

**THE RIGHT TO FAIR COMPENSATION AND  
TRANSPARENCY  
IN  
LAND ACQUISITION,  
REHABILITATION AND RESETTLEMENT ACT, 2013**

**By**  
**B.Ramaiah, I.A.S.( Retired),**  
**Senior Faculty**

# BACKGROUND - OBJECTIVES

- Heightened public concern on Land Acquisition issues.
- Absence of an National law to provide for the Rehabilitation & Resettlement and Compensation for Loss of Livelihoods.
- The principal law continued to be the same i.e.the British enacted Land Acquisition Act of 1894
- .Land Acquisition and Rehabilitation & Resettlement to go together.
- Land losers and **Livelihood Losers to be taken care of.**

# BACKGROUND - OBJECTIVES --contd

## *New Act is aimed at*

- *A humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential Infrastructural facilities and urbanisation*
- *least disturbance to the owners of the land and other affected families*
- *Fair compensation*
- *safe guarding of Food Security*
- *proper and timely R & R measures*

# ACT APPLICABLE TO

## Acquisition of land for

## Sec 2

- 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; or
- *For providing infrastructure* - but not for private hospitals, educational institutions and hotels;
- *Projects involving agro-processing, supply of inputs to agriculture* , warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by Govt
- *Project for industrial corridors or mining activities, national investment*

-- contd

# ACT APPLICABLE TO -contd

- Manufacturing zones, as designated in the National Manufacturing Policy;
- *Project for water harvesting and water conservation structures, sanitation*
- *Project for Government administered, Government aided educational and research schemes or institutions;*
- *Project for sports, health care, tourism, transportation of space programme;*
- *Project for project affected families;*

## ACT APPLICABLE TO -contd

- *Project for housing, or such income groups, as may be specified from time to time by the appropriate Government;*
- *Project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;*
- *Project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority*

**-- contd**

## **ACT APPLICABLE TO -contd**

- *The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires*
  - *land for public private partnership projects where the ownership of the land continues to vest with the government*
  - *for private companies for public purpose*
    - prior consent of 75% of affected families is required in case of public private partnership projects and 80% in case of private companies*
  - *When private purchases land over and prescribed limits*
  - *when part of land is acquired by govt for a company R r to be implemented for total area.*

**NOT APPLICABLE – NATIONAL HIGHWAYS AND STATE HIGHWAYS**

# IMPORTANT DEFINITIONS

“**Administrator**” means an officer appointed for the purpose of rehabilitation and resettlement of affected families under subsection (1) of section 43;

“**Affected area**” means such area as may be notified by the appropriate Government for the purposes of land acquisition;

“**affected family**” includes—

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, sharecroppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land

--contd;



## IMPORTANT DEFINITIONS --contd

“ (iii) *the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land;*

*(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;*

--contd

# IMPORTANT DEFINITIONS --contd

- *“appropriate Government” means,—*
- *acquisition of land situated within the territory of, a State, ---the State Government;*
  - *acquisition of land situated within a Union territory (except Puducherry) --- the Central Government;*
  - *acquisition of land situated within the Union territory of Puducherry -- the Government of Union territory of Puducherry;*
  - *acquisition of land in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories;*
  - *acquisition of land for the purpose of the Union as may be specified by notification ---, the Central Government:*
  - *For public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government;*

--contd

# IMPORTANT DEFINITIONS --contd

- *“Authority” means the Land Acquisition and Rehabilitation and Resettlement Authority established under section 51;*
- *“Collector” means the Collector of a revenue district, and includes a Deputy Commissioner and any officer specially designated by the appropriate Government to perform the functions of a Collector under this Act;*
- *“Commissioner” means the Commissioner for Rehabilitation and Resettlement*
- *cost of acquisition” includes— MV + Sol;atium+ cost for R&R + Damages + administrative cost + cost for SIA*

# IMPORTANT DEFINITIONS

- “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;
- “family” includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him:  
Provided that widows, divorcees and women deserted by families shall be considered separate families;
- “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

--contd

# IMPORTANT DEFINITIONS --contd

;

*“land owner” includes any person,*

-- .Family or company whose land/other immovable properties have been acquired;

--- Those who are assigned land by the Governments under various schemes;

----- .Right holders under the Forest Rights Act, 2006

# IMPORTANT DEFINITIONS --contd

## “Livelihood Losers:

- .Over the last three years, a family whose livelihood is primarily dependent on the land being acquired, including agriculture labourers, tenants or sharecroppers
- Over the last three years, families which are dependent on forests or water bodies for their livelihoods when these are acquired; including forest gatherers, hunters, fisher folk and boatmen
  - .Over the last three years, any family whose livelihood is dependent primarily on the land being acquired in the urban areas or any family who is residing on the land being acquired in the urban areas
- a person interested in an easement affecting the land;

