

**RIGHT TO FAIR
COMPENSATION &
TRANSPARENCY IN LA & RR
ACT 2013**

Objectives and Principles

- Balance between the interests of the farmer & Acquiring Body;
- Looks comprehensively at the issue of Compensation as well as Resettlement and Rehabilitation as R and R is an integral part of the land acquisition; No displacement before rehabilitation;
- Transparency & Participatory Approach : Inbuilt Consent of the affected Families.
- Dedicated Authority for disposal of disputes;

Process Flow

Proposal is Received by
the Appropriate
Government

Pre-
Notification

Social Impact Assessment
(SIA) Conducted by
Appropriate Government
(Sec 4-6): 6 Months

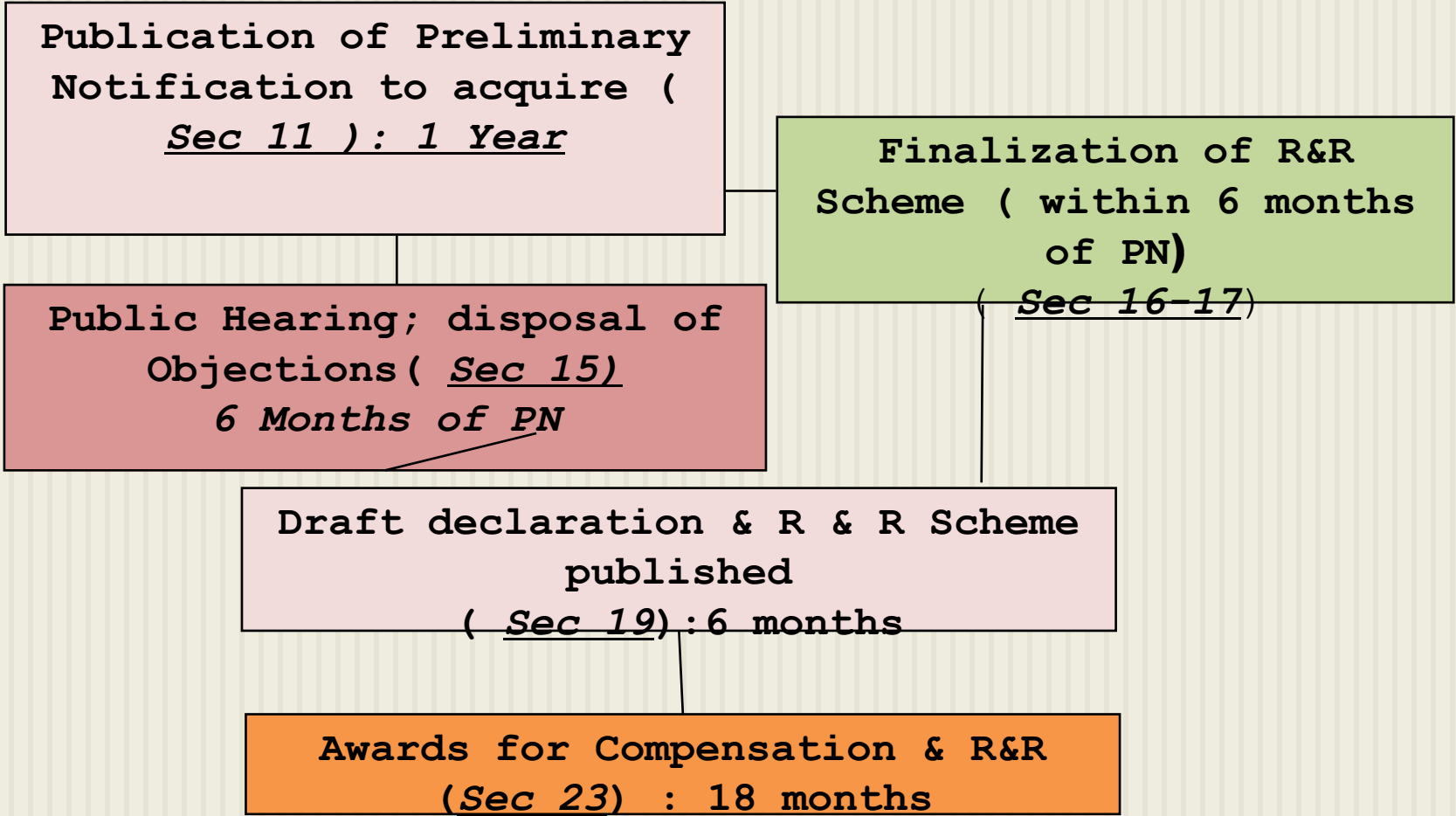
Legitimacy of 'Public
Purpose' and SIA is
examined and approved
by State Govt (Sec 8)

SIA report examined
by Independent Expert
Group
(Sec 7)
(2 months)

1. Collector submits
report on status of
alternative sites
2. Consent of 80% of
affected sought

Process Flow...

