons in the field of agriculture, forestry, .

Section 30 of the RFCTLARR Act, 2013

Section 30 of the Act provides that the Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent of the compensation amount.

Section 38 of the RFCTLARR Act, 2013

Section 38 Power to take possession of land to be acquired - The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

//True copy//

Advocate

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal
President,
(Advocate)

34

Dated: 18.11.2020

MOST IMMEDIATE

To

Sh. Nitin Gadkari,

The Hon'ble Minister for MoRTH,

Parivahan Bhavan , New Delhi.

Sub: Request to grant previous sanction for prosecution of public servants relating to the MoRTH and NHAI including then Secretary Sh. Y S Malik, Jt. Secretary Sh Amit Kumar Ghosh, Secretary (during the year 2019-2020) Sh. Sanjeev Ranjan, present Secretary Sh. Giridhar Aramane, Chief Engineer (Planning) Sh. Sudip Chaudhary, all of the MoRTH and then NHAI Chairman Mr Nagender Nath Sinha, present Chairman Sh. Shukhbir Singh Sandhu, General Manager (Technical) BM Sh. V K Joshi, Regional Officers for Jaipur, Chandigarh , and Gandhinagar , all PDs and other officers of the NHAI who were dealing with NH projects including Consultants for fixation of alignments and approval of Awards, compensation and entitlements payable to the affected families relating to NH 754K and 148N and further all other officers of the NHAI who were dealing with the preparation and approval of Awards relating to all NH projects between the year 2018 and 2020 including all CALAs and consultants in Rajasthan, Haryana, Delhi and Banaskantha District of Gujarat who were dealing with the approval of Awards or compensation or entitlements relating to land acquisition for NH 148N, 754K, 152D, 334B and 344M and other NH projects between the year 2017 and 2020 across the country.

Sir,

- (1) I herewith enclose an Analysis Report-cum-Complaint dated 16.11.2020 (along with all Annexures enclosed therewith) in connection with the

Haryana Office: Plot No. 4, Gali No. 4, Delhi Rohtak Road, Mahavir Park, Bahadurgarh
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Mobile No. 9811083087

O/o Minister (RT&H)
Received on 19/11/2020
7

Ramesh Dalal*President,
(Advocate)*

aforementioned subject. It may be noted that I had submitted the Analysis Report-cum-Complaint dated 21.06.2020 with Annexures enclosed therewith requesting you to take appropriate actions and to do justice with affected families by revising illegal Awards. But no appropriate action in accordance with law was taken by you despite our several requests. Thereafter, I submitted our letter dated 11.08.2020 requesting you again to resolve this long pending issue. Thereupon you had directed to the Joint Secretary Amit Kumar Ghosh to place the matter before you after an inquiry into alleged facts and offences. We were called on 02.09.2020 and 03.09.2020 for meeting by Sh. Amit Kumar Ghosh on this issue and thereupon we had apprised him in details about our grievances, relevant facts and offences committed by the aforementioned Public Servants in this connection. Sh. Amit Kumar Ghosh informed me on my WhatsApp on 28.09.2020 that he would submit his report next day (tomorrow). But thereafter, he and the assistant of the Minister did not pick my call and update me despite I made several and continuous efforts. As such, no lawful action is taken on our Analysis Report-cum-Complaint dated 21.06.2020 by you, your subordinate officers and your department as a corrective measures. Further, they did not show any interest to either to meet us or to resolve our issues in a legitimate manner.

- (2) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS) have instructed me to seek "previous sanction for prosecution of the aforementioned public servants" under section 197 CrPC from you on their behalf. Apart from them, I also hereby in personal capacity seek "previous sanction for prosecution" of the aforementioned public servants from you. Therefore this application may be considered both as a joint or an individual request of each members of the affected families because the "previous sanction" shall be used by

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Ramesh Dalal

President,
(Advocate)

them and me individually in a separate and different competent court of law in our respective jurisdictions. It may be noted that every citizen of this country have a right to set the law in motion against any offence to punish the guilty persons and therefore, I and our organization, both are also entitled to seek such " previous sanction" from you for prosecution of your guilty officers .

(3) The some of the aforementioned officers, who took charge of their designated duty as the Secretary to the MoRTH or Chairman etc. of the NHAI after publication or circulation of "Comprehensive Guidelines dated 28.12.2017" and "Manual Guidelines (December 2018)" on Land Acquisition for National Highways under the National Highways Act,1956, had not committed any offence for framing such incorrect documents with intent to cause injury to the affected families from land acquisition. Therefore some officers may not be liable to be punished under Section 167 IPC. But they are also liable to be prosecuted and punished for all other offences referred in Analysis Report-cum- Complaints and annexures enclosed therewith.

(4) As such, the aforementioned public servants are liable to be prosecuted in terms of Indian Penal Code under sections 166 (for disobeying law with intent to cause injury to the affected families) , 167 (Public Servant framing an incorrect document with intent to cause injury to the affected families), 196 (using evidence known to be false) , 197 (issuing or signing false certificate), 198(using as true a certificate known to be false), 199 (false statement made in declaration which was receivable by law as evidence), 200 (using as true such declaration knowing it to be false), 202 (intentional omission by not giving information of commission of offence, though they were bound to inform about it), 204 (destruction of document or electronic record to prevent its production as evidence), 109

Ramesh Dalal

President,

(Advocate)

(punishment of abetment in pursuance of the conspiracy), 119(public servant voluntarily concealed design to commit an offence by making a representation which he knew it to be false. Further he had a duty to prevent such offence but he did not prevent it respecting such design), 447 (punishment for criminal trespass a for taking illegal and forcible possession of acquired land by disobeying and section 418 IPC and contravening of provision of section 38 of the RFCTLARR Act), 34 (act done by several persons in furtherance of common intention) and 120B IPC (punishment for criminal conspiracy).

(5) It further submitted that all the aforesaid public servants are also liable to be prosecuted under sections 84 (punishment for false information, mala-fide action, etc.) and section 85 (for contravention of provisions of the RFCTLARR ACT, 2013). They also committed offence by making lower payment of compensation under the First Schedule and they further committed offence by not updating and revising the market value of the land before initiating land acquisition proceedings by violating proviso of section 26 of the RFCTLARR ACT. They did not intentionally make payment in accordance the provisions of Sections 28, 29 and 30 of the RFCTLARR ACT. They knowingly didn't conduct SIA Study and they didn't also prepare SIMP which was compulsory requirement for passing Award under section 31 for Rehabilitation and Resettlement . With an intent to cause injury to affected families, they didn't also pass the Rehabilitation and Resettlement Award under Section 31 of the RFCTLARR ACT in terms of the Second Schedule of the RFCTLARR Act for payment of other entitlements and benefits.

(6) As such, the offences defined under sections 84 and 85 are knowingly committed by all the senior officers and also heads of the government departments , therefore sections 87 is also applicable. Since the Complaints

Ramesh Dalal

President,

(Advocate)

against the public servants are directly lodged by the members of the affected families in various police stations of their respective jurisdictions for seeking registration of FIR, therefore all the reported offences are cognizable offences in terms of section 90 of the RFCTLARR ACT. It may be noted that there is no requirement for seeking "previous sanction" for prosecution of erring officers under section 197 CrPC from the competent authority in respect of offences committed under the RFCTLARR Act. It may be noted that there is no condition or bar to seek any sanction or permission or NOC from a government department or authority for prosecution of their public servants related to the offences punishable under the provisions of the RFCTLARR ACT.

- (7) However, such grant of previous sanction for prosecution of public servants under section 197 CrPC is mandatory in relation of offences other than offences of the RFCTLARR ACT. But it is provided under section 155(4) CrPC that where a case related to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are cognizable. Keeping this mandate in view, where a case relates to two types of offences punishable under two different Acts or Statutes or Codes or Legislation and if previous sanction for prosecution is not applicable relating to the offences falling under one such legislation, it shall be deemed to be a case of offences falling under such legislation only which does not require previous or post sanction. In this case, the offences punishable under the provisions of the RFCTLARR Act does not require any such previous sanction in the State of Rajasthan and Delhi whereas "previous sanction" in State of Haryana and Gujarat is compulsory in terms of the RFCTLARR (Haryana Amendment) Act, 2017 and RFCTLARR Act (Gujarat Amendment) Act, 2016. Therefore, the Court may take cognizance in absence of previous sanction in the State of Rajasthan and Delhi on this ground.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

39

- (8) In view of the above facts and circumstances, we hereby request you to grant the previous sanction for prosecution of your subordinate officers at the earliest within 7 days from the receipt of this representations in your office in respect of all the aforementioned offences for prosecuting them in the courts falling under the territorial jurisdiction of Delhi, Haryana, Rajasthan, Gujarat and other States . It may be noted that if you don't grant previous sanction for prosecution of your officers under section 197 CrPC relating to all the aforementioned offences within 7 days after receipt of this representation , it shall be understood or considered that you have granted "a deemed NOC or previous sanction" for prosecution of the aforementioned public servants. It shall be further understood and considered that you had no objection for their prosecution. It may be noted that you have already kept our Analysis Report-cum-Complaint dated 21.06.2020 pending and undecided from last six months. Under these circumstances and facts, you have already granted a deemed previous sanction for prosecution of your erring officer. But as a matter of curtsy, reasonability and legitimacy, we hereby again seek your previous sanction for allowing prosecution of your erring officers. Therefore we request you to grant or accord the previous sanction at the earliest.
- (9) It is further submitted that we are undertaking to furnish any document or information and explanation in this connection, if you so require or desire. Therefore, we hereby request you to grant the previous sanction for their prosecution at the earliest in the interest of public and justice. Further, you are requested to consider the Analysis Report-cum-Complaint dated 17.11.2020 with its all references and annexures in this connection to take a logical decision. We also draw your attention that a deemed application for seeking previous sanction for prosecution of your erring officers was also deemed to be submitted to you inasmuch as you have duly received

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Ramesh Dalal

President,
(Advocate)

our Analysis Report-cum-Complaint on 21.06.2020 in your office wherein lawful actions were sought by us from you referring inter-alia commission of aforementioned offences by your subordinate officers. Under these facts and grounds, it shall be deemed that you had also received our application for seeking "previous sanction for prosecution of your erring officers". It may be noted that categorically it was informed to you therein that there were two categories of offences. One category of offences was falling under the RFCTLARR ACT, which is exempted from seeking previous or post sanction for prosecution. But other category of offences falling under IPC requires "previous sanction for prosecution". Neither you had rejected nor objected nor denied nor negated nor rebutted any allegation, fact, opinion, offence, irregularity, charge and content etc. even after receipt of the Analysis Report-cum-Complaint six month ago. Since these facts and commission of offences were duly reported and incorporated by us in the Analysis Report-cum-Complaint dated 21.06.2020, therefore it is a deemed acceptance of all the allegations, contents, opinions and facts of the Analysis Report-cum-Complaint by you. In such circumstances, it would be just and reasonable presumption that a "deemed" previous sanction has already been granted by you for prosecution of your erring officers. But as a matter of transparency, purity, legitimacy, reasonability and reasonability, we hereby again you to take lawful actions including grant of previous sanction for prosecution of your erring or offending officers.

- (10) It is further submitted that all the members of the affected families, who are also members of BBBSS, have authorised me jointly and individually to seek this "previous sanction". Therefore you are requested to grant the previous sanction for prosecution of erring officers to each members individually or separately of the affected families. Further, you are also requested to issue a common and open "previous sanction" for their prosecution which may be used by any member of BBBSS and affected

BHARAT BHOOMI BACHAO SANGARSH SAMITI

41

Ramesh Dalal

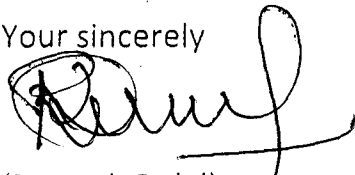
President,
(Advocate)

families to prosecute your public servants in a appropriate competent court of law in India. If you take a principal decision to grant previous sanction for prosecution of your all aforementioned officers , the list of individual applicants/ members of the affected families to seek separate "previous sanction" shall be submitted to you immediately in this connection if you so desire and require. As such, our representation may be considered both as an individual application or a collective or joint application of the members of the affected families in this connection.

- (11) In view of the above facts and circumstances, you are again requested to take all appropriate lawful actions including revision of Awards and grant of previous sanction for prosecution of your erring officer at the earliest latest by 24.11.2020 as it is a definite matter of public importance for seeking justice.

With regards.

Your sincerely



(Ramesh Dalal)

42

ANALYSIS REPORT (Page 1-225)
By Chaudhary Ramesh Dalal

INDEX

S. No.	Annexure and Details	Page No.
1.	Letter dated 6.8.2019 to Chief Secretary Haryana (CS-1)	143 – 155
2.	Letter dated 14.8.2019 to Chief Secretary Haryana (CS-2)	156 – 165
3.	Letter dated 14.8.2019 to Chief Secretary Haryana (CS-3)	166
4.	Letter dated 12.3.2019 to Minister, MoRTH (M-1)	167 – 169
5.	Letter dated 27.3.20 to Minister, MoRTH (M-2)	170 – 173
6.	Letter dated 4.6.2019 to Minister, MoRTH (M-3)	174 – 176
7.	Letter dated 22.04.2020 to Minister, MoRTH (M-4)	177 – 178
8.	Letter dated 31.05.2020 to Minister, MoRTH (M-5)	179 – 181
9.	Letter dated 20.09.2019 to Collector, Barmer (C-1)	182 – 188
10.	Letter dated 01.03.2020 to CS Rajasthan by Collector, Jalore (C-2)	189 – 192
11.	Letter dated 03.03.2020 to Add. Chief Secretary (PWD) Rajasthan (RACS-1)	193 – 196
12.	Letter dated 27.02.2020 to Chief Secretary, Rajasthan (RCS-1)	197 – 210
13.	Letter dated 05.03.2020 to Chief Secretary, Rajasthan (RCS-2)	211 – 214
14.	Letter dated 22.04.2020 to Chief Secretary, Rajasthan (RCS-3)	215 – 216
15.	Letter dated 02.05.2020 to Chief Secretary, Rajasthan (RCS-4)	217 – 220
16.	Letter dated 02.03.2020 to Add. Chief Secretary (PWD) Rajasthan (RACS-2)	221 – 224

O/o Minister (RTSIH)
Received on 19/4/2020
[Signature]

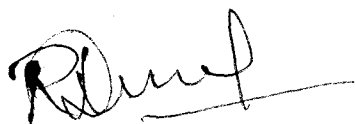
Index-II

Analysis Report-cum-Complaint dated 17.11.2020

By Chaudhary Ramesh Dalal

S.N	Annexure and Details	Page No.
17	Forwarding letter dated 21.6.2020 to Analysis Report to the CS Haryana (CS-4)	125A-125A
18	Forwarding letter dated 21.6.2020 to Analysis Report to the CS Rajasthan(RCS-5)	126-126
19	Forwarding letter dated 21.6.2020 to Analysis Report to Minister MoRTH (M-6)	127-128
20	Letter dated 11.8.2020 to the Minister MoRTH (M-6)	129-131
21	Letter dated 04.6.2019 to the Principal Secretary to CM Haryana (PSCM-1)	132-136
22	Letter dated 14.8.2019 to the Principal Secretary to CM Haryana (PSCM-2)	137-137
23	Letter dated 11.8.2019 to the CM Haryana (CM-1)	138-139
24	Letter dated 14.8.2019 to the CM Haryana (CM-2)	140-142
25	Police complaint dated 29.2.2020 to SHO Bagoda ,Jalore (SHO-1)	225-225
26	Police complaint dated 29.2.2020 to the SP, Jalore (SP-1)	226-226
27	Police complaint draft dated July 2020 to SHOs in Rajasthan (SHO-2)	227-260
28	Complaint dated 6.8.2020 to the CS Rajasthan (RCS-6)	261-261
29	Letter dated 15.7.2020 to The Collector Jalore (C-2)	262-268
30	Letter dated 10.8.2020 to the Collector (C-3)	269-276
31	Letter dated 23.9.2020 to the SP Bikaner (SP-2)	277-284
32	Letter dated 1.10.2020 to the SP Hanumangarh (SP-3)	285-286
33	Letter dated 25.4.2019 to the CM Haryana (CM-3)	287-288
34	Letter dated 9.6.2019 to the CM Haryana (CM-4)	289-295
35	Letter dated 17.8.2019 to the CM Haryana (CM-5)	296-298
36	Letter dated 2.7.2019 to the Deputy Commissioner Jind (DC-1)	299-301
37	Letter dated 4.6.2019 to the NSA (NSA-1)	302-304
38	Letter dated 4.6.2019 to the Principal Secretary to the PM (PSPM-1)	305-307

39	Letter dated 20.6.2019 to the Principal Secretary to the PM (PSPM-2)	308-310
40	Letter 10 .6.2019 to the President of India (President-1)	311-321
41	Letter dated 2.8.2019 to the PM (PM-1)	322-327
42	Letter dated 5.2.2019 to the DC Jhajjar Haryana by Affected families ((DCJH-1)	328-333
43	Letter dated 25.2.2019 to the CALA Jhajjar Haryana (CALA-1)	334-335
44	Letter dated 5.3 2019 to the CALA/DRO by GM NHAI (NHAI-1)	336-337
45	Letter dated 13.3.2020 to the CM Rajasthan (CMR-1)	338-338
46	Award dated 16.7.2020 of Village Ranikhera (Award-1)	339-360



Chaudhary Ramesh Dalal,

Advocate and President,

Bharat Bhoomi Bachao Sangharsh samiti ,mb 9811083087

100 COPY

DATE

BHARAT BHOOMI BACHAO SANGARSH SAMITI

45

Ramesh Dalal

President,
(Advocate)

Annexure-P/2

Dated: 20.11.2020

MOST IMMEDIATE

To

The Hon'ble Chief Secretary,

Government of Haryana,

Chandigarh.

India Post
<Dial 1800266688> <Wear Masks, Stay Safe>



ED704152102IN IVR:6968704152102
SPP DWARKA SEC 6 S.O <110075>
Counter No:2,20/11/2020,12:42
To:THE CHIEF SEC,GOVT OF HARYANA
PIN:160001, New Sectt Chandigarh SO
From:RAMESH DALA,B 805 PLOT NO 15
Wt:1700gms
Amt:177.00(Cash)Tax:27.00
<Track on www.indiapost.gov.in>

Sub: Request to grant previous sanction for prosecution of all the Additional Chief Secretaries (PWD), Additional Chief Secretaries (Revenue), Deputy Commissioners of Jind, Chharkhi-Dadari, Jhajhar, Rohtak, Karnal, Kurukshetra, Khaithal, Panipat, Gurgaon, Mewat, Sirsa , Mohindergarh and all CALAs-cum-DROs under section 197 CrPC for committing offences by them related to the cases of Awards, compensations and entitlements payable to the affected families relating to NH 754K and 148N and further all other officers of your State Government who were dealing with the fixation of market value of land under acquisition , preparation and approval of Awards relating to all NH projects between the year 2017 and 2020 including all CALAs including NH 148N, 754K, 152D, 334B and Delhi-Katra Expressway and other NH projects across the State.

Sir,

- (1) I herewith enclose an Analysis Report-cum-Complaint dated 17.11.2020 (along with all Annexures enclosed therewith) in connection with the aforementioned subject. It may be noted that I had also submitted the Analysis Report-cum-Complaint dated 21.06.2020 with Annexures enclosed

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

46

therewith requesting you to take appropriate actions and to do justice with affected families by revising illegal Awards. But no appropriate action in accordance with law was taken by you . As such, no lawful action is taken on our Analysis Report-cum-Complaint dated 21.06.2020 by you or your subordinate officers and your all concerned departments as a corrective measures. Further, they did not show any interest to either to meet us or to resolve our issues in a legitimate manner.