--contd

# IMPORTANT DEFINITIONS --contd

- 
- ;
- “**marginal farmer**” - a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare
- “**project**” means a project for which land is being acquired, irrespective of the number of persons affected;
- “**public purpose**” *the activities specified section 2(1)*
- “**Requiring Body**” *a company, a body corporate, an institution, or any other organisation or person for whom land is to be acquired*
- “**Resettlement Area**” *an area where the affected families who have been displaced are resettled*
- “**small farmer**” *a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.*

# DETERMINATION OF SOCIAL IMPACT ASSESSMENT

- **Govt to consult concerned Local Body**      **Sec 4**
- **Notification – as prescribed to be issued**
- **Local Body to be given much importance**
- **to be completed in 6 months**
- **to cover whether**
  - **proposed acquisition is for public purpose**
  - **proposed extent is bare minimum**
  - **alternate land is there**
    - **estimate number of families get displaced and otherwise affected**
  - **list out ameliorative measures required**
  - **estimate Cost of R & R**



# DETERMINATION OF SOCIAL IMPACT ASSESSMENT

- **Public hearing is held** **Sec 5**
- **SIA Study in local language is published – local body, Dist Collector , SDM, Tahsil , in affected areas - in the manner prescribed** **Sec 6**
- **Copy is made available to the Authority conducting Environment Impact Assessment ( if conducted)**
- **Expert Group is constituted by Govt for Appraisal of SIA Report** **Sec 7**
- **Expert Committee comprises –two non-official Social Scientists ,two representatives of local body, two experts in Rehabilitation, one Technical expert in subject related to Project -- One is nominated as Chairperson**

# DETERMINATION OF SOCIAL IMPACT ASSESSMENT

- Expert Group shall make specific Recommendations within **two months** from the date of its constitution for approval or rejection of the project –
  - the project **does not serve any public purpose**;
  - *the social **costs** and adverse social impacts of the project outweigh the potential benefits*
- The recommendations of the Expert Group shall be made available in the local language to the Local Body and the offices of the DM, SDM etc and published in affected areas as prescribed

# EXEMPTION FROM SIA

➤ Government may exempt Where land is proposed to be acquired invoking the urgency provisions under section 40 Sec 9

-- . National defense and security purposes

---Resettlement & Rehabilitation needs in the event of natural calamities such as floods or earthquakes

# SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY

## Sec 10

- **No irrigated *multi-cropped land*** shall be acquired
- *May be acquired in exceptional* circumstances, as a last resort- *aggregate for all projects in a districts or state, in no* case exceed *such limits* as may be notified
- *Equivalent* area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government

# PUBLICATION OF PRELIMINARY NOTIFICATION

➤ Government to examine reports of Collector and Expert Committee and to ensure **Sec 8**

-legitimate and *bona fide public purpose*

- *potential benefits and the public purpose shall outweigh the social costs and adverse social impact*

- *minimum area of land required for the project is proposed*

- *no unutilized land , previously acquired in the area*

- *minimum displacement of people,-*

-- *minimum disturbance to the infrastructure, ecology*

--- *minimum adverse impact on the individuals affected.*

# PUBLICATION OF PRELIMINARY NOTIFICATION

## ➤ Govt to publish Preliminary Notification Sec 11

- The designation of the Officer -of the cadre of Deputy Collector – **who** discharges functions as collector is specified.
- The Survey number-wise **extents**, name of the pattadar / enjoyer, structures / trees etc., existing to be shown in the Notification.
- The **public purpose** is specified
- ---, **reasons necessitating the displacement of affected**
  - summary of the **Social Impact Assessment Report** and particulars of the Administrator to be specified
- **No transaction of land is allowed – collector may exempt**
- **No encumbrances** are created on such land
- **objections** on area – suitability –public purpose and on SIA

--contd

## **PUBLICATION OF PRELIMINARY NOTIFICATION -- contd**

- **Published in**
  - the Official Gazette;**
  - *in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;***
  - *in the local language in the local body***
  - *in the offices of the District Collector, SDM, and the Tehsil;***
  - *uploaded on the website of the Government;***
  - *in the affected areas, in such manner as may be prescribed***
- ***If preliminary notification not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group , such report shall be deemed to have lapsed – the Government, shall have the power to extend the period of twelve months***