Notification



Restricted definition of Public Purpose

- a. For strategic purposes relating to national security, police
- b. For Infrastructure as defined by DAE notification dated 27th March 2012
- c. Industrial corridors or mining activities, national investment and manufacturing zones
- d. Educational and Research Institutions; Health care, Tourism & transportation
- e. Planned urban development /residential sites for weaker sections;

If acquired by Govt entity; then SIA , Compensation & R&R

REQUIRED : SIA, Compensation & R&R

Private entities

- If land is acquired for PUBLIC PURPOSE
- For transfer to PPP projects or for Private Companies, then in addition to SIA, Compensation and R&R it shall be mandatory to obtain prior **CONSENT respectively of 70% & 80% of the affected families.**
- R&R Provisions will apply when a Private Company purchases land in excess of 2500 hect [sec 46].

Affected Families

- Broader Definition. Includes:
 - Land Loser : a family whose land or other immovable property has been acquired;
 - Livelihood Loser : a family whose livelihood is primarily dependent on the land being acquired
 - Right holders / STs recognized under Recognition of Forest Rights Act, 2006;
 - Lease Holders of Government Land

Safeguarding Food Security

- Multi-crop irrigated land will not be acquired except as a demonstrably last resort measure, which in no case should lead to acquisition of more than such limits as prescribed by the State Government under this law. [exception : Linear Projects such as Roads, Rail, irrigation etc.]
- Wherever multi-crop irrigated land is acquired an equivalent area of culturable wasteland shall be developed

Urgency Clause: Limited Application

1. National defense and security purposes;
2. R& R needs in the event of natural calamities such as floods or earthquakes or any other emergency with the approval of the Parliament.

[An additional compensation of 75% of total compensation shall be paid]

Other Salient Provisions

- **No Change of Purpose:** No change from the purposes specified in the Land Use Plan submitted at the time of land acquisition will be allowed [s 99]
- **Returned of unutilised land:** Unused Land of the Acquiring Body to revert to the Government's Land Bank OR to the original land owner after **5 Years.** [s 101]
- **No Change of Ownership:** No subsequent change of ownership without specific permission of Appropriate Government is allowed [s 100]

Compensation

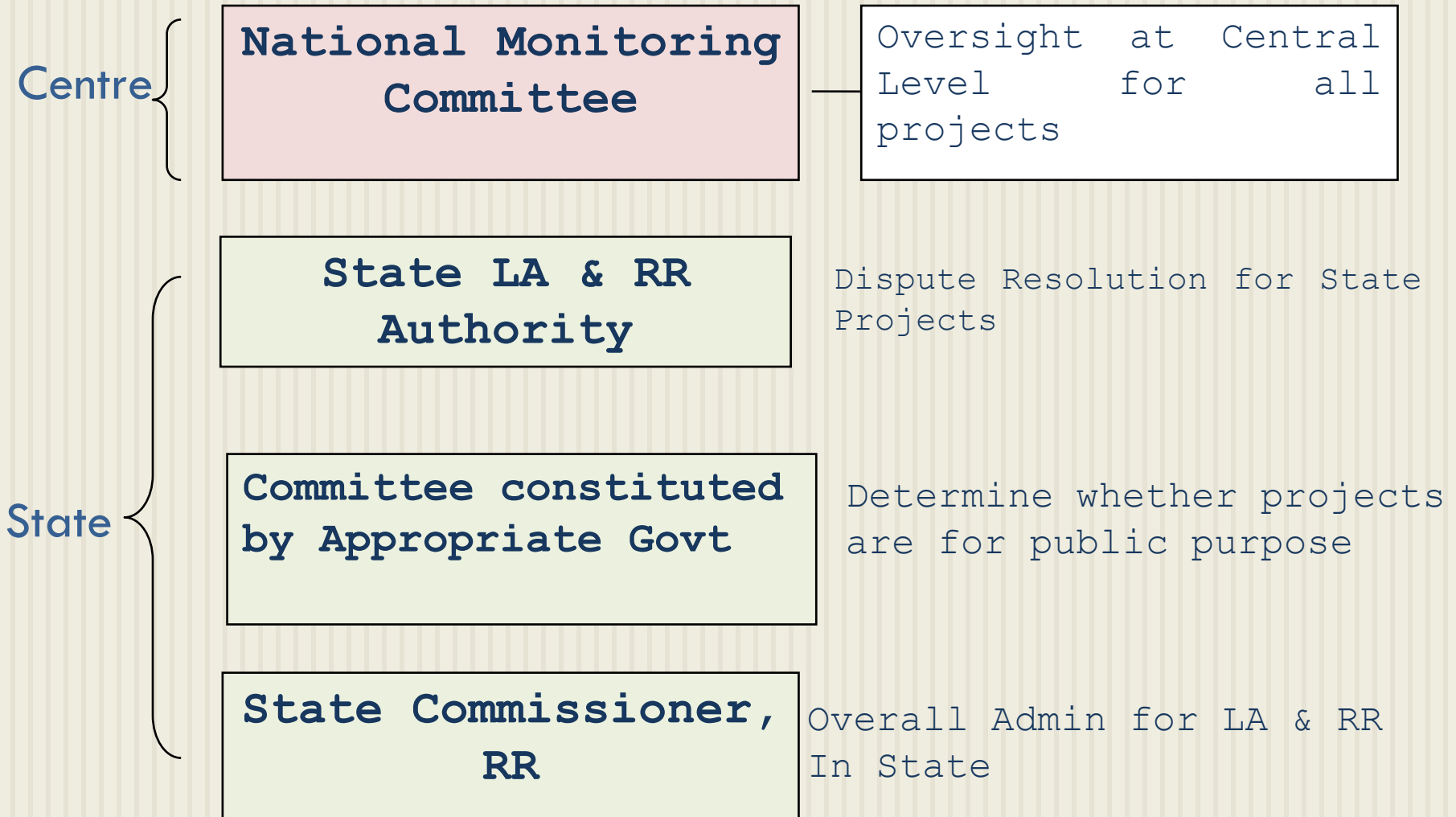
- Market Value of Land [MV] as determined under Sec 26 to 28 of the Act;
- Value of Assets [VA] attached to the property being acquired such as trees, plants, wells and the like (Sec 29)
- Final Award = $MV * \text{Factor} + VA + \text{Solatium}$
where, $\text{Solatium} = MV * \text{Factor} + VA$
[Sec 30]
- Factor 1 for Urban areas & 2 for Rural areas {vide GoUP Notification dated 22nd October 2014}

