Memorandum To Shri Narendra Modi ji, Hon'ble Prime Minister, Government of India, South Block, Raisina Hill, New Delhi – 110011.

e-mail: narendramodi1234@gmail.com **,**pmosb@nic.in , nmisra@rediffmail.com , pkmishra.pmo@gov.in, Piyush.goyal@gov.in

Respected Sir,

On behalf of farmers incurring losses due to construction of Transmission Towers and Lines on lands without compensation. Request directions to the concerned for payment of compensation retrospectively from 2003.

1. DEMANDS: -

1. Arrange for payment of compensation denied to 50 lakh farmers an amount of Rs.70,000 crores by Power Grid Corporation of India (PGCIL)and other transmission companies during 2003 to 2017, by violating procedure. Appoint special committees in each District to compile land owner details, assess losses and arrange time bound payment.

2. PGCIL and others transmission companies not following procedures prescribed under works of licensee rules 2006 (Ministry of Power, GOI, G.S.R 217(e) dated 18th April 2006) while carry out works of construction electric supply lines. Rule 3(1)(a) to get consent of the land owner. Nor getting written order from the district magistrate under rule 3 (1) (b) and 3(2). Give directions to follow Rules 2006. Dated oct'2006.(Annex.1)

3. Not paying compensation to land owners for loss of land value (DEMUNISION) for Right of Way (R o W)) under Towers and lines . Non Payment of Compensation to land owner farmers for loss of Crops and damage to sheds, equipment at the time construction of Towers and Lines. To direct Transmission companies to pay compensation with retrospective effect from 2003 from the date passing of Act till 9th May 2017 based on the Supreme Court of India Judgment No 650 dated 18th Mat 2007.

4. Direct Transmission Companies to implement Ministry of Power, No.3/7/2015 dated 15th October 2015 in regard compensation for Right of Way under lines. (Annex:2)

5. Direct Ministry of Power, GOI to adopt 15th October 2015 guide lines to Urban Ares in regard to Right of Way compensation instead preparing new guidelines vide Ministry of Power No.3/42016 Dated.11th August 2016.

6. Direct Revenue officials fixing compensation as per Land Acquision Act 2013 and modifications vide The Gazette of India Extraordinary No.1834 Dated 28th August 2015

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1. How does a 400/ 765 kv Tower and Lines looks on farm land!

Many people have no idea as how Electricity Tower looks?
A monstrous 765 kv Tower stands 50 Feet tall (6 feet Humans) with 4 Legs , weighing 20 tones encroaching 1000 Sq Meter land . Huge concreate foundations 15 Sq feet wide ,with Tons of Cement, gravel and sand to with stand the ugly giant's weight and wind velocity of the lines. The huge Transmission lines vacillating at 45 feet height spreading 200 feet on both sides looks like pre-Historic dinosaurs. Underneath there is continues humming sound. which even animals cannot stand for few minutes. (Annex.3.)

2. What are the restriction imposed under lines and if so by whom?

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The Electricity Act prohibits construction of permeant structure of House, go down, school , factory poultry shed are allowed under Neath. No plantation of mango, citrus, apple, coconut or ant tree is allowed to be grown. Even sugar cane beyond 10 feet is allowed to be grown . Imagine on two acers land a 50 feet tower with huge wings looks like?

3. How does construction of tower/lines destroys economic security and social status of farmers?

"Will the land come to the rescue of owner for his daughter wedding or sons college fees or wifes medical bill ? No- It has no sale value nor it is accepted for mortgage ". His credit worthiness is lost permanently . Can the disfigured land ever restores the farmers overnight eroded economic and social statue as a property owner ? "NEVER" Nor for NEXT 100 years!

4. Should it not be described as rape and mutilation of farm land?

How can electricity lines cause such horrendous damage? Their Lord ships justice A.K.Skri anf Justice Bhanumati of Supreme court of India(Case No.10951 of 2016) observed "Electricity transmission is usually laid or crossed over agriculture land where MINIMUM extent of land gets utilized for erecting towers and where agriculture activities are not PREJDICED/ OBSTRCTED in any manner".

Can such work be described as "UTILISED". Perhaps the Judges have not "SEEN A TOWER" nor have seen "FARM LAND"? CALLING IT AS RAPE IS NOT APT DESCRIPTION? A rape is heinous, brutal, causes physical and mental agony of unimaginable proportion. However, there is possibility of recovery and overcoming the agony. But not the damage of Transmission tower and line to land. The TOWER stand like a ugly face with flattened nose, closed eyes and chiseled ears. The lines are permeant visible scares across the land body , similar to TATOOS on the face and body of slaves. Nobody including farmers wants to look at this SKELITON?.

