



# LAND ACQUISITION AND RESETTLEMENT & REHABILITATION IN INDIA

O/o Commissioner Rehabilitation and Resettlement.  
**GOVERNMENT OF TELANGANA**



## Learning from the experiences under 1894 Act



- Consent award preferred.
- Stakeholders consultations necessary before grounding of project and for preparation of R&R Plan.
- Integrated R&R Plan should be prepared at very early stages of Land Acquisition.
- LA and R&R should happen simultaneously . Large gaps between the two leads to dissatisfaction and complications in addition to, delays in the project implementation for which land was acquired. Hence, time bound implementation of LA Plan and R&R Plan is essential.
- LA for submergence area is completed but not for canals, etc. This gets badly delayed and leads to sub-optimal use of water impounded.

# Right to Fair Compensation and Transparency in Land Acquisition and Resettlement and Rehabilitation Act, 2013.

## Features

- Rehabilitation and Resettlement and acquisition of land shall be taken up simultaneously.
- R&R is restoration of rights in case of displacement.
- R&R scheme to be approved alongside the Project approvals.
- Stakeholders engagement is essential
- R&R should be completed before submergence and full Land Acquisition is completed as per Plan.



## Process:

- Pre-Notification procedures
  1. Social Impact Assessment (SIA)
  2. Social Impact Management Plan (SIMP)
  3. Expert Group Evaluation
- Preliminary Notification
- Intermediary Activity:
  1. Identification of Affected Families
  2. Preparation of R&R Scheme
  3. Review of R&R Action Plan by R&R Committee at the District level
  4. Approval of Action Plan by Commissioner R&R
  5. Budget mobilisation



**contd.**

## Process:

**contd.**

- Publication of Declaration
- Award for Land Acquisition & R&R
- Payment of compensation
- Payment of R&R entitlements
- R&R Infrastructure development within 18 months
- Housing
- Acquired land handed over to Requisition authority

# Scope of LARR Act 2013

- When Government (including public sector undertaking) acquires land for own use, hold and control.
- For strategic purposes relating to naval, military, air force, and armed forces of the Union
- For infrastructure projects namely:-
  - projects involving agro-processing, infrastructure for agriculture and allied activities
  - project for industrial corridors or mining activities
  - project for water harvesting and water conservation structures, sanitation;
  - project for Government administered/ aided educational and research schemes or institutions:
  - project for sports, health care, tourism, transportation or space programme;
  - any infrastructure facility as may be notified;
  - project for planned development or the improvement of village sites or any site in the urban areas or provision of land for housing and residential purposes for the weaker sections/ income groups in rural and urban areas
  - project for residential purposes to the poor/ landless/ project affected families or to persons residing in areas affected by natural calamities,

## **Section: 1**

1. This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
2. It extends to the whole of India except.

## **Section: 2**

1. The provisions of this Act relating to land acquisition, compensation, rehabilitation Act. and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:-

(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people

## Section: 3 Important Definitions

b. affected area" means such area as may be notified by the appropriate Government for the purposes of land acquisition;

c. "affected family" includes

ii. A family which does not own any land but a member or members of such family may be agricultural labourers

iii. The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights

iv. Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent.

k. Displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area

m. Family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him.

u. market value" means the value of land determined in accordance with section 26

## **Section: 6**

The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

## **Section: 11**

(1) The appropriate Government land in any area is required or likely to be required for any public purpose, a notification as preliminary notification to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner.

- a. in the Official Gazette;
- b. in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

## **Section: 12**

The appropriate Government to determine the extent of land to be acquired are any officer, authorised by such Government in this behalf and to the enter upon and survey and take levels of any land

## **Section: 15**

1. Any person interested in any land which has been notified a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to
  - a. The area and suitability of land proposed to be acquired
  - b. Justification offered for public purpose;
  - c. The findings of the Social Impact Assessment report

## **Section: 16**

Upon the publication of the PN the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families.

## **Section: 17**

1. The Collector shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator with the Rehabilitation and Resettlement Committee at the project level constituted under section 45;
2. The Collector submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.

## **Section: 18**

The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation,

## **Section: 19**

The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration

## **Section: 20**

The Collector shall thereupon cause the land, unless it has been already marked out under section 12, to be marked out and measure the land under acquisition

## **Section: 21**

1. The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him

## **Section: 22**

The Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land into the respective interests of the persons and shall make an award.

## **Section: 26 finalization of Market value**

- a. The market value, in the area, where the land is situated
  - b. The average sale price for similar type of land situated in the nearest village or vicinity
- Or
- b. consented amount of compensation as agreed upon

## **Section: 29**

The Collector shall determine the market value of the building and other immovable property or assets attached to the land or building which are to be acquired.