**-- contd**

## ACTION SUBSEQUENT TO OF PRELIMINARY NOTIFICATION

- **Demarcation and Sub division is taken up** **Sec 12**
- *shall not be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner*
- may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey
- No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing **-- contd**



## ACTION SUBSEQUENT TO OF PRELIMINARY NOTIFICATION -- contd

### HEARING OF OBJECTIONS

Sec 15

- The Collector shall give the objector an opportunity of being heard **in person** or by any **person authorised** by him in this behalf or by an **Advocate**
- after hearing all such objections, after making such further inquiry, if any, as he thinks necessary, make a **report** to Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.
- *The **decision of the Government** on the objections shall be final.*

-- contd

## **ACTION SUBSEQUENT TO OF PRELIMINARY NOTIFICATION -- contd**

### **Preparation of R& R Scheme by the Administrator Sec 16**

- **The Administrator for R& R shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed**
  - particulars of lands and immovable properties being acquired of each affected family;*
  - livelihoods lost in respect of land losers and landless ,primarily dependent on the lands being acquired;*
  - a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;*
  - details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved;*
  - details of any common property resources being acquired.*
- **The Administrator shall prepare a draft Rehabilitation and Resettlement Scheme, as prescribed basing upon the Survey**
- **Time limit for implementing R&R Scheme;** **-- contd**

## ACTION SUBSEQUENT TO OF PRELIMINARY NOTIFICATION -- contd

- It shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.
- A *public hearing* shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:
- where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:
- The consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act,
- Collector to review the R&R Scheme at project level Committee— to send to Commissioner R&R – Commissioner makes available the approved scheme to local body etc

**Sec 17 and 18**

## **PUBLICATION OF DECLARATION AND SUMMARY OF R & R**

- **Government considers the report**
- **comes to a *decision* whether particular land is needed for a *public purpose***
- **shall make a *Declaration***
- **Declaration also covers of an area identified as the “*resettlement area*” for the purposes R & R**
- **different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made**
- **Collector shall *publish a summary of the Rehabilitation and Resettlement Scheme* along with draft declaration**

**-- contd**

## **PUBLICATION OF DECLARATION AND SUMMARY OF R &R -- contd**

- **No declaration under shall be made unless the summary of the R&R Scheme is published along with declaration:**
- **No declaration under shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the Government**
- ***In projects where land is acquired in stages, the application for acquisition it self can specify different stages for the R&R, and all declarations shall be made accordingly.***
- ***Declaration shall be published in all methods as was done in case of Preliminary Notification***
- ***the declaration shall be **conclusive evidence** that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.***

**-- contd**

## PUBLICATION OF DECLARATION AND SUMMARY OF R &R -- contd

- Declaration to be made) *within twelve months* from the date of preliminary notification otherwise en such notification shall be deemed to have been rescinded:
- The period or periods during which the proceedings for the acquisition of the land were held up on account of any *stay* or injunction by the order of any Court shall be excluded:
- The Government shall have the power to *extend* the period of twelve months, if in its opinion circumstances exist justifying the same: any such decision to extend the period shall be recorded in writing and notified and *uploaded* on the website of the authority concerned and shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.

## AWARD ENQUIRY

- *The Collector shall publish the public notice*
  - on his website*
  - convenient places on or near the land to be taken, ----*
  - be stated that the Government intends to take possession of the land*
  - that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.*
  - The particulars of the land are shown*
  - require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice*
  - time given be not less than thirty days and not more than six months after the date of publication of the notice,*

**-- contd**

## AWARD ENQUIRY -- contd

- *The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situated.*
- *In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two national daily newspapers and also on his website.*

-- contd



## AWARD ENQUIRY -- contd

- *Collector may require any person to make or deliver to him, at a time and place mentioned a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, the nature of interest, the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.*
- *Every person so required shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.*
- *On the day fixed, or on any other day to which the enquiry has been adjourned, the Collector shall enquire into the objections related to the measurements, the value of the land on date of the publication of the notification, and interests of the persons claiming the compensation and R& R*

# DETERMINATION OF COMPENSATION

## Market value of the land:

Sec 26

----the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; **or**

-- the average of the sale price for similar type of land situated in the immediate areas adjoining the land / near village being acquired ----- ascertained from **fifty per cent** of the sale deeds registered during the preceding three years, where higher price has been paid;

---*Any price paid as compensation for land acquired under the provisions of the Act on an earlier occasion in the district shall **not be** taken into consideration.*

---- the **consented** amount in case the land is acquired for private companies or public-private partnership projects.