(2) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBSS) have instructed me to seek " previous sanction for prosecution of the aforementioned public servants" under section 197 CrPC from you on their behalf. Apart from them, I also hereby in personal capacity seek "previous sanction for prosecution" of the aforementioned public servants from you. Therefore this application may be considered both as a joint or an individual request of each members of the affected families because the " previous sanction" shall be used by them and me individually in a separate and different competent court of law in our respective jurisdictions. It may be noted that every citizen of this country have a right to set the law in motion against any offence to punish the guilty persons and therefore, I and our organization, both are also entitled to seek such " previous sanction" from you for prosecution of your guilty officers .

(3) The aforementioned officers, who took charge of their designated duty as their respective postings after publication or circulation of "Comprehensive Guidelines dated 28.12.2017" and "Manual Guidelines (December 2018)" on Land Acquisition for National Highways under the National Highways Act,1956, had committed offence by not obeying law and by following such aforementioned incorrect documents (Guidelines)

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

47

with intent to cause injury to the affected families from land acquisition. Therefore these officers are be prosecuted and punished for offences referred in Analysis Report-cum- Complaints and annexures enclosed therewith.

- (4) As such, the aforementioned public servants are liable to be prosecuted in terms of Indian Penal Code under sections 166 (for disobeying law with intent to cause injury to the affected families. They did not obey the law relating to SIA Study, SIMP, determination of compensation and entitlements related to the First, Second and Third Schedules of the RFCTLARR Act. Even no Award for Rehabilitation and Settlement were passed under section 31 of the RFCTLARR Act which was the fundamental duty of the State of Haryana through aforementioned erring officers to protect the interests of their citizen or residents), 167 (framing an incorrect document containing market value (DC rate or Collector Rate) of land under acquisition in a routine manner whereby they did not revise and update the market value as mandated under proviso to section 26 of the RFCTLARR Act. They didn't perform their statutory duty and they framed document intentionally for containing incorrect , improper and lower DC rate on the pretext of market price with intent to cause wrongful loss and injury to the affected families and to wrongful gains to the NHAI), 196 (using the illegal and incorrect documents (illegal guidelines of NHAI and incorrect document containing DC rate) in evidence before CALA known to be false) , 197 (issuing or signing false certificate like DC rate or certificate relating to Award), 198(using as true those certificates known to be false), 199 (false statement made in the document of DC rate in declaration which was receivable by law as evidence), 200 (using as true such declaration knowing it to be false), 202 (intentional omission by not giving information of commission of aforesaid offences, though they were bound to inform about it), 204 (destruction of document or electronic

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

48

record to prevent its production as evidence), 109 (punishment of abetment in pursuance of the conspiracy), 119 (public servant voluntarily concealed design to commit an offence by making a representation which he knew it to be false. Further he had a duty to prevent such offence but he did not prevent it respecting such design), 447 (punishment for criminal trespass for taking illegal and forcible possession of acquired land by disobeying and section 418 IPC (they cheated with knowledge by concealment of facts dishonestly and they knew that the wrongful loss shall cause to land losers from acquisition whose interest in the transaction of land acquisition to which the cheating relates, they were bound by law to protect the interest of the affected families from the land acquisition under NH Act). They are further liable to be prosecuted for commission of offence for criminal trespass under section 447 inasmuch as they contravened provisions of section 38 of the RFCTLARR Act for allowing the NHAI for taking over the possession of land under acquisition without ensuring the payment of all types of compensation, entitlements and benefits to the affected families), 34 (their actions are done by several persons in connivance with the erring officers of the MoRTH and the NHAI in furtherance of common intention) and 120B IPC (punishment for participating criminal conspiracy hatched by the Public Servants of the MoRTH).

- (5) It further submitted that all the aforesaid public servants are also liable to be prosecuted under sections 84 (punishment for false information, mala-fide action, etc.) and section 85 (for contravention of provisions of the RFCTLARR ACT, 2013 relating determination of compensations, entitlements and benefits payable to land losers). They also committed offence by making lower payment of compensation under the First Schedule and they further committed offence by not updating and revising the market value of the land before initiating land acquisition proceedings

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Mobile No. 9811083087

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

49

by violating proviso of section 26 of the RFCTLARR ACT. They did not intentionally make payment in accordance with the provisions of Sections 28, 29 and 30 of the RFCTLARR ACT. They knowingly didn't conduct SIA Study and they didn't also prepare SIMP which was compulsory requirement for passing Award under section 31 for Rehabilitation and Resettlement . With an intent to cause injury to affected families, they didn't also pass the Rehabilitation and Resettlement Award under Section 31 of the RFCTLARR ACT in terms of the Second Schedule of the RFCTLARR Act for payment of other entitlements and benefits.

- (6) As such, the offences defined under sections 84 and 85 are knowingly committed by all the senior officers and also heads of the government departments , therefore sections 87 is also applicable. Since the Complaints against the public servants shall be directly lodged by the members of the affected families either in various police stations of their respective jurisdictions for seeking registration of FIR or before the appropriate court , therefore all the reported offences are cognizable offences in terms of section 90 of the RFCTLARR ACT.
- (7) It may be noted that there is no requirement for seeking "previous sanction" for prosecution of erring officers under section 197 CrPC from the competent authority in respect of offences committed under the RFCTLARR Act. Therefore, we had sought the previous sanction from you but that is not accorded by you despite our several requests.
- (8) However, such grant of previous sanction for prosecution of public servants under section 197 CrPC is mandatory in relation of the aforementioned offences. In such cases, the offences punishable under the provisions of the RFCTLARR Act does not require any such previous sanction in many states including the State of Rajasthan and Delhi whereas

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

50

“previous sanction” in State of Haryana and Gujarat is compulsory in terms of the RFCTLARR (Haryana Amendment) Act, 2017 and RFCTLARR Act (Gujarat Amendment) Act, 2016.

(9) In view of the above facts and circumstances, we hereby request you to grant the previous sanction for prosecution of your subordinate officers at the earliest within 7 days from the receipt of this representations in your office in respect of all the aforementioned offences for prosecuting them in the courts falling under the territorial jurisdiction of Haryana State . It may be noted that if you don't grant previous sanction for prosecution of your officers under section 197 CrPC relating to all the aforementioned offences within 7 days after receipt of this representation , it shall be understood or considered that you have granted “a deemed NOC or previous sanction” for prosecution of the aforementioned public servants. It shall be further understood and considered that you had no objection for their prosecution. It may be noted that you have already kept our Analysis Report-cum-Complaint dated 21.06.2020 pending and undecided from last six months. Under these circumstances and facts, you have already granted a deemed previous sanction for prosecution of your erring officer. But as a matter of curtsy, reasonability and legitimacy, we hereby again seek your previous sanction for allowing prosecution of your erring officers. Therefore we request you to grant or accord the previous sanction at the earliest.

(10) It is further submitted that we are undertaking to furnish any document or information and explanation in this connection, if you so require or desire. Therefore, we hereby request you to grant the previous sanction for their prosecution at the earliest in the interest of public and justice. Further, you are requested to consider the Analysis Report-cum-Complaint dated 17.11.2020 with its all references and annexures in this connection to take a logical decision. We also draw your attention that a

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

51

application for seeking previous sanction for prosecution of your erring officers was also submitted to you inasmuch as you had duly received it. Further, our Analysis Report-cum-Complaint on 21.06.2020 in your office wherein lawful actions were sought by us from you referring inter-alia commission of aforementioned offences by your subordinate officers and aforementioned application for seeking previous sanction for the prosecution of your erring officers. Under these facts and grounds, it is on record that you had also received our application for seeking "previous sanction for prosecution of your erring officers". It may be noted that categorically it was informed to you therein that there were two categories of offences. One category of offences was falling under the RFCTLARR ACT and other category of offences were related to IPC. Neither you had rejected nor objected nor denied nor negated nor rebutted any allegation, fact, opinion, offence, irregularity, charge and content etc. even after receipt of the Analysis Report-cum-Complaint six month ago. Since these facts and commission of offences were duly reported and incorporated by us in the Analysis Report-cum-Complaint dated 21.06.2020, therefore it is a deemed acceptance of all the allegations, contents, opinions and facts of the Analysis Report-cum-Complaint by you. In such circumstances, it would be just and reasonable presumption that a "deemed" previous sanction has already been granted by you for prosecution of your erring officers. But as a matter of transparency, purity, legitimacy, reasonability and reasonability, we hereby again request you to take lawful actions including grant of previous sanction for prosecution of your erring or offending officers.

- (11) It is further submitted that all the members of the affected families, who are also members of BBBSS, have authorised me jointly and individually to seek this "previous sanction". Therefore you are requested to grant the previous sanction for prosecution of erring officers to each members individually or separately of the affected families. Further, you

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

52

are also requested to issue a common and open "previous sanction" for their prosecution which may be used by any member of BBBSS and affected families to prosecute your public servants in a appropriate competent court of law in India. If you take a principal decision to grant previous sanction for prosecution of your all aforementioned officers , the list of individual applicants/ members of the affected families to seek separate "previous sanction" shall be submitted to you immediately in this connection if you so desire and require. As such, our representation may be considered both as an individual application or a collective or joint application of the members of the affected families in this connection.

- (12) In this case, the award of Jind and Charkhi- Dadari was revised in improper way as it does not address our claims, representation, evidences etc. on the point of determination of market value of the land under acquisition. But the revision of award itself suggest that the earlier award declared in the financial year 2018-2019 was illegal and without merit. Further, the Collector-cum-DC ,ADC and CALA did not follow the direction of the Haryana government and the mandate of the provisions of NH Act and the RFCTLARR Act while passing the revised inasmuch they did not fix the amount of compensations for all applicable components mandated under section 28 and 29 of the RFCTLARR Act and under the provision of 3G(2) and 3G(7) of the NH Act. For example, one component under section 3G(2) read with "seventhly component" under section 28 of the RFCTLARR Act , they did not add 10% additional amount which is an amount calculated at ten per cent. of amount determined under sub section 1 of section 3G of the Act. This is mentioned here just reference of an example otherwise, they did not follow any criteria of the prescribed provisions of both legislation. The Department of Revenue and Disaster Management, Government of Haryana had clearly directed the Collector and CALA to

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

53

follow it vide its Memo No.1183-R-5-2019/6683 dated 25.06.2019, the relevant portion reads as under:

“ Further section 3G(2) of the National Highways Act, 1958 (1956- error) provides that while deterring the amount payable as compensation the right of user or any right in the nature of an easement on, any land is acquired under this Act there shall be paid an amount to the owner and any other person whose right of the enjoyment in the land has been affected by reason of such acquisition and the amount is to be calculated at 10% of the amount determined under sub section (1) of such land”

(13) In view of the above, the CALAs and DCs have disobeyed the law and direction of the Haryana Government and the ACS (PWD) and ACS (Revenue) at that time are also responsible for disobeying law by not ensuring the implementation of their directions issued as above mentioned. The both ACS had duty to monitor the proceedings but they did not action even after taking note of the matter and such violations. The DCs did not conduct SIA study and did not prepare any SIMP and they also did not pass Awards under section 31 for Rehabilitation and Resettlement for the affected families and land losers. Further, before taking decision of revising the market value before revision of Awards, they all did not consider our claims, evidence and representations. There is no reference of our representations and evidences in the order of revising the market value as why they did not consider our claims, evidences inasmuch as the order is non-speaking.

(14) The aforementioned authorities are in connivance with the officers of the MoRTH and NHAI for committing further offences or gross irregularities with an intent to cause injury to the land losers. Apart from the above facts, the DCs and CALA of Charkhi-Dadari and Jind advised the NHAI to file the arbitration proceedings to appose the revised awards for enhancement to get their support and cover up of their offences. It was so

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Ramesh Dalal

President,
(Advocate)

54

done under a calculated manner deliberately to create an evidence that the NHAI did not agree to the revision and increment for market value and therefore their revised market value was not improper and lower as claimed by the land losers. After receipt of NHAI application under section 3G(5) of the NH Act, the both Collectors dismissed their arbitration application by giving liberty to the land losers to file their respective appeal by way of arbitration application while it was not possible under 3G(5) for filing such another application after decision of the arbitrator on any application moved by either of the parties (i.e. the NHAI or the land loser). Therefore, it was so done under a further criminal conspiracy to give an opportunity to the NHAI to raise objections on this legal ground in order to prevent the land losers for seeking further enhancement under arbitration clause. But on the other hand, it is an admission of a fact by the Collectors that they fixed lower price of market value in revision. It was so done intentionally to open the channels of litigations and counter litigations against each other. This is another example of abusing law or of introducing their own illegal procedures.

- (15) In view of the above facts and circumstances, you are again requested to take all appropriate lawful actions including revision of Awards, passing Award for Rehabilitation and Resettlement under section 31 and grant of previous sanction for prosecution of your erring officer at the earliest within 7 days from receipt of this letter as it is a definite matter of public importance for seeking justice. We again undertake to explain, additional information or any evidence if you so desire or require in this matter for logical decision of this case. Our Analysis Report-cum-Complaint dated 21.06.2019 and 18.11.2020 with their annexures may be considered as an integral part of this application for seeking previous sanction for prosecution of your erring offices because further details are given therein including annexures. If you have any doubt about any ingredient for

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

55

commission of aforementioned offences, you may seek details from us accordingly.

(16)

With regards.

Your sincerely,



(Ramesh Dalal)

True copy

P-3

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

56

Dated: 20.11.2020

MOST IMMEDIATE

<Dial 18002666868> <Wear Masks, Stay Safe>



To

The Hon'ble Chief Secretary,

Government of Rajasthan,

Jaipur.

ED704153995IN IVR:6968704153995
SP DWARKA SEC 6 S.O <110075>
Counter No:2,20/11/2020,13:50
To:THE CHIEF SEC,GOVT OF RAJASTHA
PIN:302001, Jaipur G.P.O.
From:RAMESH DALA,B 805 PLOT NO 15
Wt:55gms
Amt:47.20(Cash)Tax:7.20
/Track on www.inria.net now i

Sub: Request to grant previous sanction for prosecution of all the Additional Chief Secretaries (PWD), Additional Chief Secretaries (Revenue), Collectors of Hanumangarh, Ganganagar, Bikaner , Jodhpur, Jalore , Alwar and Dausa and all CALAs-cum-SDMs under these districts under section 197 CrPC for committing offences by them related to the cases of Awards, compensations and entitlements payable to the affected families relating to NH 754K and 148N and further all other officers of your State Government who were dealing with the fixation of market value of land under acquisition , preparation and approval of Awards relating to aforementioned NH projects between the year 2017 and 2020 including all CALAs across the State.

Sir,

- (1) It is submitted that our forwarding letter dated 20.11.2020 for the Analysis Report-cum-Complaint dated 17.11.2020 for seeking previous sanction for prosecution which is sent to you by Speed Post No. ED704152093 IN dated 21.11.2020 on the above subject, contains incorrect names of the erring officers and districts of Rajasthan. The districts of Haryana were mentioned therein by clerical mistake. Therefore, this new letter is to replace as

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

57

substitution to the aforementioned forwarding letter-cum- application for seeking previous sanction for prosecution. This new letter contains correct details of the erring officers of your State of Rajasthan. We have regret for inconvenience and mistake.

(2) I herewith enclose an Analysis Report-cum-Complaint dated 17.11.2020 (along with all Annexures enclosed therewith) in connection with the aforementioned subject. It may be noted that I had also submitted the Analysis Report-cum-Complaint dated 21.06.2020 with Annexures enclosed therewith requesting you to take appropriate actions and to do justice with affected families by revising illegal Awards. But no appropriate action in accordance with law was taken by you . As such, no lawful action is taken on our Analysis Report-cum-Complaint dated 21.06.2020 by you or your subordinate officers and your all concerned departments as a corrective measures. Further, they did not show any interest to either to meet us or to resolve our issues in a legitimate manner.

(3) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS) have instructed me to seek " previous sanction for prosecution of the aforementioned public servants" under section 197 CrPC from you on their behalf. Apart from them, I also hereby in personal capacity seek "previous sanction for prosecution" of the aforementioned public servants from you. Therefore this application may be considered both as a joint or an individual request of each members of the affected families because the " previous sanction" shall be used by them and me individually in a separate and different competent court of law in our respective jurisdictions. It may be noted that every citizen of this country have a right to set the law in motion against any offence to punish the guilty persons and therefore, I and our organization, both are also

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President,
(Advocate)

entitled to seek such " previous sanction" from you for prosecution of your guilty officers .

(4) The aforementioned officers, who took charge of their designated duty as their respective postings after publication or circulation of "Comprehensive Guidelines dated 28.12.2017" and "Manual Guidelines (December 2018)" on Land Acquisition for National Highways under the National Highways Act, 1956, had committed offence by not obeying law and by following such aforementioned incorrect documents (Guidelines) with intent to cause injury to the affected families from land acquisition. Therefore these officers are to be prosecuted and punished for offences referred in Analysis Report-cum- Complaints and annexures enclosed therewith.

(5) As such, the aforementioned public servants are liable to be prosecuted in terms of Indian Penal Code under sections 166 (for disobeying law with intent to cause injury to the affected families. They did not obey the law relating to SIA Study, SIMP, determination of compensation and entitlements related to the First, Second and Third Schedules of the RFCTLARR Act. Even no Award for Rehabilitation and Settlement were passed under section 31 of the RFCTLARR Act which was the fundamental duty of the State of Haryana through aforementioned erring officers to protect the interests of their citizen or residents) , 167 (framing an incorrect document containing market value (DC rate or Collector Rate) of land under acquisition in a routine manner whereby they did not revise and update the market value as mandated under proviso to section 26 of the RFCTLARR Act. They didn't perform their statutory duty and they framed document intentionally for containing incorrect , improper and lower DC rate on the pretext of market price with intent to cause wrongful loss and injury to the affected families and to wrongful gains to the NHAI), 196 (

Ramesh Dalal

President,
(Advocate)

using the illegal and incorrect documents (illegal guidelines of NHAI and incorrect document containing DC rate) in evidence before CALA known to be false) , 197 (issuing or signing false certificate like DC rate or certificate relating to Award), 198(using as true those certificates known to be false), 199 (false statement made in the document of DC rate in declaration which was receivable by law as evidence), 200 (using as true such declaration knowing it to be false), 202 (intentional omission by not giving information of commission of aforesaid offences, though they were bound to inform about it), 204 (destruction of document or electronic record to prevent its production as evidence), 109 (punishment of abetment in pursuance of the conspiracy), 119(public servant voluntarily concealed design to commit an offence by making a representation which he knew it to be false. Further he had a duty to prevent such offence but he did not prevent it respecting such design), 447 (punishment for criminal trespass a for taking illegal and forcible possession of acquired land by disobeying and section 418 IPC (they cheated with knowledge by concealment of facts dishonestly and they knew that the wrongful loss shall cause to land losers from acquisition whose interest in the transaction of land acquisition to which the cheating relates , they were bound by law to protect the interest of the affected families from the land acquisition under NH Act) . They are further liable to be prosecuted for commission of offence for criminal trespass under section 447 inasmuch as they contravened provisions of section 38 of the RFCTLARR Act for allowing the NHAI for taking over the possession of land under acquisition without ensuring the payment of all types of compensation, entitlements and benefits to the affected families), 34 (their actions are done by several persons in connivance with the erring officers of the MoRTH and the NHAI in furtherance of common intention) and 120B IPC (punishment for participating criminal conspiracy hatched by the Public Servants of the MoRTH).