SR.NO	DISCRIPTION	MONETARY VALUE (MINIMUM IN RS.)		CATEGORY		EXPLANATION
		General	SC/ST	AFFECTE D	DISPLACE D	
1-	HOUSE	1,50,000-00		√	√	<p>In case of IAY in rural areas,a house of 21 sqmtr (226 sqft) will be provided. considering the lowest specification, the construction cost will be minimum Rs.600 per sqft, which gives monetary value of Rs.1,35,600-00(excluding the cost of developed land).</p> <p>While in urban areas ,a house of 50 sqmtr (538sqft),the construction cost would be Rs.5,38,800-00,at the normal const .cost of Rs.1000 per sqft.</p>
2-	LAND FOR LAND	As per actual cost of land		√	√	Only in the case of irrigation project.
3-	DEVELOPED LAND	As per actual cost of land		√	√	Only in the case of Urbanization purposes.
4-	ANNUITY/ EMPLOYMENT	5,00,000-00		√	√	One time payment to each affected family (including those who have eligible for employment)
5-	SUBSISTANCE GRANT	36000-00	50000-00		√	Rs. 3000/- till one year from the date of displacement. For SC/ST Rs. 50000.00 in addition of above amount, in scheduled areas only
6-	TRANSPORTATION	50000-00			√	Per displaced family/one time.
7-	CATTLE SHEDS/ PETTY SHOPS	25000-00		√	√	Per Affected family/one time financial assistance.
8-	ARTISAN/SMALL TRADERS	50000-00		√	√	Per Affected family/one time financial assistance.
9-	RESETTLEMENT ALLOWANCE	50000-00		√	√	Per Affected family/one time.