---**whichever is higher:**

- -- **contd**

## **DETERMINATION OF COMPENSATION -- contd**

**-- The M V is as on the date of Preliminary Notification**

**--MARKET VALUE SO CALCULATED FOR RURAL AREAS SHALL BE MULTIPLIED BY A MULTIPLIER FACTOR and added**

**---- urban areas -----by 1( one )**

**---- Rural Areas --- up to two – depending on the distance from the town – to be prescribed**

**--- in urban areas 200% of MV , in rural areas 200-300%**

**----Value of the assets attached to land: Building/Trees/Wells/Crop etc as valued by relevant govt. authority;** **Sec 29**

**After M V is determined compensation entitled by each awardee to be finalised. – M V + Damages + value of structures etc** **Sec 27 and 28**

**--- --- Solatium is 100% of compensation**

**Sec 30**

**- -- contd**

## DETERMINATION OF COMPENSATION- -- contd

- Where land is acquired for urbanisation, 20% of the developed land will be reserved and offered to land owning project affected families, in proportion to their land acquired and at a price equal to cost of acquisition and the cost of development. In case the project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation
- The Company for whom land is being acquired may offer shares limited to 25% of the Compensation amount - not mandatory to accept

# AWARD

- Collector to pass award within 12 months of Declaration. **Sec 25**
- Two awards person / family wise passed – for compensation and R&R
- It may be extended beyond 12 months by the Government
- Passed separately covering the entitled persons **Sec 30**

# REHABILITATION AND RESETTLEMENT AWARD

## Sec 31.

- *The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the **Second Schedule**.*
- *The R& R Award shall include all of the following*
  - *R& R amount payable to the family;*
  - bank account number of the person to which the R& R award amount is to be transferred;*
  - *particulars of house site and house to be allotted, to displaced families;*
  - *particulars of land allotted to the displaced families;*
  - *particulars of one time subsistence allowance and transportation allowance to displaced families;*
  - *particulars of payment for cattle shed and petty shops;*
  - *particulars of one-time amount to artisans and small traders;*

**- - - contd**

# REHABILITATION AND RESETTLEMENT AWARD- -- contd

-- *details of mandatory employment to be provided to the members of the affected families;*

---- *particulars of any fishing rights that may be involved;*

----*particulars of annuity and other entitlements to be provided;*

---*particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:*

---Government may, by notification **increase** the rate of R&R amount payable to the affected families, taking into account the rise in the price index.

- -- contd

## Entitlements -A Comprehensive R&R Package (Second Schedule)

- Subsistence allowance at Rs. 3000 per month per displaced family for 12 months;
- The affected families shall be entitled to
  - Where jobs are created through the project, **mandatory employment** for one member per affected family **or**
  - Rupees **5 lakhs** per family; **or**
  - Rupees 2000 per month per family as **annuity for 20 years**, with appropriate index for inflation;
- The option to the affected family**
- constructed **house** shall be provided as per the Indira Awas Yojana specifications to displaced families in Rural areas constructed house - **not less than 50 sqmts** in plinth area in urban areas -- in either case the equivalent cost of the house may e provided



# **SPECIAL PROVISIONS TO SCs and STs**

**In addition to the R&R package, SC/ST families entitled to the following additional benefits: Sec 41**

- Land to be given to each family in every project -- as possible**
- One time financial assistance of Rs. 50,000 per family;**
- Families settled outside the district shall be entitled to an additional 25% R&R benefits;**
- Payment of one third of the compensation amount at very outset;**
- Preference in relocation and resettlement in area in same compact block;**

## **SPECIAL PROVISIONS TO SCs and STs -- contd**

⋮

- **Free land for community and social gatherings**
- **In case of displacement, a *Development Plan is to be prepared – alternate fuel ,fodder etc***
- ***Reservation and other Schedule V and Schedule VI area benefits shall be continued resettlement area.***
- ***Land Acquired if attracts L T R Act, compensation to original Tribal family***

## **Provision of Infrastructural amenities in resettlement area.**

**25 infrastructural amenities to be provided in the Resettlement area, including: - shedule 3 Sec 32**

- **Schools and playgrounds;**
- **Health Centres;**
- **Roads, drainage and electric connections;**
- **Assured sources of safe drinking water for each family as per Govt. norms;**
- **Panchayat Ghars as appropriate;**
- **Anganwadi"s as per Govt norms;**
- **Places of worship and burial and/or cremation ground depending on the caste-communities at the site and their practices;**
- **Village level Post Offices, as appropriate, with facilities for opening saving accounts;**
- **Fair price shops and seed-cum-fertilizer storage facilities if needed**

# LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY-FUNCTIONS

- **The Government, establish one or more Authorities to be known as “the Land Acquisition, Rehabilitation and Resettlement Authority” – jurisdiction to be specified** **Sec 51**
- **The Authority comprises one member – presiding Officer** **Sec 5 3**
- **the Presiding Officer of an Authority - *is or has been a District Judge; or he is a qualified legal practitioner for not less than seven years.*** **Sec 5 3**
- **appointed by govt in consultation with Chief Justice**
- **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, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement or the apportionment of the compensation among the persons interested:** **Sec 64**

## LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY-FUNCTIONS -- contd

- The Collector shall, within a period of **thirty days** from the date of receipt of application, make a reference to the Authority:
- where the Collector **fails** to make such reference within the period so specified, the applicant may apply to the Authority, requesting it to direct the Collector to make the reference to it within a period of thirty days.
  - The application shall state the grounds on which objection to the award is taken:*
    - application shall be made—*
      - if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;*
      - in other cases, within six weeks of the receipt of the notice from the Collector*
      - within six months from the date of the Collector's award, whichever period shall first expire:*
      - Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified*

## **LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY-FUNCTIONS -- contd**

- **The Authority passes award after conducting the due inquiry. Sec 69**
- **Appeal lies to High Court on the orders of the Authority - Sec 73**
- **Disputes related to apportionment / entitlement to receive compensation are also to be referred to the Authority by the Collector Sec 76**

## **Re-determination of amount of compensation on the basis of the award of the Authority**

- Where in an award the Authority allows to the applicant any amount of compensation in excess of the amount awarded by the Collector, the persons interested in all the other land covered by the same preliminary notification, and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority concerned require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority:
- the time requisite for obtaining a copy of the award shall be excluded.
- *The Collector shall, on receipt of an application conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.*
- *Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority.*

## OTHER FEATURES OF THE ACT

- R&R to be implemented when persons purchase land **privately** for public purpose-if extent is more than certain minimum extent prescribed by notification **Sec 46\**
- The Central Government may, whenever necessary, for national or inter-State projects, constitute a **National Monitoring Committee** for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act **Sec 48**
- The State Government shall constitute a **State Monitoring Committee** for reviewing and monitoring the implementation or rehabilitation and resettlement **Sec 50**
- **Interest** for delay in payment of compensation –in case of enhanced compensation 9% for first year and later on 15 % **Sec 80**
- Land can be taken possession before award– when urgency clause invoked **Sec 48**



## OTHER FEATURES OF THE ACT --contd

- If a person provides any false or misleading information or produces any false document, he shall be liable to be punished with imprisonment for a term up to six months, or with fine which up to one lakh rupees, or with both. **Sec 84**
- If any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, - be liable to a punishment of six months to three years or with fine or with both. **Sec 85**
- Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: but not when took place with out his knowledge **Sec 87**
- Offences under the Act are non- cognisable - **Sec 89**
- Service of notices as per section 92

## OTHER FEATURES OF THE ACT - contd

- Compensation be given within a period of **three months** from the date of the award;
- **Monetary R&R** entitlements will be provided within a period of **six months** from the date of the award;
- Infrastructure R&R entitlements will be provided within a period of **eighteen months** from the date of the award;
- No involuntary **displacement** will take place without completion of R&R;
- In irrigation or hydel projects, R&R shall be completed **six months prior to submergence**
- **Income Tax Exemption**: All amounts accruing under this act have been exempted from Income tax and from Stamp duty.
- Double displacement of any individual, entitled for an **additional compensation of up to 75%** of the compensation already provided for under the new law

## OTHER FEATURES OF THE ACT -- contd

➤: **No change** from the purposes specified in the Land Use Plan submitted at the time of land acquisition will be allowed.

➤ Land that is **not used within 5 years** in accordance with the purposes for which it was acquired at the time of acquisition, shall be transferred to the State Government's Land Bank OR to the original land owner. **Sec 101**

➤ **Sharing appreciated value:** Upon every transfer of land without development, **40% of the appreciated land value** shall be mandatorily shared with the original owner whose land has been acquired **Sec 102**

➤ **Appropriate Govt has the power to make Rules** **Sec 109**

➤ **L A Act 1894** is repealed- Initiated and award yet to be passed – compensation and R&R as per new Act – if award passed , but possession not taken / compensation not paid, award gets set a side **Sec 24**

***Thank You***