BHARAT BHOOMI BACHAO SANGARSH SAMITI

60

Ramesh Dalal

President,
(Advocate)

(6) It further submitted that all the aforesaid public servants are also liable to be prosecuted under sections 84 (punishment for false information, mala-fide action, etc.) and section 85 (for contravention of provisions of the RFCTLARR ACT, 2013 relating determination of compensations, entitlements and benefits payable to land losers). They also committed offence by making lower payment of compensation under the First Schedule and they further committed offence by not updating and revising the market value of the land before initiating land acquisition proceedings by violating proviso of section 26 of the RFCTLARR ACT. They did not intentionally make payment in accordance with the provisions of Sections 28, 29 and 30 of the RFCTLARR ACT. They knowingly didn't conduct SIA Study and they didn't also prepare SIMP which was compulsory requirement for passing Award under section 31 for Rehabilitation and Resettlement . With an intent to cause injury to affected families, they didn't also pass the Rehabilitation and Resettlement Award under Section 31 of the RFCTLARR ACT in terms of the Second Schedule of the RFCTLARR Act for payment of other entitlements and benefits.

(7) As such, the offences defined under sections 84 and 85 are knowingly committed by all the senior officers and also heads of the government departments , therefore sections 87 is also applicable. Since the Complaints against the public servants shall be directly lodged by the members of the affected families either in various police stations of their respective jurisdictions for seeking registration of FIR or before the appropriate court , therefore all the reported offences are cognizable offences in terms of section 90 of the RFCTLARR ACT.

(8) It may be noted that there is no requirement for seeking "previous sanction" for prosecution of erring officers under section 197 CrPC from the

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

61

Ramesh Dalal

President,
(Advocate)

competent authority in respect of offences committed under the RFCTLARR Act but the state of Haryana has brought an amendment of insert section 87A in the RFCTLARR Act. Therefore, we had sought the previous sanction from you but that is not accorded by you despite our several requests.

- (9) However, such grant of previous sanction for prosecution of public servants under section 197 CrPC is mandatory in relation of the aforementioned offences. In such cases, the offences punishable under the provisions of the RFCTLARR Act does not require any such previous sanction in many states including the State of Rajasthan and Delhi whereas "previous sanction" in State of Haryana and Gujarat is compulsory in terms of the RFCTLARR (Haryana Amendment) Act, 2017 and RFCTLARR Act (Gujarat Amendment) Act, 2016. But there is no such amendment in Rajasthan. Therefore, we again request you to grant the previous sanction. It may also be noted that offences under the provisions of the IPC are co-related with the offences committed under the provisions of the RFCTLARR Act and the offences under IPC are based on the facts and provisions of the RFCTLARR Act. Therefore, all the offences shall be considered under the RFCTLARR Act wherein the previous sanction is not provided. The section 155(4) of CrPC provides that if one offence is cognizable, then remaining and co-related offences and cases shall also be considered to be cognizable. On this principle of law, it shall be deemed that if the offences are coming under the ambit of two separate and different legislations, the provisions of the main act shall supersede over the other legislation in respect of the previous sanction. But despite it, we request you to grant the previous sanction for their prosecution in the interest of public and justice.

- (10) In view of the above facts and circumstances, we hereby request you to grant the previous sanction for prosecution of your subordinate officers at the earliest within 7 days from the receipt of this representations in your

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Ramesh Dalal

President,
(Advocate)

office in respect of all the aforementioned offences for prosecuting them in the courts falling under the territorial jurisdiction of Haryana State . It may be noted that if you don't grant previous sanction for prosecution of your officers under section 197 CrPC relating to all the aforementioned offences within 7 days after receipt of this representation , it shall be understood or considered that you have granted "a deemed NOC or previous sanction" for prosecution of the aforementioned public servants. It shall be further understood and considered that you had no objection for their prosecution. It may be noted that you have already kept our Analysis Report-cum-Complaint dated 21.06.2020 pending and undecided from last six months. Under these circumstances and facts, you have already granted a deemed previous sanction for prosecution of your erring officer. But as a matter of curtesy, reasonability and legitimacy, we hereby again seek your previous sanction for allowing prosecution of your erring officers. Therefore we request you to grant or accord the previous sanction at the earliest.

- (11) It is further submitted that we are undertaking to furnish any document or information and explanation in this connection, if you so require or desire. Therefore, we hereby request you to grant the previous sanction for their prosecution at the earliest in the interest of public and justice. Further, you are requested to consider the Analysis Report-cum-Complaint dated 17.11.2020 with its all references and annexures in this connection to take a logical decision. We also draw your attention that a application for seeking previous sanction for prosecution of your erring officers was also submitted to you inasmuch as you had duly received it. Further, our Analysis Report-cum-Complaint on 21.06.2020 in your office wherein lawful actions were sought by us from you referring inter-alia commission of aforementioned offences by your subordinate officers and aforementioned application for seeking previous sanction for the prosecution of your erring officers. Under these facts and grounds, it is on

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

63

record that you had also received our application for seeking " previous sanction for prosecution of your erring officers". It may be noted that categorically it was informed to you therein that there were two categories of offences. One category of offences was falling under the RFCTLARR ACT and other category of offences were related to IPC . Neither you had rejected nor objected nor denied nor negated nor rebutted any allegation, fact, opinion, offence, irregularity, charge and content etc. even after receipt of the Analysis Report-cum-Complaint six month ago. Since these facts and commission of offences were duly reported and incorporated by us in the Analysis Report-cum-Complaint dated 21.06.2020, therefore it is a deemed acceptance of all the allegations, contents, opinions and facts of the Analysis Report-cum-Complaint by you. In such circumstances, it would be just and reasonable presumption that a "deemed" previous sanction has already been granted by you for prosecution of your erring officers. But as a matter of transparency, purity, legitimacy, reasonability and reasonability , we hereby again request you to take lawful actions including grant of previous sanction for prosecution of your erring or offending officers.

- (12) It is further submitted that all the members of the affected families, who are also members of BBBSS, have authorised me jointly and individually to seek this " previous sanction". Therefore you are requested to grant the previous sanction for prosecution of erring officers to each members individually or separately of the affected families. Further, you are also requested to issue a common and open "previous sanction" for their prosecution which may be used by any member of BBBSS and affected families to prosecute your public servants in a appropriate competent court of law in India. If you take a principal decision to grant previous sanction for prosecution of your all aforementioned officers , the list of individual applicants/ members of the affected families to seek separate "previous sanction" shall be submitted to you immediately in this connection if you

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Ramesh Dalal

President,
(Advocate)

64

so desire and require. As such, our representation may be considered both as an individual application or a collective or joint application of the members of the affected families in this connection.

(13) In view of the above, the CALAs and Collectors have disobeyed the law and the ACS (PWD) and ACS (Revenue) at that time of proceedings of land acquisition are also responsible for disobeying law by not ensuring the implementation of mandatory provisions in accordance with law. The both ACS had duty to monitor the proceedings but they did not action even after taking note of the matter and such violations. The Collectors did not conduct SIA study and did not prepare any SIMP and they also did not pass Awards under section 31 for Rehabilitation and Resettlement for the affected families and land losers. Further, they all did not consider our claims, evidence and representations.

(14) In view of the above facts and circumstances, you are again requested to take all appropriate lawful actions including revision of Awards, passing Award for Rehabilitation and Resettlement under section 31 and grant of previous sanction for prosecution of your erring officer at the earliest within 7 days from receipt of this letter as it is a definite matter of public importance for seeking justice. We again undertake to explain, additional information or any evidence if you so desire or require in this matter for logical decision of this case. Our Analysis Report-cum-Complaint dated 21.06.2019 and 17.11.2020 with their annexures may be considered as an integral part of this application for seeking previous sanction for prosecution of your erring offices because further details are given therein including annexures. If you have any doubt about any ingredient for commission of aforementioned offences, you may seek details from us accordingly. Apart from the aforementioned public servants, the SHOs, ASP and SPs of Rajasthan are also liable to be prosecuted for disobeying law

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

65

with an intent to cause injury for committing such offences. They did not register FIR after receipt of written information from the land losers and their organization. Apart from it, they also disobeyed law and direction issued by the Hon'ble Supreme Court in case of Lalita Kumari despite our reminders in that connections. Therefore, we hereby also seek previous sanction for prosecution of SPs and their SHOs of Hanumangarh, Bikaner, Jodhpur, Barmer, Jalore, Alwar and Dausa etc. Further the ASP (Sanchole) of Jalore district is also liable to be prosecuted because he had directed his SHOs for not receiving the complaints from the land losers. The ASP had also threatened the members of the affected families. The SHO of Barmer district had also refused to receive the complaint from the land losers. There is also evidence for refusal of complaints by SHOs of Jalore District through post office which is indicative of jungle raj in Rajasthan. Therefore, you are requested to grant the previous sanction for prosecution of the aforementioned all erring officers of police and civil officers.

With regards.

Your sincerely

(Ramesh Dalal)

TRUE COPY

ADVOCATE

P-4
66

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

Dated: 21.11.2020

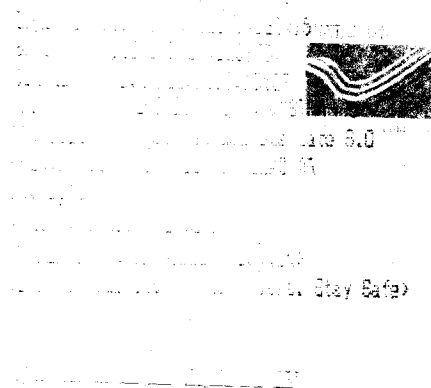
MOST IMMEDIATE

To

The Hon'ble Chief Secretary,

Government of Rajasthan,

Jaipur.



Sub: Supplementary application in continuation of our representation dated 20.11.2019 for seeking previous sanction for prosecution of your public servants under section 197 CrPC for committing offences by them . This application also includes for seeking prosecution of then Chief Secretary .

Sir,

- (1) It is in continuous of our letter dated 20.11.2020, being integral part of the same, which is sent to you by Speed Post No. ED704153995 IN (IVR 6968704153995) dated 20.11.2020 on the above subject. We hereby also seek previous sanction of then (former) Chief Secretary during the year 2019-2020 and we also draw you attention in this connection towards para 38 of the Analysis Report cum Complaint dated 17.11.2020 (Pages 104-105). The then Chief Secretary instead of taking lawful action to revise the awards and grant the previous sanction for prosecuting his erring officers including his wife (ACS-PWD), he misled the chief minister on the issue. Apart from it, he also contravened the provisions of the RFCTLARR Act and disobeyed law to follow the illegal guidelines dated 28.12.2017 of the MoRTH. No doubt, he disobeyed law with an intent to cause wrongful loss

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Ramesh Dalal

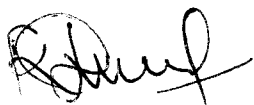
President,
(Advocate)

to the land losers and to cause wrongful gains to the NHAI and the MoRTH. Instead of resolving the issue for long time in legitimate manner, he and his wife in connivance with the erring officers of the MoRTH and NHAI did not issue any direction to the Collector to revise the Awards and further to pass the awards for Rehabilitation and Resettlement in accordance with law . Under mala fide actions, he continued to delay the matter and intentionally he did not take appropriate actions for correction and to remove irregularities.

- (2) In this connection, we further request you that in our aforementioned letter sent to you vide Speed Post ED No. 704153995 IN, it is incorrectly written in para (10) that "under the territorial jurisdiction of Haryana State". So, it may be understand and read as " under the territorial jurisdiction of Gujarat State" for all means and purposes. Please allow such corrections also. Therefore, you are requested to grant the previous sanction for prosecution of the aforementioned all erring officers of police and civil officers.

With regards.

Your sincerely



(Ramesh Dalal)

TRUE COPY

ADVOCATE

P-5 68

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

Dated: 21.11.2020

MOST IMMEDIATE

To

The Hon'ble Chief Secretary,

Government of Gujarat,

Gandhinagar.

Sub: Request to grant previous sanction for prosecution of the Additional Chief Secretary (PWD), Additional Chief Secretary (Revenue), Collector of Banaskantha , the CALAs-cum-SDM, SP Banaskantha and SHO of Banaskantha district under section 197 CrPC for committing offences by them related to the cases of Awards, compensations and entitlements payable to the affected families relating to NH 754K and further all other officers of your State Government who were dealing with the fixation of market value of land under acquisition , preparation and approval of Awards relating to aforementioned NH project between the year 2018 and 2020 in your State.

Sir,

- (1) We herewith enclose an Analysis Report-cum-Complaint dated 17.11.2020 (along with all Annexures enclosed therewith) in connection with the aforementioned subject. It may be noted that the members of affected families had also lodged the complaints dated 18.07.2020 and 22.07.202 to the SHO of Police Station for seeking registration of FIR under section 154 CrPC against the aforesaid officers for committing offences related to land acquisition for NH Project . When the SHO did not register the FIR, the members of the affected families submitted their Complaint dated 15.10.2020 to the SP in compliance of section 154(3) CrPC. The land losers

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

69

Ramesh Dalal

President,
(Advocate)

met many times to the Collector and CALA for seeking revision of the Awards dated as their awards were passed by the CALA with the knowledge of the Collector. While passing the award, the Collector and the CALA did not follow applicable provisions of the RFCTLARR Act. When the CALA and Collector did not take appropriate actions for doing justice with affected families by revising illegal Awards. The members of the affected families had lodged their aforementioned Complaints to the Police. As such, no lawful action is taken by the Collector and CALA to revise the award as a corrective measures even after knowing the fact that the land losers had lodged their police Complaint against them. Further, even after lodging our Complaints to the police, they did not show any interest to either to meet us or to resolve our issues in a legitimate manner.

- (2) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS) have instructed me to seek "previous sanction for prosecution of the aforementioned public servants" under section 197 CrPC from you on their behalf. Apart from them, I also hereby in personal capacity seek "previous sanction for prosecution" of the aforementioned public servants from you. Therefore this application may be considered both as a joint or an individual request of each members of the affected families because the "previous sanction" shall be used by them and me individually in a separate and different competent court of law in our respective jurisdictions. It may be noted that every citizen of this country have a right to set the law in motion against any offence to punish the guilty persons and therefore, I and our organization, both are also entitled to seek such "previous sanction" from you for prosecution of your guilty officers.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

70

Ramesh Dalal

President,
(Advocate)

(3) The aforementioned officers, who took charge of their designated duty as their respective postings after publication or circulation of "Comprehensive Guidelines dated 28.12.2017" and "Manual Guidelines (December 2018)" on Land Acquisition for National Highways under the National Highways Act, 1956, had committed offence by not obeying law and by following such aforementioned incorrect documents (Guidelines) with intent to cause injury to the affected families from land acquisition. Therefore these officers are liable to be prosecuted and punished for offences referred in Analysis Report-cum- Complaints and annexures enclosed therewith.

(4) As such, the aforementioned public servants are liable to be prosecuted in terms of Indian Penal Code under sections 166 (for disobeying law with intent to cause injury to the affected families. They did not obey the law relating to SIA Study, SIMP, determination of compensation and entitlements related to the First, Second and Third Schedules of the RFCTLARR Act. Even no Award for Rehabilitation and Settlement were passed under section 31 of the RFCTLARR Act which was the fundamental duty of the State of Haryana through aforementioned erring officers to protect the interests of their citizen or residents), 167 (framing an incorrect document containing market value (DC rate or Collector Rate) of land under acquisition in a routine manner whereby they did not revise and update the market value as mandated under proviso to section 26 of the RFCTLARR Act. They didn't perform their statutory duty and they framed document intentionally for containing incorrect , improper and lower DC rate on the pretext of market price with intent to cause wrongful loss and injury to the affected families and to wrongful gains to the NHAI), 196 (using the illegal and incorrect documents (illegal guidelines of NHAI and incorrect document containing DC rate) in evidence before CALA known to be false) , 197 (issuing or signing false certificate like DC rate or certificate

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BHARAT BHOOMI BACHAO SANGARSH SAMITI 71

Ramesh Dalal

President,

(Advocate)

relating to Award), 198(using as true those certificates known to be false), 199 (false statement made in the document of DC rate in declaration which was receivable by law as evidence), 200 (using as true such declaration knowing it to be false), 202 (intentional omission by not giving information of commission of aforesaid offences, though they were bound to inform about it), 204 (destruction of document or electronic record to prevent its production as evidence), 109 (punishment of abetment in pursuance of the conspiracy), 119 (public servant voluntarily concealed design to commit an offence by making a representation which he knew it to be false. Further he had a duty to prevent such offence but he did not prevent it respecting such design), 447 (punishment for criminal trespass a for taking illegal and forcible possession of acquired land by disobeying and section 418 IPC (they cheated with knowledge by concealment of facts dishonestly and they knew that the wrongful loss shall cause to land losers from acquisition whose interest in the transaction of land acquisition to which the cheating relates , they were bound by law to protect the interest of the affected families from the land acquisition under NH Act) . They are further liable to be prosecuted for commission of offence for criminal trespass under section 447 inasmuch as they contravened provisions of section 38 of the RFCTLARR Act for allowing the NHAI for taking over the possession of land under acquisition without ensuring the payment of all types of compensation, entitlements and benefits to the affected families), 34 (their actions are done by several persons in connivance with the erring officers of the MoRTH and the NHAI in furtherance of common intention) and 120B IPC (punishment for participating criminal conspiracy hatched by the Public Servants of the MoRTH).

- (5) It further submitted that all the aforesaid public servants are also liable to be prosecuted under sections 84 (punishment for false information, mala-

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

72

fide action, etc.) and section 85 (for contravention of provisions of the RFCTLARR ACT, 2013 relating determination of compensations, entitlements and benefits payable to land losers). They also committed offence by making lower payment of compensation under the First Schedule and they further committed offence by not updating and revising the market value of the land before initiating land acquisition proceedings by violating proviso of section 26 of the RFCTLARR ACT. They did not intentionally make payment in accordance with the provisions of Sections 28, 29 and 30 of the RFCTLARR ACT. They knowingly didn't conduct SIA Study and they didn't also prepare SIMP which was compulsory requirement for passing Award under section 31 for Rehabilitation and Resettlement . With an intent to cause injury to affected families, they didn't also pass the Rehabilitation and Resettlement Award under Section 31 of the RFCTLARR ACT in terms of the Second Schedule of the RFCTLARR Act for payment of other entitlements and benefits.

- (6) As such, the offences defined under sections 84 and 85 are knowingly committed by all the senior officers and also heads of the government departments , therefore sections 87 is also applicable. Since the Complaints against the public servants shall be directly lodged by the members of the affected families either in various police stations of their respective jurisdictions for seeking registration of FIR or before the appropriate court , therefore all the reported offences are cognizable offences in terms of section 90 of the RFCTLARR ACT.
- (7) It may be noted that there is no requirement for seeking "previous sanction" for prosecution of erring officers under section 197 CrPC from the competent authority in respect of offences committed under the RFCTLARR Act but the state of Gujarat had brought an amendment to insert section

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

73

87A in the RFCTLARR Act. Therefore, we had sought the previous sanction from you but that is not accorded by you despite our several requests.

(8) However, such grant of previous sanction for prosecution of public servants under section 197 CrPC is mandatory in relation of the aforementioned offences. In such cases, the offences punishable under the provisions of the RFCTLARR Act does not require any such previous sanction in many states including the State of Rajasthan and Delhi whereas "previous sanction" in State of Haryana and Gujarat is compulsory in terms of the RFCTLARR (Haryana Amendment) Act, 2017 and RFCTLARR Act (Gujarat Amendment) Act, 2016. Therefore, we hereby request you to grant the previous sanction. It may also be noted that offences under the provisions of the IPC are co-related with the offences committed under the provisions of the RFCTLARR Act and the offences under IPC are based on the facts and provisions of the RFCTLARR Act. Therefore, all the offences shall be considered under the RFCTLARR Act wherein the previous sanction is not provided. The section 155(4) of CrPC provides that if one offence is cognizable, then remaining and co-related offences and cases shall also be considered to be cognizable. On this principle of law, it shall be deemed that if the offences are coming under the ambit of two separate and different legislations, the provisions of the main act shall supersede over the other legislation in respect of the previous sanction. But despite it, we request you to grant the previous sanction for their prosecution in the interest of public and justice.

