

# **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013**

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# Chapter Scheme of New Act

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# Chapter Scheme of New Act

Chapter No.	Contents of Chapter	Sections/ Provisions
<b>XI</b>	<b>Preliminary</b>	<b>81 to 83</b>
<b>XII</b>	<b>Offences and Penalties</b>	<b>84 to 90</b>
<b>XIII</b>	<b>Miscellaneous</b>	<b>91 to 114</b>
<b>Schedules</b>		
<b>First</b>	<b>Compensation for Land Owners</b>	<b>As per Sec-30(2)</b>
<b>Second</b>	<b>Element of Rehabilitation and Resettlement Entitlements for all the affected families (Both land owners and the family whose livelihood is primarily dependent on land acquired) in addition to those provided in the First Schedule</b>	<b>As per Section 31(1), 38(1) &amp; 105(3)</b>
<b>Third</b>	<b>Provision for infrastructure amenities</b>	<b>32, 38(1) &amp; 105(3)</b>
<b>Fourth</b>	<b>List of enactments regulating land acquisition and rehabilitation and resettlement.</b>	<b>105</b>



# Eco System of Land Acquisition

**Appropriate Government**

**Commissioner for  
Rehabilitation &  
Resettlement**

**Collector**

**Officer Designated by  
Collector**

**Administrator**

**Requiring Authority**

**R & R Committee**

**Land Acquisition & Rehabilitation &  
Resettlement Authority**

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# Institutional Structure

## Central Govt. Level

**National Monitoring  
Committee**



**Oversight at Central  
Level for all projects**

## State Govt. Level

**State LA & RR Authority**



**Dispute Resolution for  
State Projects**

**Committee constituted by  
Appropriate Government**



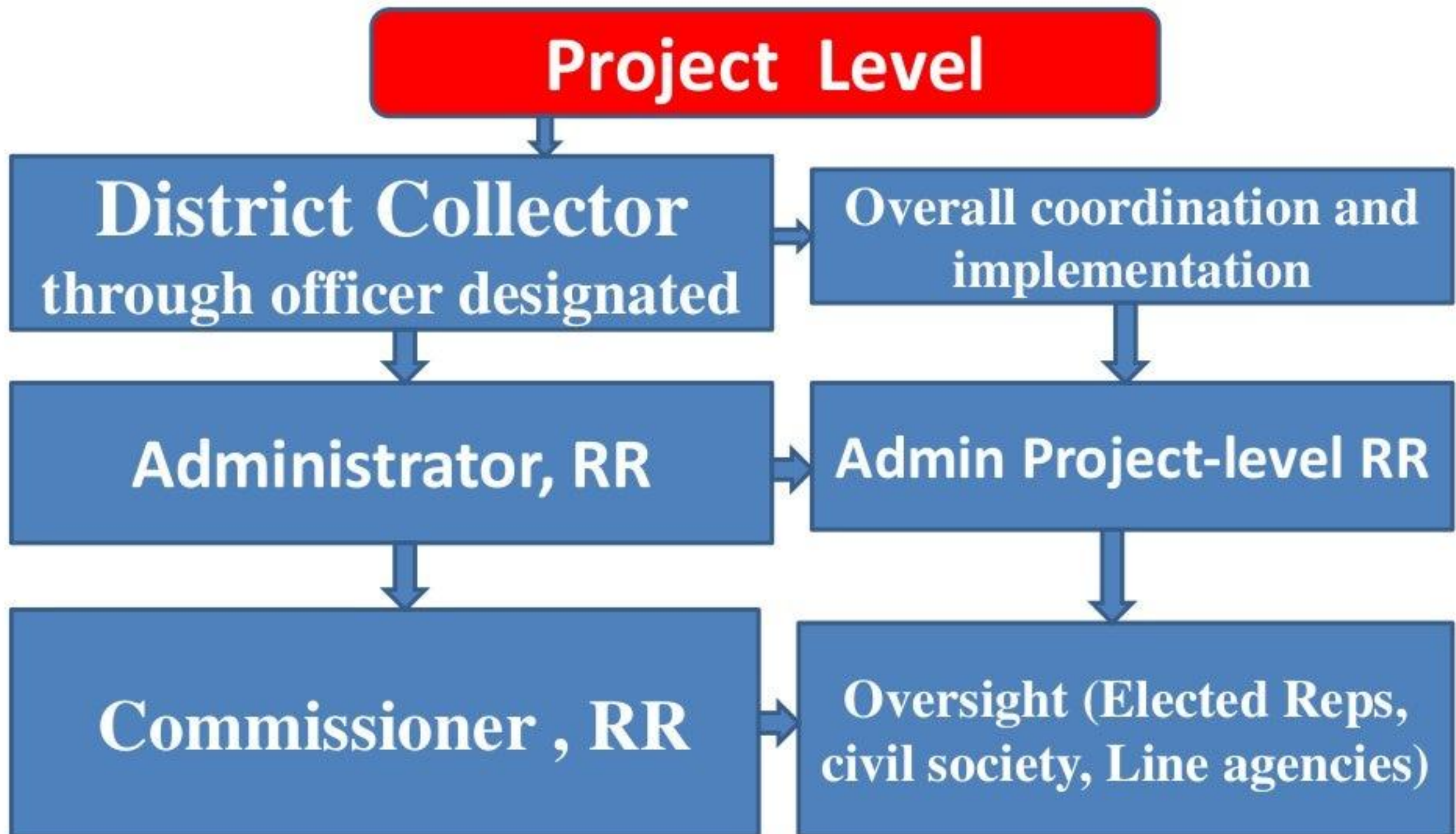
**Whether projects are  
for public purpose?**