## **Section: 30**

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: 31**

The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.

### **Section: 33**

The Collector may at any time, but not later than six months from the date of award correct any clerical or arithmetical mistakes in either of the awards.

### **Section: 36**

The appropriate Government may before the award is made by the any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety the regularity of such proceedings.

### **Section: 37**

The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested.

### **Section: 38**

The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements.

### **Section: 43**

The appropriate Government by notification, appoint an officer not below the rank of Joint Collector or Additional Collector or of Revenue Department to be the Administrator for Rehabilitation and Resettlement.

### **Section: 44**

The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act.

### **Section: 45**

Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits.

### **Section: 51**

The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish "the Land Acquisition, Rehabilitation and Resettlement Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act

## **Section: 64**

Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority.

## **Section: 75**

When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment

## **Section: 77**

On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts

### **Section: 93**

The appropriate Government shall be at liberty to withdraw from the acquisition not of any land of which possession has not been taken.

### **Section: 101**

When any land acquired under this Act remains unutilized for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government

### **Section: 108**

Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

- Chapter II – SIA

### **DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE**

Whenever the appropriate Government intends to acquire land for a public purpose and carry out a Social Impact Assessment study in consultation (Panchayat, Municipality or Municipal Corporation) in such manner and from such date as may be specified by such Government by notification

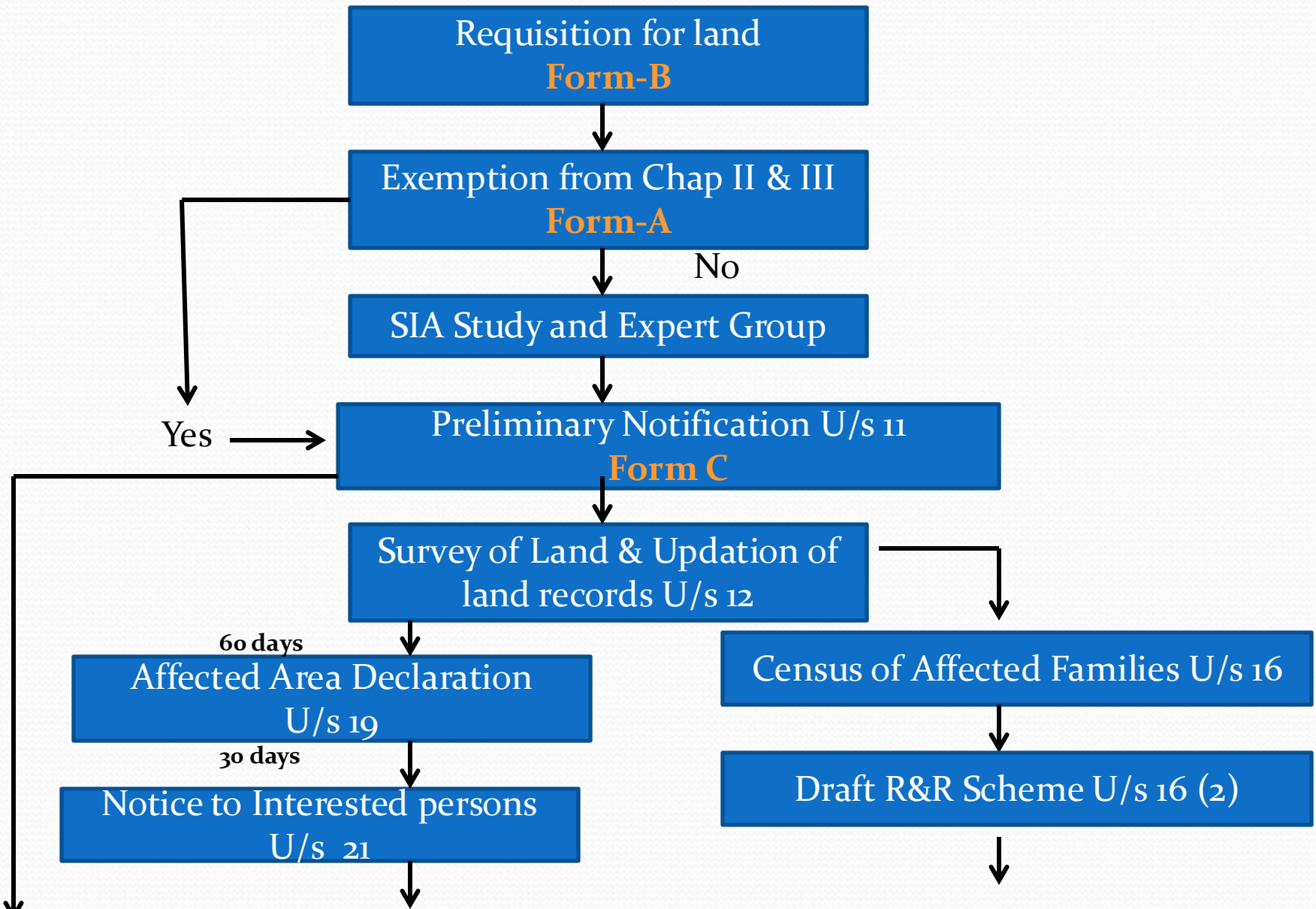
The Social Impact Assessment study report shall be made available to the public