5. Does Electricity Act 2003 has prescribed procedure for construction of towers and lines on farmers lands?

Every Act prescribe Rules, so also ELECTRICITY ACT 2003.The GOI enacted it for efficient management of power generation, transmission and distribution. Electricity Regulatory Commissions at Central and States are constituted. Works of Licensee Rules 2006 are framed to

provide guidelines to the licensees. Transmission Companies are given procedure under rules 3 (1) (a) for construction of towers and drawing lines. The licensee must get consent from the owners. If the land owner refuses consent the licensees are directed to approach District Magistrate under rule 3 (3) to fix the compensation. District Magistrate will fix the compensation after hearing representation of land owner. Under Rules provision for appeal is to regulatory commission to resolve disputes on the quantum of compensation within one month.

XXX- Importance of Following Procedure as Decided by Case Ref: S.C. Ranjit Thakur V/s Union of India AIR 1987 SC 2386 ISSUE. "Importance of following prescribed procedure" The observations made therein are to the effect that the due observance of the prescribed procedure is a guarantee against arbitrary exercise of power. The procedural safe guards should be commensurate with the sweep of the powers. The wider the power the greater the need for restraint in its exercise and correspondingly, more liberal the construction of the procedural safe guards envisaged by the statue.The History of liberty" said Frank Further J. the learned judge "has largely been the history of observance of procedural safeguards".(1942) 318 United States 332.

6. Has the Transmission Companies followed the Rules and procedure for farmers ? If not how did they evade payment of compensation?

NONE of the licensees followed the procedure prescribed in works of Licensee Rules 2006 , for "PRIVATE PROPERTY " (99% owned by farmers) "Rule 3(1)(a) or 3(1)(b) and 3(2), Works of Licensee 3(4) made provision of conferring powers under section 164 on the licensee. The powers of Telegraph Act 1885, section 10 to 18 enables a "TRANSMISSION LICENCEE to ENTER INTO ANY PRIVATE LAND WITH OUT CONSENT OF THE LAND OWNER FOR CONSTRUCTION OF TOWERS AND LINES". Government of India and all the State Governments gave immediate authorization to Transmission companies authority under Telegraph Act 1885 enabling Transmission companies to follow Rules 3 (1)(a)(b) requiring consent from private land owners. Since 2003 none of the Transmission companies made efforts to got consent from the land owners. They did nor care to approach District Magistrate to fix the compensation. This enabled Transmission companies from paying compensation for loss of Land value or loss of crops or loss of structure and Tube wells. Power Grid Corporation of India ltd, during declared net profit of Rs.6289.38 crores and dividend of Rs. 1046.32 during 2014-15. (Annual report 2015-16)During the year it constructed 7000 km Lines for which it has utilized 70,000 acers. The compensation entitlement to land owner farmers was Rs 1400 Crores. (Valued @ Rs.2,00,000/- Per Acers) The actual payment made was 98.16 Crores.(Page 159 Note 2.13. Intangible assets) Power Grid connived to avoided payment of compensation This enabled increase of PGCIL share price in the stock market.

7. **Did Transmission Companies follow Works of Licensee Rules 2006 in regard to Government -Railways, Roads, Water ways?**

   "YES". It gave 15 days advance notice on works in Streets, Railways, tramways under Works of Licensee Rules 4 (1). Under Rule 11. the licensee shall deposit amount for restoration. Rule 13 (1) has provided arbitration facility between Transmission Company and Government institutions. The power of Section 164 Telegraph Authority is not given over Government institutions.

8. **Has the Transmission companies adopted double Standards and showed partiality between Private citizen and Government institutions?**

   "YES". The Works of Licensee Rules 2006 are made applicable for all the licensee for carrying our works. WORKS includes construction of Towers, drawing of lines, across lands of Agriculture, industry, houses, roads, Railways, canals, forests etc. The works includes removal of all obstructions because A TOWER occupies 600 Sq. Meter Land for construction of huge structure. Lines have electromagnetic problem and humming sound and danger of shocks. Therefore getting consent of the owner before works and paying damages for the losses during construction and consequent losses due to works payment of compensation are incorporated in the Act 2003 and Rules 2006 applicable to all.