**Commissioner, RR**



**Overall Admin for LA  
& RR In State**

# Institutional Structure





# Important Concepts

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# Public Purpose

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## Comparative Provisions of old Act and new Act.

Sr. No.	Process	Old Act Section	New Act Section
1	Preliminary notification	4	11
2	5 A Hearing	5A	15
3	Declaration of Resettlement Area & Public Purpose ( by Secretary or Officer Authorized)	6	19
4	Award	11	23/30/31
5	Correction of clerical errors. etc.	13A	33
6	Possession	16	38
7	Urgency Clause	17	40
8	Ref. to Court / <b>Authority</b>	18	64
9	Matters to be considered	23	27



## Comparative Provisions of old Act and new Act.

Sr. No.	Process	Old Act Section	New Act Section
10	Matters to be ignored	24	28
11	Interest on excess compensation	28	72
12	Re-determination of compensation	28A	73
13	Apportionment of compensation	29	75
14	Payment of deposit in court/ <b>Authority</b>	31	77
15	Interest	34	80
16	Temporary Occupation	35	81
17	Enforcing possession when opposed	47	91
18	Withdrawal from acquisition	48	93
19	Exemption from stamp-duty and fees	51	96



## **Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013**

<b>Shift</b>	<b>1894 Act</b>	<b>2013 LARR Act</b>
<b>Public Purpose</b>	<b>Includes several uses such as infrastructure, development and housing projects. Also includes use by companies under certain conditions.</b>	<b>No significant change except private companies for PPP.</b>
<b>Social Impact Assessment (SIA)</b>	<b>No provision</b>	<b>SIA has to be undertaken in case of every acquisition (Subject to pending Amendment Bill 2015)</b>



## **Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013**

<b>Shift</b>	<b>1894 Act</b>	<b>2013 LARR Act</b>
<b>Consent from affected people</b>	<b>No generic mandatory provision. Consented Awards provided</b>	<ul style="list-style-type: none"><li>• <b>Consent of 80 per cent of land owners is obtained when land is acquired for private projects</b></li><li>• <b>Consent of 70 per cent of land owners is obtained when land is acquired for public-private partnership projects.</b></li><li>• <b>No consent required for infrastructure work of Govt .</b></li><li>• <b>Consent from affected persons in addition to land owners.</b></li></ul>



