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Ten years on, Maldharis await compensation for lands acquired for Charanka solar park in Gujarat

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 Published on July 21, 2022



State
Gujarat



Sector
Power

Land Area Affected (in Hectares)

2179 ha

Starting Year

2011

Location of Conflict
Charanka
Patan

Reason or Cause of Conflict
Renewable Power

Land Conflict Summary

The Charanka solar park, once touted to be [Asia's largest solar park](#), was launched in 2010. The Gujarat Power Corporation Limited (GPCL) was in-charge of setting up the plant. [Spread across 5365 acres](#) of land, the solar park has [a capacity of 600 MW](#). The project was expected to [usher in a new era of renewable energy](#), generating employment and building infrastructure for neighbouring villages. The villagers were [promised jobs, roads, free electricity, and clean water](#). A decade has passed since the solar park's inauguration but many of those promises have not been fulfilled. Only a [handful of people have received jobs at the park](#), primarily as security guards, while [common water resources in the area have been fenced off by GPCL, reducing access to drinking water for animals](#). Developmental activities too are yet to take off.

The project affected two key groups of people: pastoral community members or Maldharis of the area and land owners affected by the project. Maldhari community members have been opposing the park as it is constructed on their grasslands which they have traditionally used for grazing their animals. Speaking to media organisations, [Maldharis have objected to the fact that grasslands had been marked as 'unused land' by the government](#). According to the GPCL website, the solar park is spread across 'unused' land and 'wastelands'. But as per the project map, 2000 acres of the acquired land was under cultivation, and the rest was government land. The solar park's construction has [reduced their access to grazing resources](#), causing several Maldharis to give up on livestock rearing, and rely on daily wage jobs to sustain themselves. They were neither compensated nor accounted for by the government while lands were acquired for this project.

The land owners had filed a public interest litigation in the High Court of Gujarat in 2012, demanding an investigation in the manner in which land acquisition was carried out by GPCL for the project. The land owners alleged that many parcels of land were purchased by a few individuals from the villagers and were later acquired by GPCL within a year at extremely high prices, thus enabling those individuals in making huge profits. [Compensation awarded for the land parcels was in some instances 200 times higher than the price it was bought from the original landowner](#). The petitioners alleged foul play between GPCL and the individuals who had purchased lands from the original landowners. The High Court ordered an investigation into the petitioners' allegation. Based on the findings of the investigation, the High Court concluded in 2012 that the compensation awarded by GPCL was based on established rules and procedures and the higher price accounts for the premium given to the landowners for their consent. The court also observed that there was no proof of any coercion or fraud in sales by the original landlord, and the case was dismissed on these grounds.

Fact Sheet

Demand/Contention of the Affected Community
 Demand for compensation
 Demand for legal recognition of land rights
 Demand to retain/protect access to common land/resources
 Demand for employment

Region Classification
Rural

Type of Land
Common and Private

Type of Common Land
Non-Forest (Grazing Land)

Total investment involved (in Crores):
₹5365

Type of investment:
Investment Made

Year of Estimation
2018

Legal Data

Legislations/Policies Involved

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
 Section 23 [Collector to pass an award for compensation of land in accordance with certain parameters] Section 26 [Collector to determine market value of land by assessing consented amount of compensation agreed upon] Section 28 [Parameters used by Collector in determination of award to include market value as under Section 26]

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
 Section 2 (c) [Definition of forest dwelling Scheduled Tribes includes Scheduled Tribe pastoralist communities] Section 3(1)(d) [Forest rights to include access to grazing lands to nomadic or pastoralist communities] Section 4(8) [Forest rights to include right of land to communities which were displaced from their dwelling and cultivation without land compensation due to state development interventions]

Legal Processes and Loopholes Enabling the Conflict:

Controversial land acquisition by the government
 Non-implementation/violation of FRA
 Violation of free prior informed consent
 Non-implementation/violation of LARR Act
 Delay in compensation
 Non-payment of compensation/promised compensation