9. **Are the Works carried by Transmission Companies illegal?**

   YES". By misusing powers of 1885 Telegraph Authority, transmission companies have systematically deprived private land owners, mostly small and marginal farmers legally entitled compensation. Use of Section 154 is illegal and unlawful for transmission lines. It is given only for construction of telegraph lines. Telegraph lines do not cause any damage to property's. They are meant for Railways communication by the side of Railway lines. Subsequently used for tele communication. The Towers and lines cause huge damage during and after construction. Construction of towers and lines are a business activity of Transmission companies. Using lands and causing damage in private property without consent of the owner, authority from Magistrate and not paying compensation amounts to cheating under IPC 420 and a criminal trespass.

10. **Right to Property Is Human Right.**

Case Ref: S. C. SLP (Civil No. 28034/2011. State of Haryana vs Mukesh Kumar.

" Land under tower/ line is a property. The owner has rights for its complete enjoyment. They are protected under law. They cannot be acquired or deprived without due process of law. Due to construction of Towers and Lines the land utilization and value is substantially deprived making it unfit to be called as property" The right to property is now considered to be not only constitutional or statutory right but also a human right. Human rights have already been considered in realm of individual rights such as right to health, right to livelihood, right to shelter and employment etc. But now human rights are gaining a multi-faceted dimension. Right to Property is also considered very much a part of the new dimension.

11. Definition of Right to Property.:

Ref By Justice Mathew "In Rajendra Prasad Memorial Lecture "(9th Dec 1975) "Democracy is not mere mechanism of choosing and running the Government. The egalitarian principle of democracy requires not only one man one vote but also equal effective right of each man LIVE FULL HUMAN LIFE. Democracy must, therefore seen as whole complex of relation between individuals. An individual to live his secular life, as he may wish, would owe duties towards society and fellow citizens. Each must have an opportunity to PROVE, EXERT, DEVELOP, and ENJOY HIS HUMAN FACULTIES. Therefore, each must allow others to have equal effective access to opportunity to develop and lead full HUMAN LIFE. Lack of opportunity to exercise his capacities as means of producing utilities is an impediment, as it described as lack of access to mans liberty. IF WE TAKE LABOUR IN ITS BRODER SENSE OF HUMAN ENERGY, IT IS PROPERTY "This theory of property assumes importance in a DEMOCRATIC SOCIATY.

12. Description of Property.

Case Ref: SC. Appeal (Civil)2211-15 0f 1984 Judgment Dt.20-07-1994.-- Jilubhai Nanbhai Khachar vs State of Gujrat

" Property in legal sense means an aggregate of rights which are guaranteed and protected by law, it extends to every species of valuable right and interest, more particularly, ownership and exclusive right to a thing, the right to dispose of the thing in every legal way, to possess it, to use it and to exclude everyone else from interfering with it. The dominion or indefinite right of use or disposition which one may lawfully exercise over things or subjects is called property. The exclusive right of possessing, enjoying and disposing of a thing is property in legal parameters. Therefore, the word 'Property: connotes everything which is subject to ownership, corporeal or incorporeal, value or which goes to make up wealth or estate or status. Property, therefore, within the constitutional protection, denotes group of rights inhering citizen's relation to physical thing, as right to possess, use and dispose of it in accordance with law.

13. Right to property in a civilized society.

Case Ref: S.C. State of Mumbai Vs. Bhanji Munji

Reference of European Council of Human Rights Three-Pronged test to Judge Interference of the Government with the Right of Peaceful Enjoyment of Property: Protection of Property Rights Fifth Amendment of the United States of America Constitution. A Principle of Civilized Society:

Another important development in the protection of property rights was the Fifth Amendment. James Madison was the drafter and key supporter for the Fifth Amendment. The Fifth Amendment states: "nor shall private property be taken for public use, without just compensation". The main issue is to pay just compensation for acquiring the property. There are primarily two situations when a landowner may obtain compensation for land officially

transferred to or depreciated by the government. First, an owner may be entitled to compensation when a governmental entity intentionally acquires private property through a formal condemnation proceeding and without the owner's consent. The State's power to take property is considered inherent through its eminent domain powers as a sovereign. Through the condemnation proceedings, the government obtains the necessary interest in the land, and the Fifth Amendment requires that the property owner be compensated for this loss.