(9) In view of the above facts and circumstances, we hereby request you to grant the previous sanction for prosecution of your subordinate officers at the earliest in respect of all the aforementioned offences for prosecuting them in the court of falling under the territorial jurisdiction of your State . It may be noted that if you don't grant previous sanction for prosecution of

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,

(Advocate)

74

your officers under section 197 CrPC relating to all the aforementioned offences within 90 days after receipt of this representation, it shall be understood or considered that you have granted "a deemed NOC or previous sanction" for prosecution of the aforementioned public servants. It shall be further understood and considered that you had no objection for their prosecution. Therefore we request you to grant or accord the previous sanction at the earliest.

(10) It is further submitted that we are undertaking to furnish any document or information and explanation in this connection, if you so require or desire. Therefore, we hereby request you to grant the previous sanction for their prosecution at the earliest in the interest of public and justice. Further, you are requested to consider the Analysis Report-cum-Complaint dated 17.11.2020 with its all references and annexures in this connection to take a logical decision. We also draw your attention that a draft copy for lodging of FIR in Rajasthan is attached with the Analysis Report-cum-Complaint which is similar to the police complaints lodged in your state on many points. Therefore, the copy of our complaints lodged to the police in Gujarat may be sought by you from the police of your state, if you so require.

(11) It may be noted that categorically there were two categories of offences. One category of offences was falling under the RFCTLARR ACT and other category of offences were related to IPC. In such circumstances, it would also be just and reasonable that the government of Gujarat may take a decision to revise their awards and to pass the Rehabilitation Award for giving equally benefits and entitlements of compensation to the members of the affected families from land acquisition under NH project, which were given by your government to the land losers in Gujarat for the project of bullet train, the dream project of the prime minister. It is clear

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

75

case of violation of Article 14 of the Constitution of India in your state that discriminatory awards containing lower compensation to the land losers are passed by the CALA for NH 754K. After legislation of the RFCTLARR (Gujarat Amendment, Act 2016, there should not be any discrimination in your state with regard to the entitlements and benefits of the compensation and rehabilitation relating to two different projects of the Central Government i.e NH project and Railway project which is underway with the cooperation of the Government of Japan. Therefore, you are requested to take stringent action against your erring officers. With these circumstances and facts and also as a matter of transparency, purity, legitimacy, reasonability and reasonability, we hereby request you to take lawful actions including grant of previous sanction for prosecution of your erring or offending officers.

- (12) It is further submitted that all the members of the affected families, who are also members of BBBSS, have authorised me jointly and individually to seek this "previous sanction". Therefore you are requested to grant the previous sanction for prosecution of erring officers to each members individually or separately of the affected families. Further, you are also requested to issue a common and open "previous sanction" for their prosecution which may be used by any member of BBBSS and affected families to prosecute your public servants in a appropriate competent court of law in India. If you take a principal decision to grant previous sanction for prosecution of your all aforementioned officers, the list of individual applicants/ members of the affected families to seek separate "previous sanction" shall be submitted to you immediately in this connection if you so desire and require. As such, our representation may be considered both as an individual application or a collective or joint application of the members of the affected families in this connection.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

76

(13) In view of the above, the ACS(PWD), ACS(Revenue), CALA and Collector have disobeyed the law with an intent to cause wrongful loss to the land losers and wrongful gains to the NHAI and MoRTH from land acquisition. It is specifically submitted that the ACS (PWD) and ACS (Revenue), for the period of proceedings of land acquisition, are also responsible for disobeying law by not ensuring the implementation of mandatory provisions in accordance with law. The both ACS had duty to monitor the proceedings to ensure equal payments to the land losers of the aforementioned two projects of the Central Government. But these officers did not also take action even after taking note of the matter and such violations. The Collector did not conduct SIA study and did not prepare any SIMP and they also did not pass Awards under section 31 for Rehabilitation and Resettlement for the affected families and land losers.

(14) In view of the above facts and circumstances, you are again requested to take all appropriate lawful actions including revision of Awards, passing Award for Rehabilitation and Resettlement under section 31 and grant of previous sanction for prosecution of your erring officer at the earliest within 7 days from receipt of this letter as it is a definite matter of public importance for seeking justice. We again undertake to explain, additional information or any evidence if you so desire or require in this matter for logical decision of this case. Our Analysis Report-cum-Complaint dated 17.11.2020 with their annexures may be considered as an integral part of this application for seeking previous sanction for prosecution of your erring offices because further details are given therein including annexures. If you have any doubt about any ingredient for commission of aforementioned offences, you may seek details from us accordingly. Apart from the aforementioned public servants, the aforementioned SHO and SP are also liable to be prosecuted for disobeying law with an intent to cause injury to the land losers for committing such offences. They did not register

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

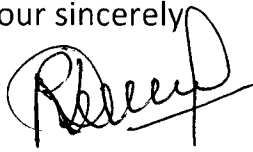
President,
(Advocate)

77

FIR after receipt of written information from the land losers. Apart from it, they also disobeyed law and direction issued by the Hon'ble Supreme Court in case of Lalita Kumari despite our reminders in that connections. Therefore, we hereby also seek previous sanction for prosecution of SHO Tharad (Banaskantha) and the SP of Banaskantha/Palanpur . Therefore, you are requested to grant the previous sanction for prosecution of the aforementioned all erring officers of police and civil administration.

With regards.

Your sincerely



(Ramesh Dalal)

TRUE COPY

21/11/2018

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78
BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

Dated: 18.12.2020

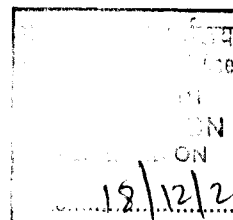
MOST IMMEDIATE

To

Sh. Narendra Modi,

The Hon'ble Prime Minister,

South Block , New Delhi.



Sub: Request to intervene and appoint a group of ministers for resolving the long pending issue, by dialogue and meeting with us, for payment of Compensation, Rehabilitation Entitlements and fixation of alignments in accordance with law, notifications and the statutory provisions inasmuch as the MoRTH and NHAI has acquired land for Bharatmala Pariyojana in contravention of statutory provisions and notifications, and has prepared and approved the Awards in contravention of statutory provisions and other existing law relating to all NH projects in Haryana, Rajasthan, Gujarat, Delhi, Punjab etc. between the year 2018 and 2020 relating to land acquisition for NH 148N, 754K, 152D, 334B , 344M, Delhi-Amritsar-Katra Expressway and other NH projects across the country .

Sir,

- (1) It is humbly submitted that we (farmers) are agitating in peaceful and Gandhian manner in Haryana and Rajasthan since 2018. It is on record that a massive agitation (Satyagraha) of farmers on this issue under my leadership was going on at Bagoda in Jalore district of Rajasthan from 28.02.2020 which was attended by 50,000 farmers from Gujarat, Rajasthan and Haryana. The women were also participant in large number by staging day night Dharna and hunger strike to seek justice and the name of the

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

agitation site was given " Kisan Bagh" . After spreading Covid-19, the agitation of Kisan Bagh was withdrawn from 17.03.2020 when the Hon'ble PM had requested the people of the country to mitigate the impact of Covid-19 by avoiding meetings and public gatherings.

(2) It may be noted that an agitation against CAA was also going on in Delhi at "Shahin Bagh" at the same time of Kisan Bagh in Jalor. The key differences between both agitations were as under:

1. Shahin Bagh Agitation was to seek repeal of CAA & NRC legislations and Kisan Bagh Agitation was seeking justice only within statutory and constitutional provisions.
2. Some of the participants of Shahin Bagh were targeting and abusing the Prime Minister and others whereas participants of Kisan Bagh were seeking justice in Gandhian way under Hunger Strike and Satyagraha without insulting and abusing any one.
3. All opposition political leaders were supporting the demands of Shahin Bagh whereas no political parties or its leaders were allowed to participate in Kisan Bagh.
4. Most of the protester of Shahin Bagh were not staying during night but most of the protester of Kisan Bagh continued to stay during day and night and that too on Hunger Strike as part of Satyagrah on line of Mahatma Gandhi, the father of nation.
5. The protesters of Shahin Bagh were blocking the roads by seizing and creating problems for other road users and citizens whereas the protesters of the Kisan Bagh were holding protest in an open area without creating any problems.
6. The Central Government had not taken any action to ban the agitators in Shahin Bagh but the Government of Rajasthan had invoked section 144 and pressing and threatening to disperse the lawful assembly of Kisan Bagh.

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

7. The Central Government was continuously inviting the protesters of Shahin Bagh for meetings and dialogues for legitimate solution whereas the Central Government, especially Sh. Nitin Gadkari, the Minister for MoRTH was not inviting the protesters for legitimate solution on table. It may be noted that the protesters against CAA were not even coming on table even after intervention of the Hon'ble Supreme Court. Whereas the protesters of Kisan Bagh were seeking meetings with the Minister for the MoRTH in a legitimate transparent and accountable manner for solutions.

(3) The aforementioned differences in the styles and modes of agitations show that the Central Government did not pay any attention for dialogues to any peaceful Gandhian agitation in the country. The second instance of it is the present agitation of farmers who are on Roads. If the citizens of the country adopt peaceful way of agitation without creating problems for other citizens, the Central and State Governments did not recognize the agitation and also did not hold meetings with peaceful protesters. As such, such approach of the Central and States Governments are violating the Right to Equality, Right to Life and Liberty and Right to Freedom which are guaranteed under fundamental rights of the Constitution of India. If this discriminatory approach of the government dealing with public agitations shall continue, it will promote anarchy and lawless society which will further lead the public to abolish foundation and roots of the democracy.

(4) It is hereby clarified that we are not saying anything on the rights of the people for agitations and their respective concerns on the issues of legality or illegality of those legislations. Neither, we are to appose their respective agitations nor their demands and concerns inasmuch as the Constitution and democracy give them right to protest and so on. The aforesaid examples are given only for inviting the attention of the government

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

towards the way , style and mode of agitation in India and its impact on democracy. If the Government appoint a group of ministers for dialogues with farmers when the protesters demanded repeal of three legislations relating to farming community, the Government is also accountable now to hold discussion and meetings in the same manner with our group of farming community to resolve the issues of farmers relating to land acquisition and entitlements. In such circumstances, there is no difference of actions between agitating farmers and the Government because both are negating the competency of parliament in democracy. When the law "RFCTLARR Act" for land acquisition is enacted by Parliament , then why the MoRTH has violated the statutory provisions to cause calculated loss to the farmers. Such unlawful actions of the government are only to invite the peaceful people of the country to break the law to draw attention of the concerned authorities towards their genuine problems. Again, we clarify that we are not opposing the demands of repealing the legislations raised either by the Kisan Organizations or the protesters of the CAA. Our issue is relating to discrimination in dealing with public concerns and public agitations inasmuch as the public protesters of nationalism and legalism are being ignored in Indian democracy which approach of the government may lead the country towards a lawless society.

- (5) In view of the above facts, the Hon'ble Prime Minister is hereby requested to appoint a group of Ministers of Law & Justice, Rural Development and any other Minister except the Minister for MoRTH to resolve our issue in a democratic and legitimate procedures on table with us for doing justice to the farming community who are affected adversely by land acquisition under NHAI and the MoRTH. Since Sh. Nitin Gadkari, the Minister for MoRTH is himself involved for committing offences in this matter, any other Minister may be the chairman of this group of ministers. In this connection, we are drawing your attention towards Gujarat, the home

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

82

state of the PM. The both projects of Bullet Train Rail between Ahmedabad and Mumbai and the projects of the NHAI in Gujarat are of the Central Government but the payments of Compensation, Rehabilitation and other applicable entitlements are paid in different way under discriminatory approach between the affected families of both projects of the Central Government in Gujarat. The Entitlements and Compensation for land acquisition under rail projects may also be less in Gujarat but these benefits are genuine in comparisons with the NHAI projects. Sh. Nitin Gadkari, the Minister for MoRTH does not believe in law and democracy and therefore he is liable to be prosecuted. In this connection, we are submitting a separate representation dated 18.11.2020 to the Hon'ble PM along with the Analysis Report-cum-Complaint dated 17.11.2020 for seeking previous sanction under 197 CrPC for his prosecution in accordance with law. So, we request the PM to consider our that representation also as an integral part of this representation for logical end of the case.

- (6) ^oDespite our repeated efforts as aforementioned, the MoRTH did not pay attention to resolve our issues in a democratic and legitimate manner and did not call the farmers for any meetings. Under these circumstances, the farmers relating to the land acquisition are being instigated by the Government to start agitation in line of the present agitation of the farmers to press their demands by blocking the movements of other citizens. However, we are not in favour of any such agitation which creates problems to other citizens of the country but the Government pay attention only to such agitations. As such, the present approach of the Central Government and the MoRTH Minister may ruin and abolish the democracy in our country and thereby such approach may lead the country towards anarchy and lawless society.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

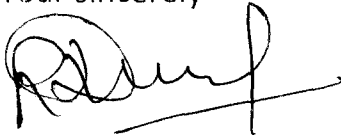
President,
(Advocate)

93

(7) In view of the above facts and circumstances, the Hon'ble PM is again requested to take all appropriate lawful actions to appoint a group of ministers for revision of Awards in legitimate manner and to grant "previous sanction" for prosecution of his erring Minister at the earliest within a reasonable time frame as it is a definite matter of public importance for seeking justice.

With regards.

Your sincerely



(Ramesh Dalal)

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FOR INFORMATION

BHARAT BHOOMI BACHAO SANGARSH SAMITI**Ramesh Dalal**President,
(Advocate)

84

Dated: 18.12.2020

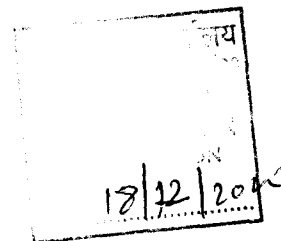
MOST IMMEDIATE

To

Sh. Narendra Modi,

The Hon'ble Prime Minister,

South Block , New Delhi.



Sub: Request to grant previous sanction for prosecution of Sh. Nitin Gadkari for issuance and approval of comprehensive guidelines dated 28.12.2017 in contravention of statutory provisions, fixation of alignments contrary to the budgetary approved allocation, scheme of Bharatmala Pariyojana and the statutory provisions, payment of compensation , entitlements and benefits of land acquisition in contravention of statutory provisions and notifications, and preparation and approval of Awards in contravention of statutory provisions and other existing law relating to all NH projects between the year 2018 and 2020 relating to land acquisition for NH 148N, 754K, 152D, 334B , 344M, Delhi-Amritsar-Katra Expressway and other NH projects across the country between the year 2017 and 2020 .

Sir,

- (1) I herewith enclose an Analysis Report-cum-Complaint dated 16.11.2020 (along with all Annexures enclosed therewith) in connection with the aforementioned subject. It may be noted that we had submitted the Analysis Report-cum-Complaint dated 21.06.2020 with Annexures enclosed therewith requesting Sh. Nitin Gadkari, the Minister for MORTH to take appropriate actions and also to do justice with affected families by revising illegal Awards. But no appropriate action in accordance with law was taken

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

85

by him despite our several requests. Thereafter, we submitted our letter dated 11.08.2020 requesting the minister again to resolve this long pending issue. Thereupon he had directed to the Joint Secretary Amit Kumar Ghosh to place the matter before him after an inquiry into alleged facts and offences. Due to Covid-19 I was alone called on 02.09.2020 and 03.09.2020 for meeting by Sh. Amit Kumar Ghosh on this issue and thus the meeting was attended by two members only from our side. Thereupon we had apprised the JS in details about our grievances, relevant facts and offences committed by the Public Servants in this connection. At the end of meeting, Sh. Amit Ghosh assured us to call us for meeting with the Secretary and the Minister MORTH at the earliest for final resolution of the matter.

(2) Sh. Amit Kumar Ghosh informed me on my WhatsApp on 28.09.2020 that he would submit his report next day (tomorrow 29.09.2020). But thereafter, he and the assistant of the Minister did not pick my call and update me despite I made several and continuous efforts. Further, they did not give us time to meet on this issue. As such, no lawful action is taken on our Analysis Report-cum-Complaint dated 21.06.2020 by the Minister and his subordinate officers and his department as a corrective measures. Further, they did not show any interest to either to meet us or to resolve our issues in a legitimate manner.

(3) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS) had authorised me to seek "previous sanction for prosecution of the public servants relating to the MoRTH and the NHAI" under section 197 CrPC from the Minister Sh. Nitin Gadkari on behalf of the affected families and the BBBSS. Apart from the authorisation of the affected families, I also thereby, in personal capacity, sought

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

86

"previous sanction for prosecution" of the public servants from the Minister vide our letter dated 18.11.2020 (**Annexure-A**) along with our Analysis Report cum Complaint dated 16.11.2020(**Annexure-B**). Even thereafter, he did not take any appropriate lawful action. It was categorically mentioned in both the Analysis Reports-cum-Complaints that Sh. Nitin Gadkari was the main conspirator and offender of the offences committed by them in his Ministry and NHAI.

(4) Under these circumstances, we are seeking previous sanction or permission from the Hon'ble Prime Minister for prosecution of Sh. Nitin Gadkari, the minister for the MoRTH. Therefore this application may be considered both as a joint or an individual request of each members of the affected families because the " previous sanction" shall be used by them and me individually in a separate and different competent court of law in our respective cases and territorial jurisdictions. It may be noted that every citizen of this country have a right to set the law in motion against any offence to punish any guilty person or persons and therefore, I and our organization, both are also entitled to seek such " previous sanction" from the competent authority for prosecution of guilty minister also .

(5) The publication or circulation of "Comprehensive Guidelines dated 28.12.2017" and "Manual Guidelines (December 2018)" on Land Acquisition for National Highways under the National Highways Act,1956, was prepared and carried out by the MoRTH with the active approval and consent of the Minister Sh. Nitin Gadkari. As such, he

had also committed offence for framing such incorrect documents with intent to cause injury to the affected families from land acquisition. He is also liable to be prosecuted and punished for all offences referred in Analysis Report-cum- Complaints and annexures enclosed therewith.

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

87

(6) As such, the aforementioned public servant Sh. Nitin Gadkari is liable to be prosecuted in terms of Indian Penal Code under sections 166 (for disobeying law with intent to cause injury to the affected families), 167 (Public Servant framing an incorrect document with intent to cause injury to the affected families), 196 (using evidence known to be false), 197 (issuing or signing false certificate), 198(using as true a certificate known to be false), 199 (false statement made in declaration which was receivable by law as evidence), 200 (using as true such declaration knowing it to be false), 202 (intentional omission by not giving information of commission of offence, though they were bound to inform about it), 204 (destruction of document or electronic record to prevent its production as evidence), 109 (punishment of abetment in pursuance of the conspiracy), 119(public servant voluntarily concealed design to commit an offence by making a representation which he knew it to be false). Further the minister had a duty to prevent such offence but he did not prevent it respecting such design and therefore he is liable to be prosecuted under section 418. Further, he is also liable to be prosecuted under section 447 IPC (punishment for criminal trespass a for taking illegal and forcible possession of acquired land by disobeying of law and contravening of provision of section 38 of the RFCTLARR Act), 34 (act done by several persons in furtherance of common intention) and 120B IPC (punishment for criminal conspiracy).

(7) It further submitted that all the aforesaid public servant is also liable to be prosecuted under sections 84 (punishment for false information, mala-fide action, etc.) and section 85 (for contravention of provisions of the RFCTLARR ACT, 2013). He and his subordinate officers also committed offence by making lower payment of compensation under the First Schedule and they further committed offence by not updating and revising

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

88

the market value of the land before initiating land acquisition proceedings by violating proviso of section 26 of the RFCTLARR ACT. They didn't not intentionally make payment in accordance the provisions of Sections 28, 29 and 30 of the RFCTLARR ACT. They knowingly didn't conduct SIA Study and they didn't also prepare SIMP which was compulsory requirement for passing Award under section 31 for Rehabilitation and Resettlement . With an intent to cause injury to affected families, they didn't also pass the Rehabilitation and Resettlement Award under Section 31 of the RFCTLARR ACT in terms of the Second Schedule of the RFCTLARR Act for payment of other entitlements and benefits.