Legal Status:
In Court

Status of Case In Court
Disposed

Whether any adjudicatory body was approached
Yes

Name of the adjudicatory body
High Court of Gujarat

Name(s) of the Court(s)
High Court of Gujarat

Case Number
Writ Petition No. 234 of 2012

Main Reasoning/Decision of court

A writ petition was filed in public interest before the Gujarat High Court, challenging the land acquisition by Gujarat Power Corporation Limited for this project. The primary contention was that GPCL, a government company, acquired land for setting up a solar park – part of which was allotted by the state government and rest from individual land owners. The Petitioners alleged that some of this land was purchased by some individuals at a throwaway price and later resold to GPCL at a much higher rate. The grievance raised by the Petitioners was through this process, there was a huge public loss to the public exchequer. On March 12, 2015, the Court disposed of the case through an oral judgment. It stated that the difference in compensation arose because of three separate methods adopted in the proceedings: acquisition of land belonging to the government, acquisition by way of consent award and acquisition by way of regular award under the Right to Fair Compensation and Transparency in land acquisition, Rehabilitation and Resettlement Act, 2013. The Court noted that the respondent company (GPCL) had paid a rate of Rs. 110/- per sq. mt. to the government for its land. According to the Court, GPCL later developed the plots and gave them to the developers for establishing solar power parks at a rate of Rs. 194/- per sq. mt. This is decided as evidence of no loss being caused to the public exchequer. For the rest of the private land, the Court concluded that the consent award and regular awards passed by the Land Acquisition officer were in accordance with the law, and that GPCL had simply availed of a higher market value as compared to what was paid to the agriculturalists originally.

Major Human Rights Violations Related to the Conflict:

Displacement

Whether criminal law was used against protestors:
No

Additional Information

Nature of Protest
Objections as part of official procedures

Government Departments Involved in the Conflict:
Smt. Mamta Verma (Chairperson of Gujarat Power Corporation Ltd) Supreet Singh Gulati (Collector of Patan)

PSUs Involved in the Conflict:
Gujarat Power Corporation Limited

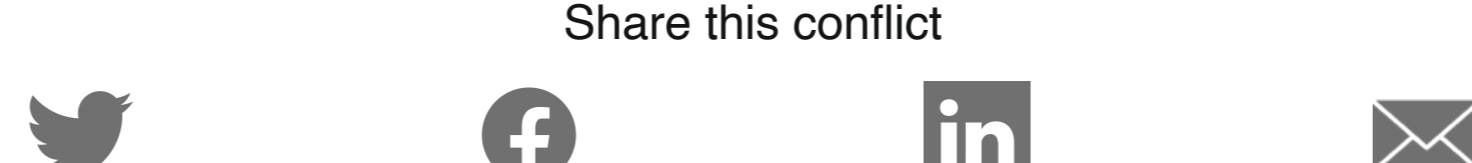
Communities/Local Organisations in the Conflict:
Laljiibhai Desai (National Head of the Congress Sevadal)

Information on the use of criminal law

Resources

Video

Share this conflict



Other Land Conflicts in Gujarat

<p>Denied entry to Little Rann of Kutch, Agariyas of Patan allege discrimination in granting permits</p> <p>Patan Kutch, Patan, Surendrangar</p> <p>Conservation and Forestry Sector</p> <p>Gujarat State</p>	<p>Farmers oppose new Hazira-Gothan broad gauge railway goods line in Surat</p> <p>Gothan Surat</p> <p>Infrastructure Sector</p> <p>Gujarat State</p>	<p>Farmers protest against the expansion of Surat Airport</p> <p>Abhava village Surat</p> <p>Infrastructure Sector</p> <p>Gujarat State</p>	<p>Kathwada Panchayat in Gujarat Protests against Inclusion in Ahmedabad Municipal Corporation</p> <p>Kathwada Ahmedabad</p> <p>Land Use Sector</p> <p>Gujarat State</p>
<p>Tribal Communities in Gujarat's Dowsada Oppose Zinc Plant, Clash with Police</p> <p>Dowsada Tapi</p> <p>Industry Sector</p> <p>Gujarat State</p>	<p>80 Dalit Families Face Social, Economic Boycott in Gujarat's Banaskantha; 14 Booked</p> <p>Nalasar Village in Patanpur Tehsil Banaskantha</p> <p>Land Use Sector</p> <p>Gujarat State</p>	<p>Upper-Caste Farmers Allegedly Encroach Land Allotted to Dalit Cooperative in Gujarat</p> <p>Jesda village, Rapar tehsil Kutch</p> <p>Land Use Sector</p> <p>Gujarat State</p>	<p>Dalit Women Farmers Threatened with Eviction under Gujarat Land Grabbing (Prohibition) Act</p> <p>Vautha village in Dholka Tehsil Ahmedabad</p> <p>Land Use Sector</p> <p>Gujarat State</p>