14. Definition of Deprivation of Property.

Case Ref: SC .1954 .AIR.92,1954 SCR 587.State of West Bengal vs Subodh Gopal Bose.

"No cut and dried test can be formulated as to whether in each case the owner is deprived of his property. Each case must be decided as it arises on its own facts". "Broadly speaking it may be said an "ABRIDGMENT WOULD BE SO SUBSTENTIAL", as to amount to deprivation within the meaning of article 31, in effect it with from the possession and enjoyment of the owner or seriously impaired use and enjoyment by him, or materially reduced its value"

15."Substantial and substantive Right -Not with illusionary Title deed"

Case Ref: (1954) SCR.674.Dwaraks Das V Sholapur Spinning mills

It was argued as against this that this rule can only apply when there is a total deprivation of property and article 19(1)(f)--- These articles deal with substantial and substantive rights and not with illusory phantoms of title. When every form of enjoyment which normally accompanies an interest in this kind of property is taken away leaving the mere husk of title, article 19 is not attracted. "By substantial deprivation is meant the sort of deprivation that substantially robs a man of those attributes of enjoyment which normally accompany rights to, or an interest in, property. The form is unessential. It is the substance that one must seek.

16. Computation of compensation methods.

Ref :-Appellate Tribunal for Electricity Appeal No.135 of 2012 Dated: 14th November 2013. Vidhya Sagar Garg Vs Executive Engineer Lines Constructing Divisions Yamunanagar

It is to be noted that whereas Section 12(2) of 1910 Act provides for compensation only, Section 67(3) of the 2003 Act provide the compensation for damage, detriment or inconvenience caused by the licensee. Thus, the term compensation in Section 67(3) is much wider than the 'compensation in Section 12(2) of the 1910 Act.

17.Compensation based on potentiality for development.

Case Ref: SC . Ref. No. 3148-3157/2000Dated. 07-12-2007 Atma Singh Vs. State of Haryana

For ascertaining the market value of the land, the potentiality of the acquired land should also be taken into consideration. Potentiality means capacity or possibility for changing or developing

into a state of actuality. The question whether a land has potential value or not is primarily one of the fact depending upon its condition user to which its put or reasonably capable of being put and proximity to residential, commercial or industrial areas or institutions. The existing amenities like, water, electricity, possibility of their further extension, whether near about town is developing or prospects of development has to be taken into consideration. Collector Raigarh Vs. Hari Singh Thakur AIR 1979 472, Raghuvansh Narayan Vs. State of UP AIR 1969, SC 465 and Administrator General West Bengal Vs. Collector Varanasi AIR 1988 Sc 943. It has been held in Kaushalya Devi Vs. LAO Aurangabad, AIR 1984 SC 892 Suresh Kumar Vs. B I Trust AIR 1980 SC 1222 That failing to consider potential value of the acquired land is a violation of principal.

18.What are charges and complaints against Power Corporation of India? (PGCIL).

a) PGCIL deliberately misinterpreted the powers conferred on it under section 164 of exercising powers of telegraph authority. At best they may be relevant till Works Of Licensee Rules,2006, G.S.R.No.217(E)dated 18th April 2006 are given. There after it must follow procedure of Rule 3 (1)(a) and Rule 3(2). It can do works on private lands only after complying with the rules. Instead it used police and revenue to threaten farmers by claiming to be a Government department.
b) It filed misleading statements before District Collectors stating the it has authority to do works with our following procedure. It did not provide details of Works of Licensee Rules 2006 to Collectors. It filed misleading affidavits in High Courts sating that it is Government institution and authorized to do works with our procedure and need not pay compensation.
c) By deliberately denying compensation to legally entitled land owner / farmers it has declared huge profits. It has paid high dividends. This led to artificial increase of its share prices. There is need to conduct enquiry on the tax aspects also!
d) PGCIL followed 2006 Works of License Rule. (4). regarding carrying works in Government Roads, Railways, water works etc.by writing and obtaining consent from the authorities. It has deposited money with authorities as required under Rule (11). However, PGCIL did not follow rules regarding private property. This discrimination requiring enquiry.

19. What are the complaints against State Transmission Companies?

Most the State Transmission Companies are headed by IAS who have not followed works of licensee rules framed by their own Governments. Each state Chief Secretary must conduct enquiry on the CMD worked since 2003.