- Chapter III – Food Security

### **SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY**

- No irrigated multi-cropped land shall be acquired under this Act.
- Whenever multi-crop irrigated land is acquired an equivalent area of culturable wasteland shall be developed for agricultural purposes

# LA and R&R Flowchart



Form D, EI, EII

N  
E  
G  
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A  
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I  
O  
N

Form EI, EII

NO

Claims and Objections U/s 21 (2)

Determination of Market Value U/s 26

Award of Solatium U/s 30

Enquiry and Land Acquisition Award U/s 23

Review of R&R scheme with Project Level Committee U/s 17 (1)

R&R scheme approval by CRR U/s 17 (2)

R&R Award U/s 31

Lump sump Amount for R&R U/s 31(A)

Publication of details of EI &EII. **Form F**

Award without Enquiry in case of agreement U/s 23A **Form GI, GII**

Acquisition of land by Agreement U/s 30 (A) **Form GIII, GIV**

Publication of orders in Dist. Gazette

Disbursement of compensation U/s 38 (1)

Handing over possession to Requisition Agency

↓  
Implementation in Land  
Records in favour of  
Requisition Dept.

**If under protest**

Reference to Authority U/s 64



Re-determination of  
compensation U/s 73



Appeal to High Court U/s 74



Payment of Compensation/  
Deposit in authority U/s 77



Payment of Interest U/s 80

# Entitlements

## I. Fixation of Market Value - First Schedule of the Act

- Market Value of land U/S 26
- MV multiplied by One in urban Area
- MV Multiplied by 1.5 for rural areas.
- 100% Solatium on Market Value of land so multiplied and on value of Trees/Structures.
- 12% additional Market value on the Multiplied MV fixed U/S 26 from the date of 11(1) to passing of Award.
- Damages/Costs, if any.

## II. R & R Entitlements – Second Schedule of the Act

Sl.No.	Prescribed Item/Issue	LARR Act 2013
1	Free House site House construction grant	Rural: Constructed house as per IAY specifications Urban: Constructed house not less than 50 Sq mts in plinth area
		The benefits extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area
		Provided that any such family which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than Rs1.50 lakh in urban areas and cost of the house in rural areas
		Provided also that no family affected by acquisition shall be given more than one house
2	Land for Land for PDFs	a) SC or ST PAFs, restricted to land acquired or 2.5 acres , which ever is lower b) For others 1 to 2.50 Acres in lieu of compensation
3	Offer for developed land	In urban Projects, 20% of the developed land reserved for land owning PAFs on payment of LA and development cost

## II. R & R Entitlements – Second Schedule of the Act

Sl.No.	Prescribed Item/Issue	LARR Act 2013
4	Choice of Annuity or Employment (For Providing employment or loss of Livelihood)	a) Where jobs are created through the Project make provision for employment to at least one member per affected family or b) One time payment of five lakhs rupees per affected family or c) Annuity policy of not less than Rs 2000 * 240 months
5	Subsistence Grant for PDFs for a period of one year	Rs 3000 * 12 Months + For SC,STs additional Rs 50,000
6	Transportation charges for displaced families	Rs.50,000
7	Cattle shed/ Petty Shop	Rs.25,000
8	One time grant to Artisan, Small traders and certain others	Rs.25000
9	Fishing Rights	In case of irrigation/ Hydel Projects, the affected families may be allowed fishing rights in the reservoir
10	One - time Resettlement allowance	Rs 50,000

### III. Infrastructure Amenities – Third Schedule of the Act

Sl.No	Component of infrastructure amenities proposed to be provided by the acquirer of land
1	Roads within the resettled villages and an all-weather road link to the nearest pucca road
2	Proper drainage as well as sanitation plans executed before physical resettlement.
3	Assured sources of safe drinking water for each family and provision of drinking water for cattle.
4	A reasonable number of Fair Price Shops
5	Grazing land as per proportion acceptable in the State.
6	Panchayat Ghars, as appropriate
7	Village level Post Offices, as appropriate, with facilities for opening saving accounts
8	Appropriate seed-cum-fertilizer storage facility if needed
9	Efforts to be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families.
10	Suitable transport facility to all new villages established for resettlement of the displaced, which must include public transport facilities.