- (8) As the offences defined under sections 84 and 85 are knowingly committed by all the senior officers of the MoRTH and NHAI including the Minister who is also the head of the MoRTH and NHAI, a Government Department , therefore sections 87 of the RFCTLARR ACT is also applicable. Since the Complaints against the public servants including the minister are directly lodged by the members of the affected families in various police stations of their respective jurisdictions for seeking registration of FIR in Rajasthan , therefore all the reported offences are cognizable offences in terms of section 90 of the RFCTLARR ACT. The affected families of Haryana and Delhi shall also lodge their Complaints in their respective Police Stations. It may be noted that there is no requirement for seeking "previous sanction" for prosecution of erring officers and the Minister under section 197 CrPC from the competent authority in respect of offences committed under the RFCTLARR Act. It may be noted that there is no condition or bar to seek any sanction or permission or NOC from a government department or authority for prosecution of their public servants related to the offences punishable under the provisions of the RFCTLARR ACT.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

89

(9) However, such grant of previous sanction for prosecution of public servants under section 197 CrPC is mandatory in relation of offences other than offences of the RFCTLARR ACT. But it is provided under section 155(4) CrPC that where a case related to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are cognizable. Keeping this mandate, principle and ratio in view, where a case relates to two types of offences punishable under two different Acts or Statutes or Codes or Legislations and if previous sanction for prosecution is not applicable relating to the offences falling under one such legislation, it shall be deemed to be a unitary case of both types of offences under the RFCTLARR ACT only. As the RFCTLARR ACT does not require previous or post sanction and further base of all offences are connected with the RFCTLARR Act, therefore all offences falling under IPC also come under the RFCTLARR Act. It may also be noted that the offences punishable under the provisions of the RFCTLARR Act does not require any such previous or post sanction in the State of Rajasthan and Delhi whereas "previous sanction" in State of Haryana and Gujarat is compulsory in terms of the RFCTLARR (Haryana Amendment) Act, 2017 and RFCTLARR Act (Gujarat Amendment) Act, 2016. In view of the aforementioned facts, circumstances and legal position, the appropriate Court may take cognizance in absence of previous sanction in the State of Rajasthan and Delhi under the RFCTLARR ACT on this ground. Despite it, we hereby seek previous sanction or permission from the PM to prosecute his Minister to remove all technical problems in the larger interest of public and justice. Further, as a matter of curtsy, reasonability and legitimacy, we hereby seek previous sanction from the Hon'ble PM for allowing prosecution of his erring minister. Therefore we request the PM to grant or accord the previous sanction at the earliest.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

90

(10) In view of the above facts and circumstances, we hereby request the Hon'ble PM to grant the previous sanction for prosecution of Sh. Nitin Gadkari, , the Minister for the MoRTH at the earliest in respect of all the aforementioned offences for prosecuting him in the appropriate courts falling under the territorial jurisdiction of Delhi, Haryana, Rajasthan, Gujarat and other States . It may be noted that if the PM don't grant previous sanction or decide our representations on merit for prosecution of his minister under section 197 CrPC relating to all the aforementioned offences within reasonable time after receipt of this representation , it shall be understood or considered that the Hon'ble PM have granted "a deemed NOC or previous sanction" for prosecution of his Minister, the aforementioned public servant. It shall be further understood and considered that the PM had no objection for his prosecution. Under these circumstances and facts, it shall be deemed that the Hon'ble PM granted a deemed previous sanction for prosecution of his erring minister . But as a matter of curtsy, reasonability and legitimacy, we hereby again seek "previous sanction" for allowing prosecution of his erring minister. Therefore we request the Hon'ble PM to grant or accord the previous sanction at the earliest.

(11) It is further submitted that we are undertaking to furnish any document or information and explanation in this connection, if the PMO so requires or desires. Therefore, we hereby request the Hon'ble PM to grant the previous sanction for his prosecution at the earliest in the interest of public and justice. Further, the Hon'ble PM is requested to consider the Analysis Report-cum-Complaint dated 17.11.2020 with its all references and annexures in this connection to take a logical decision.

(12) It may be noted that categorically it was informed to the minister vide Analysis Report cum Complaint dated 17.11.2020 that there were two

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

91

categories of offences. One category of offences was falling under the RFCTLARR ACT, which is exempted from seeking previous or post sanction for prosecution. But other category of offences, which is falling under IPC, require "previous sanction for prosecution". Neither the Minister Sh. Nitin Gadkari had rejected nor objected nor denied nor negated nor rebutted any allegation, fact, opinion, offence, irregularity, charge and content etc. even after receipt of the Analysis Report-cum-Complaint dated 21.06.2020 and 17.11.2020. Since these facts and commission of offences were duly reported and incorporated by us in the Analysis Report-cum-Complaint dated 21.06.2020 and 17.11.2020, therefore it is a deemed acceptance of all the allegations, contents, opinions and facts of both the Analysis Reports-cum-Complaints by the minister and his departments. In such circumstances, it would be just and reasonable presumption that the minister himself accepted his role in a larger conspiracy to commit the aforesaid offences.

- (13) It is further submitted that all the members of the affected families, who are also members of BBBSS, have authorised me jointly and individually to seek this "previous sanction". Therefore the Hon'ble PM is requested to grant the previous sanction for prosecution of his erring Minister to each members individually or separately of the affected families. Further, the PM is also requested to issue a common and an open "previous sanction" for his prosecution which may be used by any member of BBBSS and affected families to prosecute the Minister, a public servant in a appropriate competent court of law in India. If the Hon'ble PM takes a principal decision to grant previous sanction for prosecution of his minister, the list of individual applicants/ members of the affected families to seek separate "previous sanction" shall be submitted to the PMO immediately in this connection if the PMO so desires and requires. As such, our representation may be considered both as an individual application or a

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Ramesh Dalal

President,
(Advocate)

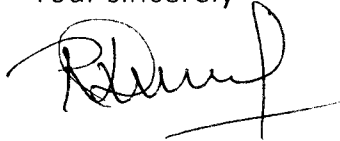
92

collective or joint application of the members of the affected families in this connection.

(14) In view of the above facts and circumstances, the Hon'ble PM is again requested to take all appropriate lawful actions including revision of Awards and grant of previous sanction for prosecution of his erring minister at the earliest within a reasonable time frame as it is a definite matter of public importance for seeking justice.

With regards.

Your sincerely



(Ramesh Dalal)

TRUE COPY

ADVOCATE

P-8
BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

93

Dated: 05.01.2021

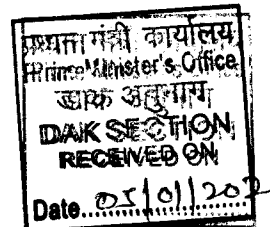
MOST IMMEDIATE

To

Sh. Narendra Modi,

The Hon'ble Prime Minister,

South Block , New Delhi.



Sub: (1). Request to intervene and appoint a group of Minister to meet the Farmer's Representatives before 13.01.2021 for resolution of issues of farmers including Revisions of Awards of Haryana, Rajasthan, Gujarat, NCT Delhi etc. relating to NH Projects and also for granting previous sanction for prosecution of erring Public Servants for issuance and approval of comprehensive guidelines dated 28.12.2017 in contravention of statutory provisions, fixation of alignments contrary to the budgetary approved allocation, scheme of Bharatmala Pariyojana and the statutory provisions for payment of compensations , entitlements and benefits of land acquisition in contravention of statutory provisions and notifications, and preparation and approval of Awards in contravention of statutory provisions and other existing law relating to all NH projects between the year 2018 and 2020 relating to land acquisition for NH 148N, 754K, 152D, 334B , 344M, Delhi-Amritsar-Katra Expressway and other NH projects across the country.

(2). Notice to the UOI, the PMO and other concerned agencies including Delhi Police to seek permission to stage peaceful Dharna by the affected families at Jantar Manter in Delhi from 16.01.2021 in peaceful, democratic and Gandhian way naming this agitation as "Savidhan Satyagraha".

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

94

Sir,

- (1) This is in continuation of our two separate presentations/letters dated 18.12.2020 addressed to the Hon'ble Prime Minister on the above subject to take appropriate actions and also to do justice with affected families by revising illegal Awards and to grant previous sanction for prosecution of erring Public Servants including the Minister for MoRTH. But no appropriate action in accordance with law was taken by the PM despite our aforementioned requests.
- (2) We are peacefully agitating from last two years in many states on this issue and even the issue of acquiring fertile land was raised before the PM by a farmer from Jalore in your "Man Ki Baat Program" in the year 2019 and thereupon the PM had assured the farming community to acquire the minimum bare land only as a last resort in case of not availability of barren land. But the Minister for the MoRTH also ignored the advice of the PM and committed serious irregularities intentionally. Further, the Minister did not give us time to meet on this issue except my one brief meeting with him in August only for 1 minutes only wherein he assured to call us soon for resolving our problems. As such, no lawful action was taken by the Minister and his subordinate officers or his department as a corrective measures except adopting delaying tactics. Further, they did not show any interest to either to meet us or to resolve our issues in a legitimate manner.
- (3) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS) had authorized me to seek your intervention in this long pending issue in the interest of justice. We hereby clarify following points in this connection:-

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

95

- (A) We are thankful to the PM for his untiring efforts to protect the interests of the farming community including direct payment of Rs.6000 annually to the farmers. Therefore we have full faith in his leadership and government.
- (B) Our organization and members are believer of democracy, rule of law and follower of peaceful Gandhian agitation within framework of the Constitution. Our organization does not have any financial support and even we do not operate any bank account being a voice of downtrodden and unprivileged section of farming community. Despite it, we have over one lakh farmers across the country. Our organization have led several peaceful and successful, massive farmer's agitation in last one decade.
- (C) We don't believe in any action which may embrace the PM or any law enforcing agency or an elected democratic government by raising unnecessary and unqualified demands. Therefore our demands are in the interest of national development and also in the interest of developed democracy for seeking legitimate resolution within prescribed legislations and statutory provisions inasmuch as we have faith in supremacy of Parliament and the Constitution of India. For example, we are not opposing infrastructure projects of the NHAI but we want free, fair and transparent process of decision making to eradicate corruption and favoritism. As such, we are only opposing unwarranted and forcible land acquisition without ensuring appropriate compensation and benefits to the affected families for their land acquisition within prescribed

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

96

components and parameters under the RECTLARR Act for their rehabilitation and survival.

(D) Our issues are mainly under the ambit of the MoRTH, MoRD, MoL&J and MoF. Therefore, a group of any two or three ministers may be appointed.

(4) In view of the above clarification, we humbly request you to take the following actions:

(A) To appoint a group of ministers for dialogues with us for resolution of issues and problems on the above subject within a time frame on priority basis.

(B) To grant the permission of at least 5000 farmers to stage Dharna for "Savidhan Satyagraha" at Jantar Manter, New Delhi till our demands are legitimately met. We may also agree to limit our strength as 2000 farmers if there is any restriction from the Delhi Police or any law enforcing agency. In this connection, we also undertake to suspend our Satyagraha on 26.01.2021 only on Republic Day for celebrating and showing our faith in Constitution of India and Democracy.

(C) To grant permission of 100 old farmers, 25 farmers from each States like Rajasthan, Haryana, Gujarat and Delhi to attend the Republic Day in view of showing our solidarity and faith in Indian democracy and the Constitution of India.

(5) We once again also draw your attention towards negligence and avoiding attitude of the MoRTH, Central Government for not paying attention and performing duty in connection with our democratic and peaceful Gandhian agitation from last two years. With this reason, such action of discriminatory approach shall only harm the democracy and civilized groups

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97

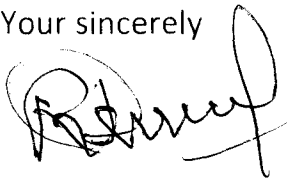
of society. So, the PM is hereby also requested to ensure application of "right to equality" which is guaranteed under Article 14 of the Constitution of India while dealing such public agitations in democracy and resolving public issues and concerns. In case of further avoiding our concerns, we may be compelled to start "Gandhain Pad-yatra" to Delhi to awaken the Government towards Delhi from 20.01.2021.

(6) We appreciate continuing efforts of the PM through Dialogue to resolve the issue of farming community on three legislations and we also hope in this connection that our farmer's representatives and the Group of Ministers shall reach on consensus very soon in the interest of entire farming community of the country inasmuch as we have full faith in our Hon'ble Prime Minister and the Constitution of India in this connection.

(7) In view of the above, we request the PM to do lawful actions on priority basis for resolving our grievances and genuine problems.

With respect,

Your sincerely



(Ramesh Dalal)

P-9

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

98

Dated: 18.01.2021

MOST IMMEDIATE



To

The Hon'ble Chief Secretary,
Government of NCT Delhi,
New Delhi.

Sub: Request to grant previous sanction for prosecution of all the Additional Chief Secretaries to Government of NCT Delhi ,who were heads for PWD and Revenue, and Deputy Commissioner (Collector) of North-West District and CALA-cum-ADM (North-West District) of NCT Delhi, who were charge holder in terms of their respective postings or position between the year 2018- 2021, under section 197 CrPC for committing offences by them related to the cases of land acquisition and connected Awards thereto relating to NH 344M and further all other officers of your State Government who were dealing with the fixation of market value of land under acquisition , preparation and approval of Awards relating to project for NH 344M between the year 2018 and 2021 in NCT Delhi.

Sir,

- (1) I herewith enclose an Analysis Report-cum-Complaint dated 17.11.2020 (**Annexure-1**) in connection with the aforementioned subject which have been also submitted with a letter dated 18.11.2020 (**Annexure-2**) to the Minister for MoRTH,UOI . It may be noted that I had also submitted the Analysis Report-cum-Complaint dated 21.06.2020 with Annexures enclosed

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

99

therewith requesting the Central Minister to take appropriate actions and to do justice with affected families by revising illegal Awards. But no appropriate action in accordance with law was taken by them. As such, no lawful action is taken on our Analysis Report-cum-Complaint dated 21.06.2020 by the MoRTH and NHAI or your subordinate officers or concerned departments as a corrective measures. I, on behalf of the affected families of Villages namely Rani Khera, Madanpur, Rasulpur and Majari (Karala) located in NCT Delhi, met the present Collector/DC in her office and invited her attention towards gross irregularities and commission of offences. But she replied that the awards were passed before taking charge of Collector by her and Therefore, if any irregularity or offence is committed by her predecessor Collector, neither she will revise the awards for rectification under section 33 of the RFCTLARR Act nor she can be held responsible for any previous unlawful actions in this connection. Further, thereafter, She did not show any interest either to receive any representation or to meet us or to resolve our issues in a legitimate manner. After making all efforts for dialogues in terms of point to point discussion with the Collector, we lodged a police Complaint dated 13.01.2021 (**Annexure-3**) at Police Station Kanjhawala , New Delhi for seeking registration of FIR and lawful actions against the aforementioned erring officers. We also submitted our representation dated 13.01.2021 to the Collector/DC for seeking revision of erred awards by determination of fair market price and ensuring payments in accordance with all applicable provisions, components and parameters or entitlements.

- (2) In view of the aforementioned circumstances, the members of affected families from land acquisition, who are also members of Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS) have instructed me to seek " previous sanction for prosecution of the aforementioned public servants including present Collector or DC " under section 197 CrPC from you on their behalf.

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

100

Apart from them, I also hereby in personal capacity seek "previous sanction for prosecution" of the aforementioned public servants from you. Therefore this application may be considered both as a joint or an individual request of each members of the affected families because the "previous sanction" shall be used by them and me individually in a separate and different competent court of law in our respective jurisdictions. It may be noted that every citizen of this country have a right to set the law in motion against any offence to punish the guilty persons and therefore, I and our organization, both are also entitled to seek such "previous sanction" from you for prosecution of your guilty officers .

(3) The aforementioned officers, who took charge of their designated duty during their respective postings after publication or circulation of "Comprehensive Guidelines dated 28.12.2017" and "Manual Guidelines (December 2018)" on Land Acquisition for National Highways under the National Highways Act, 1956, had committed offence by not obeying law and by following such aforementioned incorrect documents (Guidelines) with intent to cause injury to the affected families from land acquisition. Therefore these officers are liable to be prosecuted and punished for offences referred in Analysis Report-cum- Complaints and annexures enclosed therewith.

(4) As such, the aforementioned public servants are liable to be prosecuted in terms of Indian Penal Code under sections 166 (for disobeying law with intent to cause injury to the affected families). In this connection, they did not obey law relating to SIA Study, SIMP, determination of compensation and entitlements related to the First, Second and Third Schedules of the RFCTLARR Act. Even no Award for Rehabilitation and Settlement were passed by them under section 31 of the RFCTLARR Act which was the fundamental duty of the NCT Delhi, through its aforementioned erring

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

101

officers, to protect the interests of their citizen or residents in Delhi. They are also liable to be prosecuted under 167 IPC for framing an incorrect document (Award or market Price of land) inasmuch as it contains incorrect market value (DC rate or Collector rate) which was fixed 12 years back. They disobeyed law inasmuch as they did not revise and update the market value as mandated under proviso to section 26 of the RFCTLARR Act. Further, they didn't perform their statutory duty and they also framed those documents intentionally for containing incorrect , improper and lower DC Rate or Circle rate on the pretext of current market price. Further this document was framed by them with intent to cause wrongful loss and injury to the affected families and to wrongful gains to the NHAI). They are also liable to be prosecuted under section 196 IPC for using the aforesaid illegal and incorrect documents, which includes illegal guidelines issued by the MoRTH and NHAI and incorrect document containing old DC rate), in evidence before CALA known to be false. They are also liable to be prosecuted under section 197 IPC for issuing or signing false certificate which includes certificate for fixation of DC rate or certificate relating to Award . They are further liable to be prosecuted under section 198 IPC for using as true those certificates which were known by them to be false. They are liable to be prosecuted under section 199 IPC for making false statement in declaration in the aforesaid documents by containing false or incorrect DC rate which was receivable by law in evidence. Apart from above, they are also committed offence under section 200 IPC for using such declaration as true knowing it to be false. They further committed offence under section 202 IPC for intentional omission by not giving information of commission of aforesaid offences, though they were bound to inform about it. They also committed offence under section 204 IPC for destruction of some documents and electronic record to prevent its production as evidence. They further committed offence under 109 IPC for abetment in pursuance of the conspiracy which was hatched by the MoRTH

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

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President,
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102

and NHAI. These public servants relating to NCT Delhi also committed offence under section 119 IPC for voluntarily concealment of a design to commit an offence by making a representation which they knew it to be false. Further they had a duty to prevent such offence but they did not prevent it respecting such design. They are also liable to be prosecuted under section 447 IPC for criminal trespass for taking illegal and forcible possession of acquired land by disobeying section 418 IPC whereby they cheated with knowledge by concealment of facts in dishonest way. In this connection, they also knew that the wrongful loss shall be caused to land losers from land acquisition. They also knew that cheating was related to those farmers whose interest in the transaction of land acquisition was to be protected by them as being bounded under law. In this connection they had duty to protect the interest of members of the affected families from land acquisition. They are further liable to be prosecuted for commission of offence for criminal trespass under section 447 IPC inasmuch as they contravened provisions of section 38 of the RFCTLARR Act for allowing revenue authority, in collusion with the NHAI, for changing ownership title in revenue record. Furthermore, they took over the possession of such land, which was under acquisition, without ensuring all payment of compensation, entitlements and benefits payable to the affected families. They also committed offence under section 34 IPC for doing illegal actions by them (aforementioned officers of NCT Delhi) in connivance with the erring officers of the MoRTH and the NHAI in furtherance of common intention. Lastly, they are liable to be prosecuted under section 120B IPC for participating in criminal conspiracy which was hatched by the Public Servants of the MoRTH and NHAI.