20. What are changes to be made by Ministry of Power?

The failure of Ministry of Power GOI is evident that for 14 years the criminal and immoral profitability of Transmission Companies went on undetected by successive Secretaries as well as Joint secretaries of the Ministry shows the functioning of the Ministry needs to be reevaluated . So also, Ministry of Finance and others in GOI connected with this issue.

21. Filing Misleading Affidavit Before World Bank.

- Power Grid Corporation in order to get loan from International Finance Corporation has given a misleading and affidavit on the SOCIAL Entitlement and Compensation Procedures." POWERGRID undertakes social screening and scoping for transmission lines (T-Lines) and substations (SS) to identify socially sensitive areas, issues--- The Company is not required to acquire land for its Transmission Lines and Transmission Towers (TTs) and permits cultivation to continue beneath the Transmission – Lines and Transmission Towers during operations-- POWERGRID does not acquire Right of Way (Row) as it is temporarily required only for laying, occasionally for operation and maintenance of transmission lines. (It does not inform about the DIMUNITIVE PROPERTY VALUE due to Row).

22.AGONEY OF FARMERS :-Sacred Bondage Between Farmer and Land: -

Is land a mere property to a farmer that gives income or mortgage as and when necessary? Is his attachment emotional! Can it be compared to Mother and Child bondage? Well, It is more than that. Ploughing, water, seeds, weeds, harvesting are ETERNAL daily activities as long as farmer lives? When damage occurs, he takes it philosophically hoping next year will be good. If it gives plentiful he smiles. His daily visits, in day and night, tending to the crop needs, saving it from pests and diseases, anxiety about the outcome, offering prayers is never ending. Child will leave mother after certain age but not land and farmers! Farmers and lands are inseparables. Land is an extended part of his farmer's body and soul. They can never be a separated. Even in death he wants to be buried by the side of land, so that he can watch and feel it from the grave as he has done day after day for decades!

23.The orphan and the failed constitution authorities!

The Transmission companies continue to make profits on the blood sucked from the body of the farmers. The conniving officials have no sympathy for the miserable souls. Politicians are incapable of either understanding or capable to help farmers! . The Eternally Blind folded Judiciary cannot measure differentiate between a pigmy Telegraph Pole of (150 Kg) and a 20 ton(Giant) Electric Towers. Since judiciary is blind folded, they cannot see, so they cannot evaluate the damage and therefore cannot compensates these miserable creatures!

Justice Patanjali Sastry, CJ ,SC, in 1953 (State of W.B vs Subodh Gopal Bose) "Expressed the limitations of Judiciary in interpreting Constitution beyond a point. "Even in 2017 The Supreme Court of India and High Courts seems helpless.

24.Legal Issues for Evaluation: -

During 2003 to 2017, Courts held that Transmission companies can enter private land to construct towers and lines without consent. They failed to evaluate damage to crops and loss of land value due Electric towers and Lines? The ownership is illusionary and has no materialistic value and deprivation of property Right . Surprisingly an out dated Telegraph Act 1885 is allowed to override 2003 Special Act ? More over the rules are bent in favor of Government

institutions. This blatant discrimination went unchallenged. An outrageous provision that works can executed in private property without notice or authority or payment of compensation is violation of Constitutional Right of Indian Citizen in 21st century.

25.What are the options before the Farmers?

In 1954 Eminent Jurist Patanjali Sastry, C.J, S.C,(Govt of Bengal vs Subodh Gopal bose)"Right to Life, Personal Liberty and Right to Private Property" still exist in Great Britain in spite of supremacy of Parliament. Why should we assume or apprehend that our Parliament or State Legislatures should act like Mad Men and deprive us of our Property without rhyme or reason. After all, our Executive Government is responsible to the Legislature and the Legislature is answerable to the People. Even if the Legislature indulges in occasional vagaries, we have to put up with it for the time being. THIS IS THE PRICE WE MUST PAY FOR DEMOCRACY"

"OUR PROTECTION AGAINST LEGISLATIVE TYRANNY, IF, ANY, LIES, IN ULTIMATE ANYLISES, IN THE FREE AND INTALIGENT PUBLIC OPENION WHICH MUST REASSERT ITSELF"

More so in the issue of getting compensation to 5 Million farmers where in "FAILURE OF PARLIAMENT - ADMINISTRATION - JUDICIARY is evident. let us mobilize PUBLICK OPENION for changing the ACT 2003 and recovering compensation and punishing the guilty.

Sl.No	Name & Address of the Farmers/with Survey No.	Signature