### III. Infrastructure Amenities – Third Schedule of the Act

Sl.No	Component of infrastructure amenities proposed to be provided by the acquirer of land
11	Burial or cremation ground depending on the caste-communities at the site and their practices
12	Facilities for sanitation, including individual toilet points
13	Individual single electric connections for each household and for public lighting.
14	Anganwadi's providing child and mother supplemental nutritional services
15	Schools
16	Primary Health Centre and Sub-health centre within two kilometres range
17	Playground for children
18	One community centre for every hundred families
19	Places of worship and chowpal/tree platform for every fifty families for community assembly.
20	Separate land to be earmarked for traditional tribal institutions
21	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce.
22	Appropriate security arrangements must be provided for the settlement, if needed.
23	Veterinary service centre as per norms

- GO Ms No. 123
- Land aquired under GO Ms. No 123

# Why the amendment ?



- to reduce time needed
- to reduce procedures involved
- to complete the process of land acquisition for all ongoing cases, where, doing Social Impact Assessment at this stage may not be relevant.
- Provisions to safeguard food security as given in Chapter-III are not relevant for Irrigation projects as irrigation increases food security.
- The LA Act of 1894 featured consent award. But there is no provision of consent award in RFCTLARR Act 2013. Hence consent provisions are brought in through Section 23 A.
- Telangana tried procurement through negotiations under G.O.Ms.No.123. This success has been incorporated in the shape of Section 30A.
- R&R entitlements as per the Schedule II and III, although extremely generous, are time consuming and most displaced families expressed their opinion to rather take lumpsum compensation in cash and settle at a place of their choice.

# Features of RFCTLARR (Telangana Amendment) Act 2016

- The Act shall be deemed to have come into effect on 1st January,2014.
- **Insertion of Chapter III A** – Provisions of Chapter II (Determination of Social Impact and Public Purpose) and Chapter III (Special Provision to Safeguard Food Security) not to apply to certain projects as notified by the State Government.
- Such Projects include the following:
  - **Projects of national security.**
  - **Infrastructure including electrification , irrigation projects.**
  - **Affordable housing and housing for poor.**
  - **Industrial Corridors.**
  - **Public private partnership projects.**
- The Collector may make any award without further enquiry, if satisfied that all interested persons have agreed in writing for such award.

Voluntary Acquisition of land

Insertion of Sec 30A – Acquisition of land by State Government by entering into agreement.

# Features of RFCTLARR (Telangana Amendment) Act 2016

- Voluntary Acquisition of land
  - The State Government or its Authorized Officer to enter into an agreement with the willing land owner to sell the land in favour of the state, for any public purpose.
  - The State Government to pay a lumpsum amount towards Rehabilitation and Resettlement to any family, other than land owners, who are affected by acquisition.
  - Such amount paid in lump sum in lieu of Rehabilitation and Resettlement, not to be abnormally at variance to the disadvantage of land owners.
- If any family is affected by land acquisition, the State Government to pay a lumpsum amount towards Rehabilitation and Resettlement.
- Amount wrongfully paid to any person under this Act, shall be recovered as arrears of land revenue.
- Return of unutilized land to original owners/ heirs after the period specified for setting up of the project or five years whichever is later.

# Per PDF cost of R&R

Sl. No.	Particulars	As per RFCTLARR Act, 2013	As per RFCTLARR (Telangana Amendment) Act, 2013
1	House-site	60000	
2	House as per IAY specification	125000	
3	Infrastructure	240000	504000
4	Annuity/ OTP in lieu of Job	500000	500000
5	Subsistence Grant	36000	40000
6	Transportation	50000	60000
7	Cattle shed *	25000	25000
8	Artisan Grant *	25000	30000
9	Re-settlement Allowance	50000	60000
	<b>TOTAL</b>	<b>1110000</b>	<b>1219000</b>

- Housing as per existing PMAY norms
- Where applicable

## **Forms notified under Telangana State Land Acquisition (Consent Award, Voluntary Acquisition and Lump-sum Payment towards Rehabilitation and Resettlement) Rules, 2017**

Land Acquired under

LA Act 1894

Go Ms. No. 123

Amendment Act, 2016



# THANK YOU

*Namasthe*