- (5) It further submitted that all the aforesaid public servants are also liable to be prosecuted under sections 84 (punishment for false information, mala-fide action, etc.) and section 85 (for contravention of provisions of the

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

103

RFCTLARR ACT, 2013 relating determination of compensations, entitlements and benefits payable to land losers). They also committed offence by making lower payment of compensation under the First Schedule and they further committed offence by not updating and revising the market value of the land before initiating land acquisition proceedings by violating proviso of section 26 of the RFCTLARR ACT. They did not intentionally make payment in accordance with the provisions of Sections 28, 29 and 30 of the RFCTLARR ACT. They knowingly didn't conduct SIA Study and they didn't also prepare SIMP which was compulsory requirement for passing Award under section 31 for Rehabilitation and Resettlement . With an intent to cause injury to affected families, they didn't also pass the Rehabilitation and Resettlement Award under Section 31 of the RFCTLARR ACT in terms of the Second Schedule of the RFCTLARR Act for payment of other entitlements and benefits.

(6) As such, the offences defined under sections 84 and 85 are knowingly committed by all the aforesaid senior officers and also being heads of their respective departments , therefore sections 87 is also applicable in their cases. Since the Complaints against the aforesaid public servants have been directly lodged by the members of the affected families in police stations of their respective jurisdictions for seeking registration of FIR , therefore all the aforementioned offences are cognizable offences in terms of section 90 of the RFCTLARR ACT.

(7) It may be noted that there is no requirement for seeking "previous sanction" for prosecution of erring officers under section 197 CrPC from the competent authority in respect of offences committed under the RFCTLARR Act.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

104

- (8) Despite no requirement of previous sanction for prosecution relating to offences coming under the provisions of the RFCTLARR Act , such grant of previous sanction for prosecution of public servants under section 197 CrPC is being only sought in compliance of legal or technical terms to remove all doubts, objections and legal hurdles for taking additional precautions in this matter of public interest. In such cases, the offences punishable under the provisions of the RFCTLARR Act does not require any such previous sanction in many states including the State of Rajasthan and Delhi whereas "previous sanction" in State of Haryana and Gujarat is compulsory in terms of the RFCTLARR (Haryana Amendment) Act, 2017 and RFCTLARR Act (Gujarat Amendment) Act, 2016.
- (9) In view of the above facts and circumstances, we hereby request you to grant the previous sanction for prosecution of your subordinate officers at the earliest within reasonable time of one month from the receipt of this representations in your office in respect of all the aforementioned offences for prosecuting them in the courts falling under the territorial jurisdiction of NCT Delhi. It may be noted that if you don't grant previous sanction for prosecution of your officers under section 197 CrPC relating to all the aforementioned offences within 30 days after receipt of this representation , it shall be understood or considered that you have granted "a deemed NOC or previous sanction" for prosecution of the aforementioned public servants. It shall be further understood and considered that you had no objection for their prosecution .
- (10) Under these circumstances and facts, there was no need of seeking previous sanction for prosecution of your erring officer. But as a matter of curtsy, reasonability and legitimacy, we hereby seek your previous sanction for allowing prosecution of your erring officers. Therefore we request you to grant or accord the previous sanction at the earliest.

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Mobile No. 9811083087

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

105

(11) It is further submitted that we are undertaking to furnish any document or information and explanation in this connection, if you so require or desire. Therefore, we hereby request you to grant the previous sanction for their prosecution at the earliest in the interest of public and justice. Further, you are requested to consider the Analysis Report-cum-Complaint dated 17.11.2020 with its all references and annexures in this connection to take a logical decision. There are two categories of offences. One category of offences is falling under the RFCTLARR ACT and other category of offences are related to IPC. We hereby request you to take lawful actions for granting previous sanction for prosecution of your erring or offending officers relating to the offences falling into both categories.

(12) It is further submitted that all the members of the affected families, who are also members of BBBSS, have authorised me jointly and individually to seek this "previous sanction". Therefore you are requested to grant the previous sanction for prosecution of erring officers to each members individually or separately of the affected families. Further, you are also requested to issue a common and open "previous sanction" for their prosecution which may be used by any member of BBBSS and affected families to prosecute your public servants in a appropriate competent court of law in India. If you take a principal decision to grant previous sanction for prosecution of your all aforementioned officers, the list of individual applicants/ members of the affected families to seek separate "previous sanction" shall be submitted to you immediately in this connection if you so desire and require. As such, our representation may be considered both as an individual application or a collective or joint application of the members of the affected families in this connection.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

106

- (13) The section 3G(2) of NH Act, relating to an additional payment to the land losers for being it a linear project, was not made applicable to pay this additional amount to the affected families as the right of user or any right in the nature of an easement was adversely affected for managing their remaining land (parted land in small pieces) on both sides of proposed NH.
- (14) In view of the above, the CALAs and DCs have disobeyed the law and direction of the MoRTH and NHAI. Both, the ACS (PWD) and ACS (Revenue) during the entire proceedings of land acquisition, are also responsible for disobeying law by not ensuring applicability of statutory provisions and parameters or components in this matter. The both ACS had a duty to monitor the proceedings but they did not take action even after taking note of the matter and such violations. The DC did not conduct SIA study and did not prepare any SIMP and He also did not pass Awards under section 31 for Rehabilitation and Resettlement for the affected families and land losers. Further, before taking decision of revising the market value and before passing Awards, they all did not consider our claims, evidences and representations or statutory provisions and entitlements and thereby they did not follow applicable mandatory provisions in letter and spirit at any stage.
- (15) The aforementioned authorities were in connivance with the officers of the MoRTH and NHAI for committing the aforementioned offences or gross irregularities. Further, they committed those offences and gross irregularities only with an intent to cause injury to the land losers. Apart from the above facts, the DCs and CALA are advising the land losers to file the arbitration proceedings to appose the revised awards for enhancement. When the irregularities are committed by the DC who is also appointed Arbitrator, there are no chance of enhancement by the same authorities in

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

107

such matter. It may be noted that the DC had supervised the entire proceedings of land acquisition and therefore he is directly responsible for commission of the above offences. With this view, the DC and both ACS are perusing the land losers to choose arbitration proceedings before them in order to approve the passed wards as correct only to cover up of their irregularities and offences without providing justice by an independent judicial authority or mechanism. Therefore, this matter requires further proceedings by an independent judicial authority or Arbitrator. It is intended to be done to open the channels of litigations and counter litigations to hurry their criminal Conspiracy.

- (16) In view of the above facts and circumstances, you are requested to take all appropriate lawful actions including revision of Awards and to pass Award for Rehabilitation and Resettlement under section 31 and further grant of previous sanction for prosecution of your erring officer at the earliest within 30 days from receipt of this letter as it is a definite matter of public importance for seeking justice. In this connection, we have already submitted a letter dated 13.01.2021 (**Annexure-4**) to the Deputy Commissioner for seeking revision of awards. We again undertake to explain, additional information or any evidence if you so desire or require in this matter for logical decision of this case. Our Analysis Report-cum-Complaint dated 17.11.2020 may be considered as an integral part of this application for seeking previous sanction for prosecution of your erring offices because further details are given therein. If you have any doubt about in compliance of requirement to fill criteria for essential ingredient in commission of aforementioned offences, you may seek details from us accordingly.

With regards.

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

108

Your sincerely

(Ramesh Dalal)

10/10/2017

10/10/2017

P-10
509

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

Dated: 20.01.2021

MOST IMMEDIATE

To

- (1) Sh. Ram Nath Kovind,
The Hon'ble President of India,
Rashtrapati Bhavan, New Delhi.
- (2) Mr. Justice Sharad Arvind Bobde,
The Hon'ble Chief Justice of India,
The Supreme Court, New Delhi.
- (3) Dr. P.K. Mishra,
The Principal Secretary to the Prime Minister,
South Block, New Delhi. (For Hon'ble PM).
- (4) Mr. Justice H.L. Dattu,
The Hon'ble Chairman,
Human Right Commission of India,
New Delhi.
- (5) Sh. V. Umashankar,
The Principal Secretary to the Chief Minister, Haryana,
Chandigarh (For Hon'ble CM Haryana)
- (6) Sh. Ajay Bhalla,
The Secretary to MHA,
North Block, New Delhi (For Hon'ble Home Minister)

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

110

- (7) Sh. Sajeev Ranjan,
The Secretary to the MoRTH,
Transport Bhavan, Delhi.
- (8) Sh. Niranjana Kumar Arya,
The Chief Secretary,
Government of Rajasthan
Jaipur.
- (9) Sh. Anil Mukim,
The Chief Secretary,
Government of Gujarat,
Ahmedabad.
- (10) Sh. Vijay Kumar Dev,
The Chief Secretary,
Government of NCT, Delhi.
- (11) Sh. S.N Shrivastava,
The Commissioner of Delhi Police,
PHQ, New Delhi.

Sub: **Farmer Parliament** (Kisan Sansad) and **Sarv Khap Panchayat** sought Prime Minister's intervention in the matter of land acquisition for NH and rail projects and demanded actions against erring Public Servants including the Minister Sh. Nitin Gadkari. On **Fifth day** of "**Savidhan Satyagraha**", today thousands of farmers and Khap Pardhans extended their support to "**Savidhan Satyagraha Padyatra**" led by Chaudhary Ramesh Dalal. The Farmer Parliament and Sarv Khap Panchayat, which was attended by around 200 Khaps, jointly and unitedly

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(Advocate)

111

created history to represent over 17000 villages of Haryana, Rajasthan, Gujarat, Delhi, Maharastra, MP, UP, Punjab, Bihar and J & K etc in this event . The Farmer Parliament and Sarv Khap Panchayat, which is participated by thousands farmers and Khap Chiefs to support it, further advised the PM to allow Savidhan Satyagraha Padyatra to sit peacefully at Jantar Manter for seeking justice for their genuine demands. Farmer Parliament also requested the PM to resolve the issues of farmers relating to illegal land acquisition and to punish erring public servants including Sh. Nitin Gadkari as they disobeyed law, legislated by Parliament, by not following mandatory provisions for payment of compensation and other benefits including Rehabilitation packages inasmuch as the awards are passed by them by disobeying applicable provisions of "The RFCTLARR Act".

Sir,

(1) **Farmer Parliament** under Presidentship of **Chaudhary Ramesh Dalal**, President, Bharat Bhoomi Bachao Sangharsh Samiti and Sarv Khap Panchayat under Presidentship of Ch. Mahabir Singh Dahiya held today (20.01.2021) jointly at Village Nilothi in Jhajjar District of Haryana. The 'Farmer Parliament' and 'Sarv-Khap Panchayat' was attended by around 200 Khaps and their chiefs namely Ch. Mahabir Singh Dahiya (Pardhan, Dahiya Khap), Ch. Naresh Tikait (Pardhan, Balyan Khap and BKU President), Ch. Bhoop Singh Dalal (Pardhan, Dalal Khap), Ch. Ram Kumar Solanki (representative of Palam 360, Delhi), Ch. Ashok Madina (Mahasachiv, Malik Khap), Ch. Rajender Singh Khatri (360 Sonipat), Sh. Tulsu Grewal (Pardhan, Meham Chaubisi), Sh. Vinod Guliya (Pardhan, Guliya Khap), Sh. Billu Pardhan (Pardhan, Kadyan Khap), Sh. Basau Pardhan (Julana Baraha), Sh. Vinod Modi (Dadri), Rathi Khap, Saroha Khap, Phogat Khap, Nandal Khap, Rana Khap etc. It is important to mention here that Sardar Santok Singh supported the resolution on behalf of the Sikh community. The Farmers and Khap Chiefs

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

112

representing over 17000 villages across the country as aforementioned took following strong decisions by passing unanimous resolution in support of **Savidhan Satyagraha Padyatra**, which is being led by Ch. Ramesh Dalal for marching to Delhi on or before 26.01.2021.

- (A) It is undemocratic attitude of the Central Government for not initiating dialogues by the Ministry of Road Transport and Highways (MoRTH) in connection with the above subject relating to farmer community of Gujarat, Rajasthan, Haryana, Delhi and other States from last two years despite their Huger Strike, demonstrations and staging peaceful Dharna . Such attitude is not only anti-democratic but it is also indicative of Jungle Raj in the MoRTH and NHAI
- (B) In consequence of not initiating dialogues for resolution of their demands, thousands farmers in open session requested the President of India, the PM, the Chief Justice of India and Human Rights Commission and other competent authorities **to grant them collective permission for Euthanasia** as the MoRTH caused calculated loss to the farmers with an intent to ruin their families. They also added that " they can't live and survive further in respectful and dignified manner inasmuch as the atmosphere for anti-farmers, anti-democratic and lawless society have been promoted by some public servants in the country.
- (C) The members of affected families made all efforts to seek justice. But the public servants and competent authorities only initiate dialogues with those forces in the Country who break the law and peace in society to press their demands inasmuch as there is no survival of those sections in the society who believes in

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

113

non-violence or democracy. If we had blocked the Rails or water supply for pressing our demands, the Competent Authorities would have been resolved our issues. Approach of ignoring the peace lovers and democratic agitations in India is only promoting anarchy. Such distinguishing approach in democracy to deal with public agitations is also against Article 14 of the Constitution of India which gives guarantee of equal opportunity. In such circumstances, no way is left before the affected families, as being peaceful and Gandhian believer of society, to live any more and therefore we seek permission for Euthanasia because no lawful actions or democratic dialogues are initiated by the concerned authorities. It is shameful that the Minister for MoRTH does not believe in democracy and Parliament. We don't want to embrace the President of India and the Prime Minister in this connection but our exploitation was so severe by the MoRTH that collective Euthanasia is only way before affected families from land acquisition. We have lost all hopes of our lives because some public servants have negated **Rule of Law, Constitution of India, Parliament and Democracy** and their mala-fide actions have promoted anarchy and lawless society .

(D) The mala-fide actions and gross irregularities which are committed by the erring public servants also attract penal provisions as being cognizable offences under the RFCTLARR Act, 2013. We lodged our police complaints in many states to seek registration of FIR against those erring Public Servants in accordance with law but no lawful action was taken by the police. Consequently, we also sought previous sanction for prosecution of those erring Public Servants under section 197 CrPC but the competent authorities are still sleeping on those files and did not

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

114

grant the previous sections. As such, there is no rule of law in our country.

(E) Chaudhary Ramesh Dalal being president of Bhart Bhumi Bachao Sangharsh Samiti also sought permission of starting Savidhan Satyagraha from 16.01.2021 at Jantar-Manter from Delhi Police and other agencies but the permission was declined and rejected on the ground of Covid-19. When there is no permission for peaceful agitation in democracy, therefore we have only way now to seek permission for Euthanasia in such scenario of Jungle Raj in our country.

(F) To seek the permission for Euthanasia, the thousands farmers shall sit and take **Mon-Vart** under Gandhian Philosophy for two days on 21 and 22 January at Nilothi village and if no action or dialogue shall be initiated by the MoRTH, the farmers shall again start their **Savidhan Satyagraha Padyatra** towards the residence of the PM in Delhi **for seeking Euthanasia**.

(G) It is also sad that one section of the press media also highlights aggressive and violence mode of public agitations across the country. Pre-independence, the media was focusing to raise the issues of non-violence agitations whereas the priority is given to those events by the media and government authorities which help the media for their TRP and thereby no peaceful or Gandhian agitation invite any attention. Such distinguishing and unethical approach may promote lawless society in order to raise public voice or grievances. There are many example since last decade that rail roko or water supply roko or other mode of violence mode of agitations are highlighted by one section of the media. It

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
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115

is hereby advised the press media and the Press Council to take note of it in public and democratic interest.

(2) You all are also requested to bring our issues of **Savidhan Satyagraha** in notice of the PM, concerned ministers, the respective chief ministers and other competent authorities by requesting them to do justice in accordance with prescribed statutory provisions.

(3) Our key demands under Savidhan Satyagraha are as under:

(A) To revise the market value and awards of NH 754K and 148N in entire Rajasthan and Banaskantha district only of Gujarat and also to change alignment from Greenfield to Brownfield between Balotra (Barmer to Sanchoe in Jalore) and further including four adjoining villages of Banaskantha District to brownfield in Gujarat.

(B) To revise the market price and awards of NH 334 relating to only two villages namely Girawar and Chhara in Jhajjar District in Haryana as fraud have been identified in determination of unfair market price by concealment of facts and data.

(C) To revise the market price and awards of NH 152D relating to Charkhi-Dadari and Julana Tehsil of only those affected families who do not believe in arbitration proceedings initiated under the respective Deputy Commissioners. These affected families are agitating since a long time to seek either revision or arbitration through a judicial officer instead of DC. We can provide their list under this category. Other section of affected families has already

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

116

undertaken arbitration proceeding before Arbitrator (Deputy Commissioner).

(D) To revise the market price and awards in entire Haryana for NH project namely Delhi-Amritsar-Katra Expressway.

(E) To revise market price and awards of NH 344M relating to four villages namely Ranikhera, Rasulpur, Madanpur and Majari(Karala) in NCT Delhi.

(F) To determine the proper market price before initiating further land acquisition for Haryana Orbit Rail, wherever it is lower, as the land has been intended to be acquired under Railway Act by the Ministry of Railways.

(G) To stall statues and develop three memorial of pre-independence Hero of this area on larger corners of NH 152D and Delhi-Amritsar-Katra Expressway by expenses of NHAI.

(H) To pay an additional amount of compensation for not conducting SIA Study in all aforesaid projects and pay amount of compensation in accordance with all applicable components in this connection.

(I) To grant previous sanction under section 197 CrPC for prosecution of erring public servants including the Minister for MoRTH as they intentionally committed criminal offences under a larger conspiracy to cause calculated loss and injury to the affected families from land acquisition.

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

117

(J) To refer the matter to CAG for proper Audit of all NH projects undertaken during the tenure of Sh. Notin Gadkari to seek appropriate suggestions for action taken in connection with selection of projects, fixation of alignment and also selection of private contractors under EPC mode by bifurcation of projects in small pieces inasmuch as the MoRTH and NHAI did not comply with guidelines of Ministry of Expenditure and they further did not take approval from CCEA and other competent authorities before awarding the tenders and thereby they misused public funds to cause gains to some road contractors.

(K) Request to grant permission for Euthanasia as aforementioned if no lawful action or dialogue is initiated in democratic manner.

(4) This letter is being submitted to all the aforementioned Constitutional Authorities by the author on behalf of the members of affected families who have authorised Sh. Ramesh Dalal to write the same in open joint session of Farmer Parliament and Sarv Khap Panchayat on 20.01.2021.

With respect.

Yours sincerely



(Ramesh Dalal)

P-11
BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

118

Dated: 25.01.2021

MOST IMMEDIATE

To

- (1) Sh. Ram Nath Kovind,
The Hon'ble President of India,
Rashtrapati Bhavan, New Delhi.
- (2) Mr. Justice Sharad Arvind Bobde,
The Hon'ble Chief Justice of India,
The Supreme Court, New Delhi.
- (3) Dr. P.K. Mishra,
The Principal Secretary to the Prime Minister,
South Block, New Delhi. (For Hon'ble PM).
- (4) Mr. Justice H.L. Dattu,
The Hon'ble Chairman,
Human Right Commission of India,
New Delhi.
- (5) Sh. V. Umashankar,
The Principal Secretary to the Chief Minister, Haryana,
Chandigarh (For Hon'ble CM Haryana)
- (6) Sh. Ajay Bhalla,
The Secretary to MHA,
North Block, New Delhi (For Hon'ble Home Minister)

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,

(Advocate)

119

- (7) Sh. Sajeev Ranjan,
The Secretary to the MoRTH,
Transport Bhavan, Delhi.
- (8) Sh. Niranjan Kumar Arya,
The Chief Secretary,
Government of Rajasthan
Jaipur.
- (9) Sh. Anil Mukim,
The Chief Secretary,
Government of Gujarat,
Ahmedabad.
- (10) Sh. Vijay Kumar Dev,
The Chief Secretary,
Government of NCT, Delhi.
- (11) Sh. S.N Shrivastava,
The Commissioner of Delhi Police,
PHQ, New Delhi.