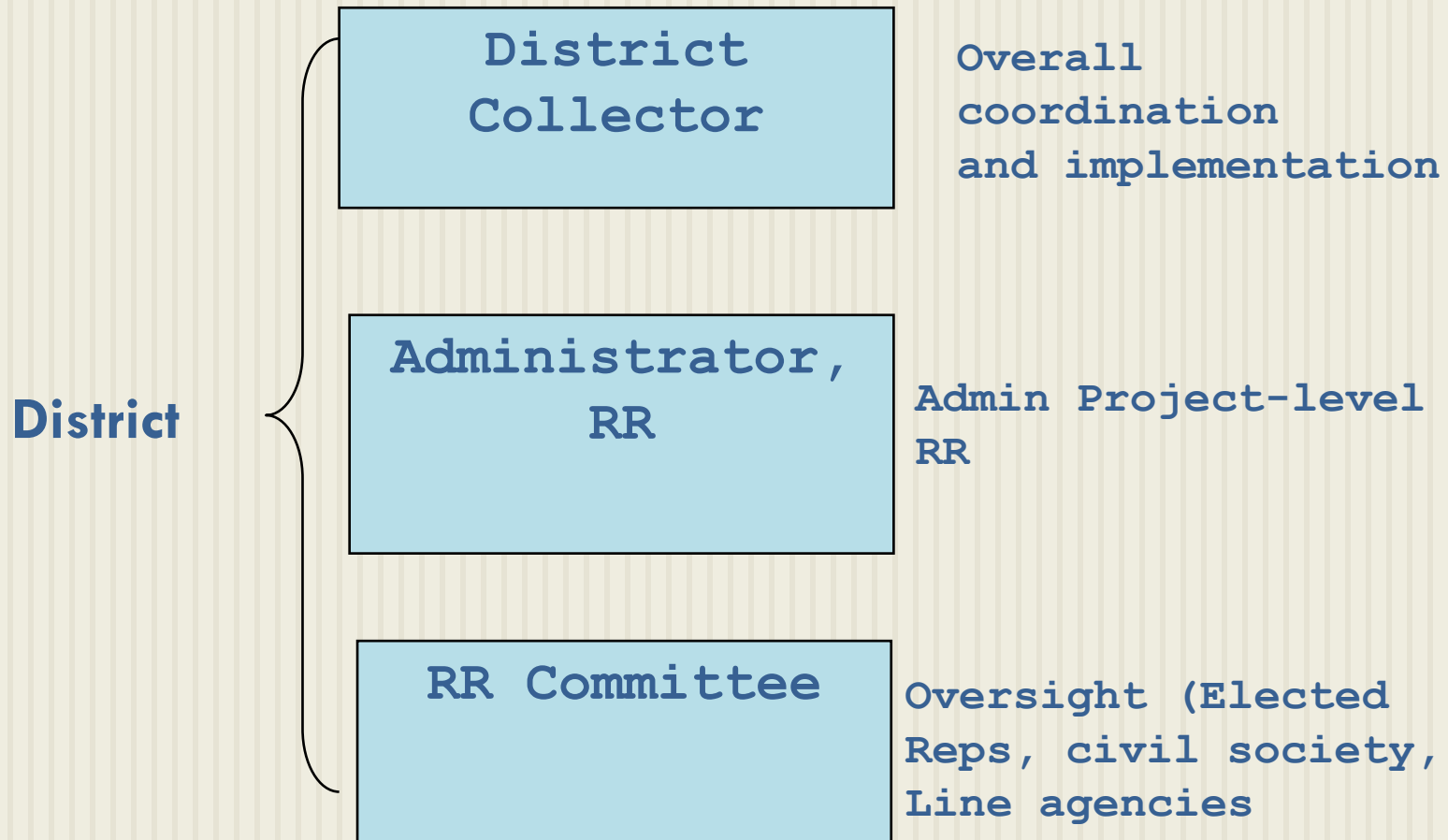
Retrospective Effect Clause

- Where no award under Section 11 of the 1894 Act has been made, the new law will apply with regard to determination of compensation (and R&R?);
- Where an award has been made under the 1894 Act, the acquisition would continue as if the Act has not been repealed.
- Where an award has been made before 1.1.2009, but the possession of land has not been taken OR compensation has not been paid, the acquisition proceedings would be deemed to have lapsed.

Institutional Structure



Institutional Structure



Decisions of GoUP

- Preparation of Draft Rules: in final stages
- Notifications Issued
 - ▣ **Commissioner R&R - Div Comm** [vide notification no 495; 6.8.14];
 - ▣ **Administrator R&R- SDM's/ SDO's** [vide notification no 414; 6.8.14]
 - ▣ **State Monitoring Committee for R&R** – Chaired by CS [vide notification no. 496,dated 29.9.14]
 - ▣ **R&R Authority** –Under the Chairmanship of District Judge(Yet to decide)
- Delegations
 - ▣ **District Collectors as Appropriate Government** for area <100 acres [vide notification no.491,dated 6.8.14];
 - ▣ **ADM(LA)/ SLAO/ DLAO** to exercise the powers of **Collectors** [vide notification no.493,dated 6.8.14];

Salient Provisions of the Ordinance

- **Addition of S10A (Ch III A) which provides for**
 - ▣ Dilution of requirement of SIA (Ch II of the Act)
 - ▣ Dilution of criterion for acquiring irrigated land (Ch III)
 - ▣ Dilution of Consent Clause for PPP/ Pvt Entities [s 2]
- **For the following categories of projects:**
 - ▣ Defense/ National Security
 - ▣ Rural infrastructure
 - ▣ Affordable Housing/ Housing for poor
 - ▣ Industrial corridors
 - ▣ Infrastructure/ Social Infrastructure
- NB: Relaxation at the discretion of the State Govt.

Salient Provisions of the Ordinance

- Relaxation of S 24 [retrospective effect clause]
- Project period S 101 relaxed from 5 years to a period as notified by the Appropriate Govt for use of acquired land .
- Central Government's power to issue instructions under the removal of difficulty provision [S 113] extended from 2 to 5 years.

THANK YOU