Subject: Brief Facts of "Savidhan Satyagraha Andolan at Village Nilothi In District Jhajjar, Haryana in continuity of our letter dated 24.01.2021.

Sir,

- (1) On 11th day of "Savidhan Satyagraha Andolan", the women with thousands of farmers took **symbolic Bhumi-Samadhi today (25.01 2021)** under leadership of Chaudhary Ramesh Dalal, the President Bharat Bhoomi

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

120

Bachao Sangharsh Samiti (**BBSS**), for seeking permission for Euthanasia by urging all the Competent Authorities to grant them **permission for Euthanasia** blaming some public servants and the Minister for Road Transport and Highways (the MoRTH) for promoting lawless society (Jungle Raj) in connection with land acquisition for NH projects. Since the MoRTH and NHA disobeyed law violating mandatory provisions of the RFCTLARR Act,2013 in determination of market value and fixation of compensation relating to land acquisition for NH projects in Gujarat, Rajasthan, Haryana and NCT Delhi between year 2018 and 2020, therefore the members of affected families are seeking revisions of awards in accordance with application of mandatory provisions. The contravention of statutory provisions of the RFCTLARR Act comes under the ambit of criminal cognizable offences and those offences are punishable with sentence from 6 months to 3 years under penal provisions of the RFCTLARR Act. Therefore , the land losers are also seeking previous sanction from the competent authorities for prosecution of erring Public Servants in this connection under section 197 CrPC. This group of farming community representing affected families from Four States had started Savidhan Satyagraha Andolan Padyatra from 15.01.2021 by seeking permission from Delhi Police but the Police had rejected and declined the permission on the ground of Covid-19. On refusal the permission from Delhi Police and by not initiating dialogues with them by the MoRTH, this group of farming community started Savidhan Satyagraha Andolan Padyatra to seek justice and equal opportunity of being heard through dialogue for resolution of their genuine problems.

- (2) The old farmers of affected families had taken symbolic Bhumi-Samadhi yesterday **urging the Prime Minister to save their family by his intervention. The anguish and resentment is growing in peace loving farmers and believers of Gandhian Philosophy across the country against**

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

121

discriminatory approach adopted by the law enforcing agencies and the Government in dealing with two different farmers agitations in NCR. The farmers belonging to Savidhan Satyagraha appreciated decision of Delhi Police and the Government to allow "Tractor Prade" on "Republic Day" to enter and pass through the roads of NCT Delhi. But the farmers belonging to "Savidhan Styaygraha" had also criticized discriminatory treatment given to them by Delhi Police and Government by not allowing "Savidhan Satyagraha Padyatra" to enter into Delhi for celebrating "Republic Day" on similar line of **Tractor Prade**. Two different kinds of treatments of dealing with two separate farmers agitations are given by the Delhi Police and the Government whereas both agitations of farming community are going on at the same time in same area of NCR on different issues relating to farming community. Delhi Police allowed the **Tractor Prade** of one agitation of farming community to enter into Delhi to celebrate Republic Day whereas Delhi Police did not allow **Savidhan Satyagraha Andolan Padyatra** led by Chaudhary Ramesh Dalal, the President of BBBSS of farming community. **to enter into Delhi for the purpose of celebrating Republic Day on the same line as an equal opportunity. Therefore, approach adopted by the Government and Delhi Police is discriminatory, undemocratic and unconstitutional in the eyes of law.** The leader of Savidhan Satyagraha Andolan, Chaudhary Ramesh Dalal told that such discriminatory approach adopted by the government shall promote aggressive modes of public agitations by demoralising peaceful and Gandhian agitations across the country in coming years. It was a good and balanced decision to allow farmer's "Tractor Prade" but ignoring and not allowing a simultaneous Savidhan Satyagraha Padyatra to enter into Delhi to celebrate Republic day is a serious attempt of disobeying their Fundamental Rights, which were guaranteed under Constitution of India. It is shameful and sad that Article 14 (Right to Equality before law), Article 19 "Right to Freedom" (a to d of Article 19) and Article 21(Protection of Life

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

122

and Personal Liberty) have been completely ignored by adopting such discriminatory treatment with two different agitations of farming community which are continuing simultaneously. One agitation is continuing at Tikri and Singhu Borders for seeking repealing of three legislations whereas other agitation of farming community, which is led by BBBS, is continuing at village Nilothi in NCR Haryana in close proximity of Tikri and Singhu Borders, for seeking proper application of statutory provisions enacted by Parliament. **Savidhan Satyagraha Andolan Padyatra** was started by thousands farmers of Gujarat, Rajasthan, Haryana and Delhi under the banner of Bharat Bhoomi Bachao Sangharsh Samiti led by Chaudhary Ramesh Dalal from village Hamayunpur in Rohtak since 15.01.2021 to reach Delhi. But permission for entering Savidhan Satyagraha Padyatra in NCT Delhi was rejected by Delhi Police, therefore this Gandhian agitation started Dharna in Village Nilothi near both borders of Delhi in NCR of Haryana .

- (3) The members of the affected families have tired from their life as their family have been humiliated, exploited and ruined badly on account of forcible land acquisition and denial of equal opportunity and treatment in their matter . They had come with their family from their respective states hoping for justice from the Prime Minister and other competent authorities. The women group of the affected families is also participating by motivating all Styagarahi and children by singing motivational and patriotism songs in this agitation . The **children of affected families, women** and the farmers, all are angry and stunned as why the Minister for Road Transport and Highways did not respect constitutional law " Right to Equality" in dealing with public agitations and concerns by initiating dialogues . Giving example, Chaudhary Ramesh Dalal invited the attention of all Constitutional Authorities towards discriminatory approach adopted by the central Road and Transport Minister. He said that the Agriculture

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,

(Advocate)

123

Minister have held 11th meetings with farm leaders for finding out solution relating to three agriculture legislations whereas the Transport Minister did not hold a single meeting for resolving genuine problems of affected farmers from land acquisition. With these reasons, **Farmers** are taking symbolic **Bhumi-Samadhi during the day time** for seeking justice or permission for Euthanasia by giving a strong message against discriminatory approach of the central government.

- (4) **One handicap affected farmer namely Jetha Ram from Bikaner, Rajasthan, who is completely unable to walk, had also taken symbolic Bhumi-Samadhi on 22.01.2021 and had urged the President of India, the Chief Justice of India and the Chairman of Human Rights Commission to grant permission for Euthanasia for his entire family.** Handicapped Jetha Ram had said that the God had not given him proper parts of human body for living smooth and normal life at the time of his birth but his Agriculture land was only a God Gift, lifeline and hope for him and his family to survive and live in dignified manner. He also said that the National Highway Authority of India with active support of local administration had acquired his land in an illegal manner and the Ministry for Road Transport did not pay proper compensation and rehabilitation package to them in accordance with law. When the Minister and his erring officers will not pay respect to the Constitution of India and the Parliament, which had legislated beneficial provisions for land losers, there is no need and desire by them to live their life any more in such unhuman and undemocratic approach adopted by the transport minister. Therefore, he and his family seeks permission for Euthanasia. Jetha Ram had further said yesterday that earlier he was not able to walk but he had an agricultural land to feed his family but now livelihood of his family have also been taken away by the Transport Minister by not following mandatory beneficial provisions, those were



BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

12M

legislated by the holy Parliament and those beneficial provisions were also assented by the President of India.

(5) In this connection, over 200 Khap panchayats and Farmer Parliament on 20.01.2021, both jointly representing over 17000 villages of the country, had also extended their support to "Savidhan Satyagraha Andolan" led by Chaudhary Ramesh Dalal and they had also requested the PM to resolve the issues of farmers relating to illegal land acquisition and payment of improper compensation under NH projects (NH 754K, 334B, 344M, 152D, 148N and Delhi-Amritsar-Katra Expressway). The Sarv Khap Panchayat and Farmer Parliament both jointly had also requested the concerned authorities to punish those erring public servants including the central Minister for the Road Transport and Highways, who intentionally disobeyed law by not following mandatory provisions relating to payment of compensation and other applicable benefits including Rehabilitation packages inasmuch as the awards were passed by them in contravention of statutory provisions of "The RFCTLARR Act, 2013".

(6) In view of the above facts and circumstances, all the aforementioned Constitutional Authorities are requested to take appropriate actions in the interest of justice in case of public importance.

With respect.

Yours sincerely,



(Ramesh Dalal)

12/01/2021

BHARAT BHOOMI BACHAO SANGARSH SAMITI**Ramesh Dalal**President,
(Advocate)

125

Dated: 27.01.2021

MOST IMMEDIATE

To

- (1) Sh. Ram Nath Kovind,
The Hon'ble President of India,
Rashtrapati Bhavan, New Delhi.
- (2) Mr. Justice Sharad Arvind Bobde,
The Hon'ble Chief Justice of India,
The Supreme Court, New Delhi.
- (3) Dr. P.K. Mishra,
The Principal Secretary to the Prime Minister,
South Block, New Delhi. (For Hon'ble PM).
- (4) Mr. Justice H.L. Dattu,
The Hon'ble Chairman,
Human Right Commission of India,
New Delhi.
- (5) Sh. V. Umashankar,
The Principal Secretary to the Chief Minister, Haryana,
Chandigarh (For Hon'ble CM Haryana)
- (6) Sh. Ajay Bhalla,
The Secretary to MHA,
North Block, New Delhi (For Hon'ble Home Minister)

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

126

- (7) Sh. Sajeev Ranjan,
The Secretary to the MoRTH,
Transport Bhavan, Delhi.
- (8) Sh. Niranjan Kumar Arya,
The Chief Secretary,
Government of Rajasthan
Jaipur.
- (9) Sh. Anil Mukim,
The Chief Secretary,
Government of Gujarat,
Ahmedabad.
- (10) Sh. Vijay Kumar Dev,
The Chief Secretary,
Government of NCT, Delhi.
- (11) Sh. S.N Shrivastava,
The Commissioner of Delhi Police,
PHQ, New Delhi.

Subject: Request submitted by by "Savidhan Satyagraha Andolan of Farming Community at Village Nilothi In District Jhajjar, Haryana in continuity of our letter dated 25.01.2021.

Sir,

- (1) On 27.01.2021, 13th day of "Savidhan Satyagraha Andolan", thousands of farmers continuously took further **symbolic Bhumi-Samadhi** under

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

127

leadership of Chaudhary Ramesh Dalal, the President Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS), for seeking permission for Euthanasia from all aforementioned Competent and Constitutional Authorities because the MoRTH did not initiate dialogues for resolving genuine problems of affected families despite all efforts made by farmers in democratic and Gandhian way. Since the MoRTH and NHAI disobeyed law intentionally by violating mandatory provisions of the RFCTLARR Act, 2013 in determination of market value and fixation of compensation relating to land acquisition for NH projects in Gujarat, Rajasthan, Haryana and NCT Delhi between the year 2018 and 2020, therefore the members of affected families are seeking revisions of awards in accordance with application of mandatory provisions. The contravention of statutory provisions of the RFCTLARR Act comes under the ambit of criminal cognizable offences and those offences are punishable with sentence from 6 months to 3 years under penal provisions of the RFCTLARR Act. Therefore, the land losers are also seeking previous sanction under section 197 CrPC from the competent authorities for prosecution of erring Public Servants in this connection.

- (2) **But due to continuous ignorance by UOI, anguish and resentment has grown in the mind of farming community across the country against discriminatory approach adopted by the Government in our case of agitation. Therefore, approach adopted by the Government is discriminatory, undemocratic and unconstitutional in the eyes of law.** Chaudhary Ramesh Dalal further said that such discriminatory approach adopted by the government shall promote aggressive modes to be chosen in public agitations by demoralizing peaceful and Gandhian agitations across the country. Avoiding dialogue by a Government in democracy is a serious attempt of disobeying "Fundamental Rights", which are guaranteed under Constitution of India. Therefore, It is sad that Article 14 (Right to Equality before law), Article 19 (a to d) "Right to Freedom" and Article 21

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

128

(Protection of Life and Personal Liberty) have been completely ignored by the Government in our matter.

(3) The farmers says that the Agriculture Minister have held 11th round of meetings with farm leaders for finding out solution relating to three agriculture legislations whereas the Transport Minister did not hold a single meeting for resolving genuine problems of affected farmers from land acquisition. Thus, the Minister for MoRTH is provoking Farmers to adopt un-peaceful and aggressive mode of agitation to press the Government to initiate dialogues. We have apprehensions that the Minister for MoRTH is continuously attempting to instigate the farmers to adopt un-peaceful and undemocratic way of agitations. In view of the above circumstances, I am also unable to stop the agitators from blocking road, water supply and other public services because they feel that Gandhian agitation is not honored by the Government. Giving example, they say that their Savidhan Satyagraha Andolan could not press the Government for initiating dialogues from a long time and therefore, the affected families are being compelled to adopt aggressive mode of agitation.

(4) Due to undemocratic attitude of the minister for ignoring dialogues, I humbly invite attention of all aforementioned competent authorities that the mala-fide actions undertaken by the minister may compel the participants of Savidhan Satyagraha Andolan to adopt aggressive mode of agitations like blocking of road or water supply to Delhi or Gurgaon very soon. In such circumstances, it shall be sole responsibility of the Central and States Governments as they are provoking and instigating the affected families to do so. If it happens, I and our organization shall not be responsible for any loss or public inconvenience or for maintaining law and order. In this connection, I humbly request to all aforementioned authorities to take appropriate actions or to issue direction to the minister

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

129

for MoRTH to hold meetings with us for bringing legitimate solution of the problems of affected families.

- (5) It may be noted that the shameful incident is outcome of approach of the Government and law enforcing agencies as they are promoting anarchy and lawless society by their unlawful actions. With this reasons, they allowed Tractor Prade in Delhi when one section or a few leaders of farm agitations had declared for not following consented route. Therefore, Delhi Police and the Government allowed anti-farmers anti-social elements to spread violence on the pretext of entire farming community.
- (6) Yesterday **26.01.2021**, the **Republic Day** shall be known as a “**shameful day**” as how violence and insult to nation and democracy was promoted by some Farm leaders, some public servants of Delhi Police and the Government. When some farm unions or leaders had denied to carry Tractor Prade on consented route on 25.01.2021, who are known for blocking Railway Tracks, why the permission of Tractor Prade for Republic Day was not granted in a way to put restrictions on tented farm leaders not to participate in Tractor Prade or to cancel permission unless they undertake to follow route.
- (7) Before blocking Delhi Borders, the farm leaders of Punjab had blocked railway tracks for a long time but no dialogues was initiated by the Central Government to hear them. Resultantly, they reached Delhi and blocked all borders and National Highways to press their demands. Therefore, the central government is also responsible to avoid the voice of farming community between the periods of validity of three ordinances. After noting agitation of farming community soon after promulgation of three ordinances, it was improper way in democracy to pass the bill for replacing



BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

130

ordinances without reaching on consensus or obtaining support or consent from farming community.

(8) Similarly, some farmer unions had also blocked national highways in Haryana many times but the Government of Haryana was promoting to invite only those aggressive farm leaders by avoiding peaceful and Gandhian farm organizations including BBBSS and its president Ramesh Dalal in this connection. But it does not mean that Indian farming community is aggressive because entire Farming Community across the country are peaceful and Gandhian. But what happened yesterday on Republic Day was a planned scene and script which was created and written by so called a few Farm Leaders in advance, those believe in creating hindrances and violence. Apart from it, yesterday seen was promoted by the Delhi Police to allow their Tractor Parade in Delhi on Republic Day and to disallow Savidhan Satyagraha Padyatra of peaceful and Gandhian Group of Farming Community. It may be noted that the BBBSS have its roots in many states and over lakhs families but the BBBSS president always restricts and fix limit of gatherings below 5000 only in the interest of maintaining peace and harmony during agitation in order to support law enforcing agencies for maintenance of law and order in public interest.

(9) In connection of public agitations, there must be a proper national policy to avoid violence and also to provide proper opportunity to be heard for legitimate resolution of genuine demands relating to public concerns within time schedule mechanism. If a national policy for balance mechanism to bound both public servants and agitating leaders for dealing with public concerns shall not framed, apprehensions of violence and unrest can not be avoided. Therefore, it shall be in the interest of peace, harmony,

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

131

democracy and public to frame a national policy in connection with public agitations and concerns.

(10) In view of the above facts and circumstances, we hereby request to the Central Government to make a national policy concerning public agitations. It may be noted that not providing opportunity to affected groups and ignoring resolution to genuine demands in democracy by the concerned authorities are the cause root of unrest and promoting violence. From decades, the competent authorities don't pay attention and care to peaceful Gandhian agitation and thereby such approach of the public servants have caused to demoralize peaceful democratic agitations and thereby such approach of competent authorities have promoted a line of aggressive mode of Agitations in the nation of Mahatma Gandhi after attaining independence.

(11) Further, we request the Central Government to appoint a Commission of inquiry with three members in probe panel from retired judges of Supreme Court Judges in this connection on following term of reference:

(A) Whether some Farm leaders or Unions or public servants relating to States and Central Government or leaders of Political Parties or foreign powers are responsible for planned violence to create seen of shame on Republic Day?.

(B) What should be mechanism to resolve public agitations by dialogues within fixed time schedule by the Competent Authorities of Government if a group or organization raises genuine issues of public



BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

132

importance for seeking resolution of grievances in republic democracy?.

(C) Any other issue to strengthen democracy and peaceful way of public agitations to avoid reasons for inviting unrest and anarchy?.

(12) It is clarified that we also support the demands of Farming Community in connection with three arbitrary legislations relating to agriculture sector. No doubt that current farmer agitation is lawful but approach adopted by both, by some Farm Leaders and the Public servants or competent authorities was undemocratic, unconstitutional and unhuman. We also support legitimate demands of agitating farming community. We also pay respect to Sikh community for their sacrifice since centuries and therefore blaming to Sikh community for yesterday violence shall further hurt their sentiments because it is handiwork of anti-farmers, anti-democratic, anti-national and anti-social elements only to defame farming community in a planned manner. Therefore, conspirators are a few who had ill intention to destabilize Indian democracy and economy which is shrouded in a larger conspiracy with involvement of foreign and anti-India forces. With a view to unfold larger criminal conspiracy, we request the Central Government to appoint a three members probe panel to unmask the real conspirators. We are raising this issue being a Farmer Organization because it appears that larger conspiracy was also hatched to defame entire Farming Community in India including us. The farming community was leading farm agitation peacefully but some anti-social elements penetrated into the agitation to create violence for registration of shameful day in republican history of India. Today on 27.01.2021, we have also included this demand of seeking proper probe and a national policy for



BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

133

Public Agitation by adopting resolution in open session of Savidhan Satyagraha Andolan at village Nilothi in Jhajjar, Haryana.

- (13) In view of the aforementioned facts and circumstances, it would be just and proper to hold meetings with us by the minister for MoRTH and other competent authorities to resolve genuine problems of affected families. Otherwise, we shall not be responsible for any unrest if the affected families blocks public utility on the ground of not initiating dialogues with them immediately. If the Farmers block National Highways or water supply or other public services to press the Government for seeking dialogues and legitimate solution on table, the minister and other concerned public servants shall be responsible for such incidents and public loss. If the MoRTH and other authority don't initiate dialogues within next two days, the possibility of blocking public service can't be ruled out as the anguish and resentment is increasing day by day due to undemocratic attitude of the concerned authorities. In such case, I can also not make distance from such aggressive agitation in order to take appropriate steps to mitigate aggressiveness to prevent violence or danger to human life. But I and our organization can't pacify them from blocking public utility or service to seek dialogues and resolution of their genuine problems. As I have already managed peaceful Gandhian agitation from 15.01.2021 but it can go out of my and our control If blocking of public service is undertaken by affected families on account of undemocratic attitude of the Government or concerned public servants on ground of avoiding meetings by the MoRTH with them from last two years. Such officers and Minister for MoRTH and the Chief Minister of Haryana shall be fully responsible and accountable in this connection. Therefore, I am informing all aforementioned authorities timely to take appropriate actions to ensure peaceful resolution of their problems in democratic manner to avoid public inconvenience.

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

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(Advocate)

134

- (14) It is submitted that this letter is being submitted with consent of all the members of affected families in Savidhan Satyagraha Andolan , which is obtained verbally vide resolution in open session today.

With respect.

Yours sincerely,



(Ramesh Dalal)

BHARAT BHOOMI BACHAO SANGARSH SAMITI**Ramesh Dalal**President,
(Advocate)

135

Dated: 27.01.2021

MOST IMMEDIATE

To,

The Financial Commissioner & Additional Chief Secretary,

Revenue and & Disaster Management , Government of Haryana,

Chandigarh.

Sub: Objections on lower determination of market value or improper fixation of Collector Rates for the purpose of stamp duty for sale and purchase of agriculture property in Haryana. Reference of your Memo.No.2796-STR-1-2020/8050 dated 10.11.2020 (Methodology regarding fixing of collector rates) and Memo No.2796-STR-2020/8853 dated 11.12.2020 (Procedure regarding fixing of Collector Rates)

Sir,

- (1) It is humbly submitted that market value under Indian Stamp Act had been fixed lower than prevailing market value of agriculture property since 2008 or before. Therefore, it caused heavy loss to public revenues and thereby it further caused heavy loss to the members of affected families from land acquisition. No proper or substantial mechanism was developed by the State Government in this connection. The collector rates in this connection were or are being fixed on the basis of executive decision under a pick and choose policy in arbitrary and discriminatory manner. Therefore determination of market value either on the basis of Collector rates or on the basis of sale deeds based under the provision of section 26 of the RFCTLARR Act is a mala-fide action undertaken by the land acquisition authorities or Collectors in this connection from a long time. Those mala-



BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

136

vide actions are root cause of dispute between the land losers and Competent Authorities or the State Government in this connection.

- (2) The land had been recently acquired by the NHAI for Delhi-Amritsar-Katra Expressway in Haryana in the year 2020 without updating and revising market value and therefore you and your all concerned Collectors have committed gross irregularities either to carry forward improper collector rates of previous years or to fix collector rates for the year 2020 in this connection in arbitrary and discriminatory manner without adopting any scientific or substantial methodology and further, no transparent or fair mechanism was developed and adopted.
- (3) Your aforementioned letter dated 10.11.2020 itself suggests that method adopted for fixing rate is unwarranted, illegal and devoid of any lawful criteria, merit or logic and substance. Therefore, the aforesaid Guidelines contains un-based, unlawful methodology and criteria, which was issued in arbitrary and discriminatory manner contravening statutory provisions in this connection. As such, fixation of such collector rates shall not be qualified and proper to achieve the set object of fixing Collector Rates for the purpose of public revenues. Further, Collector rates are primarily fixed for the purpose of revenue collection for receiving stamp duty and therefore, it does not have any nexus with determination of market price of land under provisions of section 26 of the RFCTLARR Act
- (4) With these reasons, we request you to fix Collector Rates in nexus with the provisions of the RFCTLARR Act and the Railway Act, 1989 of those villages of Jhajjar District, for which the land is intended to be acquired vide notifications dated???? issued by the Ministry of Railways or where the land had been already acquired for NH projects between the year 2018 and 2020 in Haryana. But we have no objection in fixation of collector rates

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BHARAT BHOOMI BACHAO SANGARSH SAMITI

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President,
(Advocate)

137

of other villages of Haryana where no proceeding for land acquisitions is or was initiated between the year 2017 and 2021. It is further requested to fix the collector rate as afresh from retrospective calculation of prevailing market price at the time of that year when the land was acquired between the year 2018-2020 for NH projects or it is being acquired in the year 2021 for rail projects or any other infrastructure projects in Haryana. Fixation of accurate market price for current year 2021 with retrospective calculation or application is necessary and warranted for collecting proper public revenues on account of stamp duty because the market price under Indian Stamp Act were also fixed in very casual manner in past in Haryana.

(5) It is further submitted that price index issued by UOI is always go or fixed in higher side than previous year. Apart from it, the Hon'ble Supreme Court has also held in case titled " ??? " that 12 per cent hike or higher market price per annum shall be added in determination of the present market price for fair compensation of land acquisition by adding in identified base year from where the market price of land was not increased or enhanced. For instance, the Gujarat High Court also applied the price index formula of the central government for determination of market rate in land acquisition case of railway project of bullet train. Therefore, it shall be just and proper to fix the true market price of the acquired or to be acquired land by applying inter-alia this approved method of the High Court and the Supreme Court.

(6) It may be noted that in view of the aforesaid circumstances and gross irregularities, we along with members of affected families from land acquisition are seeking revision of the awards passed by NHAI between 2018 and 2020 by starting Savidhan Satyagraha Andolan in this connection from 15.01.2021 under my leadership. It may be recalled that we had also submitted our Analysis Report-cum-Complaint dated 16.06.2020 and

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President,
(Advocate)

138

17.11.2020 to Chief Secretary to the Government of Haryana and that have not been decided by passing any speaking order in this connection till date.

(7) It is further submitted that we did not lodge our objections under protest for non-cooperation in response to your memo dated 10.11.2020 because your aforementioned guidelines neither allow any lawful or substantial criteria for fixing collector rates nor allow application of any other criteria except to examine registrations done over the past 12 months. Therefore, it is highly objectionable that you are fixing collector rates by constituting a committee at each tehsil/sub tehsil of your subordinate employees inasmuch as you did not include any interested or concerned person or affected person from land acquisition. You did not also include any other independent body or person who have such knowledge. Therefore, the principle of natural justice is not being followed in fixation of collector rates. Further, no wide spread media publicity for public awareness was undertaken by you or respective Deputy Commissioners or Nodal Officers. On record, your department had sought public objections on proposed Collector Rates till 15 January, 2021 but misinformation campaign was carried out in public domain that the date for receiving objections from public was fixed till 31.01.2021. Your portal is not properly operational and it is also faulty. When some interested persons submitted their written objections in office of their respective Deputy Commissioners, no receipt was provided to those objectors. So, it is just mala-fide action for covering up your conspiracy to keep lower Collector Rates to cause wrongful gains to land mafia for evading proper stamp duty and to invite investment or transaction of unaccounted money in sale and purchase of land.

(8) As such, you created confusion in this connection about last date of receiving objections till 31.01.2021 and therefore the desirous objectors

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Ramesh Dalal

President,
(Advocate)

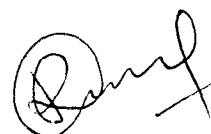
139

could not lodge objections earlier till 15.01.2021. Thereafter, they could not lodge objections till 26.01.2021 as your portal was not receiving objections. The desirous persons were thinking to upload their objections on your portal after 26.01.2021 because farming community was participating in farmer agitations at large scale. With this reason, the time schedule for initiating proceedings from 15.12.2020 to 15.01.2021 was given by you with an ill intent to avoid public objections with an hidden agenda to cause wrongful gains to land mafia by fixing lower Collector Rates for evading Stamp Duty to cause calculated loss to public funds. It appears that you and concerned Collectors want to fix Collector Rates in collusion with land mafia to determine lower collector rates than prevailing market price of land.

(9) If you introduce proper methodology afresh on ground of aforementioned irregularities, poor and faulty mechanism that does not contains legitimate and purposeful criteria, we undertake to co-operate in this connection for fixation of proper Collector Rates. If you take appropriate actions in this connection in public interest to invite objections after introducing purposeful criteria and mechanism, it shall add many fold revenue in public funds from collection of stamp duty for development of Haryana inasmuch as evasion of Stamp Duty by land mafia and black money holder is at large scale in Haryana due to nexus between public servants and land mafia.

(10) In this connection, I can provide vital evidences to substantiate the issue of evading stamp duty with active involvement of public servants. There are instances that agreements to sell were for higher amount between 3 lakhs to 5 lakhs per acre in villages such as Jakhaudha, Mandothi and Asaudha in tehsil Bahadurgarh in District Jhajjar but the sale deeds were executed at collector rate about 25 lakh to 40 lakhs. Your subordinate employees and Collector of Jhajjar had definite knowledge of it but they are silent due to their involvement in big scam of stamp envision with land

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(Advocate)

140

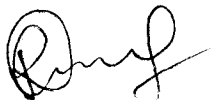
mafia. I undertake to submit evidence in this connection if you so desire to seek the same. But, we don't want any action against land owners.

(11) The parallel economy based on black money is harmful for destabilizing Indian economy . The Revenue Authorities at tehsil and district level knew about it that prevailing market price is many fold higher than Collector Rates but they avoid it with an intent to cause calculated loss to public funds because they also receive their share by unlawful means from land mafia in such transaction.

(12) In view of the above facts and circumstances, you are requested to hold the fixation proceedings of Collector Rates unless you introduce proper methodology and criteria for fixing the same in free and fair manner. If you don't take appropriate actions in this connection, it shall be considered that you will fix Collector Rates as pre determined by you and Committee Members of your department in collusion with land mafia under a nefarious design of causing calculated loss to the public funds or the members of the affected families from land acquisition and thereby you want to cause wrongful gains to land mafia in furtherance of aforesaid conspiracy.

Thanking you,

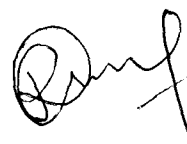
Yours sincerely,



(Ramesh Dalal)

TRUE COPY

NO. 10/11/11



BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

141
Dated: 01.02.2021

MOST IMMEDIATE

To

- (1) Sh. Ram Nath Kovind,
The Hon'ble President of India,
Rashtrapati Bhavan, New Delhi.
- (2) Mr. Justice Sharad Arvind Bobde,
The Hon'ble Chief Justice of India,
The Supreme Court, New Delhi.
- (3) Dr. P.K. Mishra,
The Principal Secretary to the Prime Minister,
South Block, New Delhi. (For Hon'ble PM).
- (4) Mr. Justice H.L. Dattu,
The Hon'ble Chairman,
Human Right Commission of India,
New Delhi.
- (5) Sh. V. Umashankar,
The Principal Secretary to the Chief Minister, Haryana,
Chandigarh (For Hon'ble CM Haryana)
- (6) Sh. Ajay Bhalla,
The Secretary to MHA,
North Block, New Delhi (For Hon'ble Home Minister)

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

142

- (7) Sh. Sajeev Ranjan,
The Secretary to the MoRTH,
Transport Bhavan, Delhi.
- (8) Sh. Niranjan Kumar Arya,
The Chief Secretary,
Government of Rajasthan
Jaipur.
- (9) Sh. Anil Mukim,
The Chief Secretary,
Government of Gujarat,
Ahmedabad.
- (10) Sh. Vijay Kumar Dev,
The Chief Secretary,
Government of NCT, Delhi.
- (11) Sh. S.N Shrivastava,
The Commissioner of Delhi Police,
PHQ, New Delhi.

Subject: Humble Request to seek intervention of the Prime Minister and all other Constitutional and Competent Authorities for constituting a High Power Committee under chairmanship of a retired judge of the Supreme Court to report on all issues of irregularities, which are alleged to be committed by some Public Servants, by contravening statutory provisions. This unanimous request is made by the unprivileged section of Farming Community representing from Gujarat, Rajasthan, Haryana and Delhi under "Savidhan Satyagraha Andolan

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

143

being staged at Village Nilothi in District Jhajjar, Haryana in continuity of their letter dated 31.01.2021 either for seeking justice related to land acquisition **within constitutional Parameters or grant permission for Euthanasia** if the Constitutional Authorities fails to enforce rule of law. After taking symbolic Bhumi-Samadhi, the affected families had **unanimously resolved to undertake Jal-Samadhi Satyagrah** as a part of Savidhan Satyagraha Andolan in next week inasmuch as no dialogue has been initiated with them by the Governments.

Sir,

- (1) On 01.01.2021, 18th day of "**Savidhan Satyagraha Andolan**" initiated by *Bharat Bhoomi Bachao Sangharsh Samiti (BBBSS)* under leadership of Chaudhary Ramesh Dalal, **thousands of farmers**, who took **symbolic Bhumi-Samadhi for many days** and thereafter **announced to take Jal-Samadhi- cum-indefinite fast from next week** either for Seeking Justice within Constitutional Parameters or otherwise for seeking permission of Enthusiasm on account of not following mandatory statutory provisions of the RFCTLARR Act, 2013 by the Central Ministry of Road Transport and Highways (the MoRTH) and National Highway Authority (NHAI), **sought intervention of the aforementioned Constitutional and Competent Authorities for seeking dialogue with BBBSS immediately by the Governments to resolve issues raised by them under Savidhan Satyagraha Andolan. The farmers also sought intervention of the aforesaid authorities for seeking application of democratic values and compliance of statutory entitlements and provisions legislated by Parliament for benefits of affected families in connection with land acquisition.**
- (2) It may be recalled that the PM delivered a message 29/30.01.2021 to invite agitating farming community for dialogues with his Government for peaceful resolution relating to three controversial legislations of agriculture sector whereas no attention have been so far given by the PM,

BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

144

despite all efforts made by the BBBSS in this connection from a long time, for resolution of issues relating to land acquisition which are being raised continuously by unprivileged section of farming community under Savidhan Satyagraha Andolan. It is sad that the PM and other Authorities did not take any action to initiate dialogues with BBBSS for resolution of their genuine problems relating to land acquisition.

(3) In view of aforesaid recent developments, the farmers again urge the PM that it was a discriminatory treatment with Gandhian agitation of BBBSS by the Government to ignore their lawful demands and further to ignore for dialogues as no meeting was held. The farmers drew attention of **the President, the PM and the Chief Justice of India** that such discriminatory treatment with unprivileged section of the farming community, who have been adversely affected on account of not compliance of mandatory statutory provisions by the public servants relating to land acquisition for the projects of NHAI and Railways, is not permissible in law and Constitution of India.

(4) For citing another example of giving special treatment is relating to Sh. Anna Hazare but adopting discriminatory treatment with Savidhan Satyagraha Andolan by the Central Government in connection with issues of agriculture sector. It may be recalled that Sh. Anna Hazare had announced to sit on Hunger Strike from 30.01.2021 for seeking implementation on the report of Swaminathan Commission related to agriculture sector. According to news dated 29.01.2021 released by PTI and published in The Times of India, the facts of statement in this connection are reproduced herein below:

" Anna Hazare announces indefinite fast, calls it off hours later

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Delhi Office: B-805, Dhauladhar Apartments, Plot No. 15, Sector 5, Dwarka, New Delhi - 75
Mobile No. 9811083087

● BHARAT BHOOMI BACHAO SANGARSH SAMITI

Ramesh Dalal

President,
(Advocate)

145

PTI Jan 29, 2021, 08.35 PM IST

NEW DELHI: Social activist Anna Hazare on Friday said he won't be proceeding with the indefinite fast against the new farm laws and claimed that the Central Government has agreed to some of his demands. Union minister of state for agriculture Kailash Chaudhary and BJP leader and former Maharashtra chief minister Devendra Fadnis met Hazare during the day. A high-level committee, with some members nominated by Hazare, will consider his demands and submit a report in six months, said Chaudhary. In a statement earlier in the day, Hazare (84) had announced that he will be starting the hunger strike from his village Ralegan Sidhi in Maharashtra on Saturday. In that communication, Hazare had said he had written to the prime minister and union agriculture minister five times on the plight of farmers but to no avail. "The Union Government has agreed to some of my demands and also announced setting up a committee to improve the life of farmers. I have decided to suspend my proposed indefinite fast starting from Saturday".

- (5) The farmers, who are participating in Savidhan Satyagraha Andolan since 15.01.2021, **recalled the PM, the Chief Justice and the President of India** by inviting their attention **towards constitutional mandate and validity of providing equal opportunity and treatment to all citizens without any discrimination before law.** The farmers further recalled them as how the BJP leader and former chief minister of Maharashtra along with the Central State Agriculture Minister went to meet Sh. Hazare at his residence. Therefore, the Central Government and ruling party bend before a citizen by visiting his residence when he alone announced indefinite fast whereas the thousands farmers are also requesting the Central Government on the same line from last two years for seeking justice in their matter of land acquisition by adopting various modes of agitations including indefinite fast.

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(Advocate)

146

(6) As such, it is a discriminatory and unconstitutional approach and treatment adopted by the Government for dealing public concerns raised by different citizens, that too by the members of affected families. Thus, such policy of pick and choose undertaken by the Government to give special treatment and priority to a simple citizen also abridges fundamental rights of other groups or citizens of the country inasmuch arbitrary and discriminatory approach in democratic country is unlawful and unconstitutional.

(7) It is further submitted that aforesaid examples are given in public interest for upholding rule of law and democracy. In our earlier representations to all aforesaid authorities, we had also raised as how 11th rounds of meeting were held by the Government with Sayunkt Kisan Morcha (SKM) on three controversial legislations whereas no such meeting was held by the Government with BBBSS. Indeed we also support all farmer organizations and SKM for raising their voice against three controversial legislations but our way of agitation is different to pay respect to other groups of society also by not creating hindrances for them. Our minor difference of opinion is only relating to mode and style of agitation, but otherwise we also support SKM for its demands.

(8) During our agitation "Savidhan Satyagrah Andolan, the Government of Rajasthan, Haryana, Gujarat, Delhi and Government of India is initiating further proceedings of land acquisition without compliance of statutory provisions and without rectification of those irregularities that are raised by us. It is submitted that Arbitration Proceedings under NH Act are not independent and lawful in our case because a Collector or any other public servant of the respective State Government have been appointed Arbitrator who have been alleged by us for committing offences for

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147

contravening statutory provisions. Therefore, pressing the members of affected families to file their cases for such arbitration proceedings are improper and unjustified. With this reason, we had requested to constitute a high level independent committee to examine and report on this matter of public importance. We always requested them to appoint a High Power Committee under a retired judge of the Supreme Court to report on this matter for justification within a prescribed or minimum time. We may also agree if the matter is aimed to be resolved by making an appointment of a retired judge of the High Court or Supreme Court as an independent arbitrator instead of a public servant. But the appropriate action in this connection shall be only to appoint a high power committee for submitting report on all issues raised by us. In this High Power Committee, the representatives of affected families and BBBSS should also be included for just and fair resolution of grievances .

- (9) It is submitted that if no appropriate actions shall be taken by aforesaid authorities on our issues in connection with land acquisition in accordance with law and Constitution of India, it shall be sole responsibility of the aforesaid Authorities for any future consequence as we shall continue our Indefinite fast, that too on Jal Samadhi in cold water in winter . Under these circumstances, It is just and proper to intervene in this matter of public importance in the interest of justice and it is also appropriate to issue and pass necessary directions. If the aforementioned Constitutional and other competent authorities do not take appropriate actions after taking notice of aforementioned facts, their silence may defeat justice, peace and democracy by promoting lawless society or Jungle Raj in our country on account of further promoting discriminatory treatment. Such discriminatory treatment consequently further suppresses voice of unprivileged section of farming community and it shall also consequently root out civil and constitutional rights of the poor and down trodden

BHARAT BHOOMI BACHAO SANGARSH SAMITI

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148

citizens. Such discriminatory approach and mala fide actions are nugatory to democracy, human life and fundamental rights of peaceful citizens. Therefore, it is hereby humbly requested to all aforesaid authorities to take appropriate actions immediately in the interest of justice to uphold democratic values by ensuring the guarantee of our fundamental rights enshrined in the Constitution of India and also for advancing atmosphere of better human life in larger public interest.

With respect.

Yours sincerely,

(Ramesh Dalal)

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14/11/2018