## **Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013**

<b>Shift</b>	<b>1894 Act</b>	<b>2013 LARR Act</b>
<b>Compensation</b>	<b>Based on the market value.</b>	<b>Market value doubled in rural areas and not in urban area</b>
<b>Market Value</b>	<b>Based on the current use of land. Explicitly prohibits using the intended use of land while computing market value</b>	<b>Whichever is higher of:</b> <b>(a) value specified for stamp duty, and - Ready Reckoner</b> <b>(b) average of the top 50% by recorded price of sale of land in the vicinity</b> <b>(c) Consented amount u/s 2(2)</b>
<b>Solatium</b>	<b>30 %</b>	<b>100 %</b>



## **Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013**

<b>Shift</b>	<b>1894 Act</b>	<b>2013 LARR Act</b>
<b>Return of land to land owner</b>	<b>No provision</b>	<b>Acquired land if not used within 5 years, it will be returned to Land Bank or land owners.</b>
<b>Sharing of profit /appreciation</b>	<b>No provision.</b>	<b>If the acquired land is unused and is transferred, 20% of the profits shall be shared with the original land owners.</b>
<b>R&amp;R</b>	<b>No provision for R&amp;R.</b>	<b>R&amp;R necessary for all affected families. Minimum R&amp;R entitlements to be provided to each affected family specified.</b>



# **Maharashtra Policy on Land Acquisition Act, 1894 to the LARR Act, 2013**

Sr. No	Particulars	2013 LARR Act
1	<b>Market Value of Land</b>	To be determined by ready reckoner value fixed under the Maharashtra Stamp Act (59 of 1958) and the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 199
2	<b>Multiplication Factor</b>	<b>Land Compensation</b>
	1. Metropolitan Areas, A, B, C, Class Municipal Areas, Special Planning Authorities, Area Dev. Authorities, & New Townships	<b>(market value x 1 ) plus value of assets attached to land or building)plus( 100% solatium)</b>
	2. Areas covered by Regional Plans & Development Plans ( <i>excluding above areas</i> )	<b>(market value x 1.5 ) plus value of assets attached to land or building)plus( 100% solatium)</b>
	3. Urban Areas	<b>(market value x 2) plus value of assets attached to land or building) plus( 100% solatium)</b>



# Rehabilitation and Resettlement Components

Sr. No	Particulars	2013 LARR Act
1	<b>House is lost in rural area</b>	A constructed house shall be provided as per the specifications of <i>Indira Aawas Yojana</i> (a house of 25 sq.mtrs.) <i>or Rs. 1.65 lacs in lieu of house</i> . The construction cost will be minimum Rs. 600 per sq.ft.which gives Rs. 1,61,400 excluding the cost of the developed land.
2	<b>House is lost in rural area</b>	<p>A constructed house shall be provided of 50 sq. mtrs. plinth area as per Public Works Department norms or Rs. 5.5 lacs in lieu of house.</p> <p><i>Explanation.—Considering the construction cost of Rs. 1000 per sq.ft., the cost of house will be Rs. 5,38,000 excluding the cost of the developed land.</i></p> <p>pkachare@gmail.com</p>



# Rehabilitation and Resettlement Components

Sr. No	Particulars	2013 LARR Act
3	<b>One time payment</b>	<b>One time payment of Rs. 5 lacs to each affected family to those who have eligible candidate for employment.</b>
4	<b>Subsistence allowance to the affected displaced families</b>	<b>Rs. 3000 per month for a year after displacement date. For the families belonging to Scheduled Castes or Scheduled Tribes such families will get additional Rs. 50,000..</b>



# Rehabilitation and Resettlement Components

<b>Sr. No</b>	<b>Prticulars</b>	<b>2013 LARR Act</b>
<b>5</b>	<b>Transportation cost</b>	<b>Rs. 50,000 per affected displaced families..</b>
<b>6</b>	<b>One time financial assistance.</b>	<b>Those families having cattle shed or petty shops will get Rs. 25,000 one time financial assistance.</b>
<b>7</b>	<b>One time grant</b>	<b>One time grant for artisans, small traders of Rs. 50,000.</b>
<b>8</b>	<b>One time resettlement allowance</b>	<b>One time resettlement allowance of Rs. 50,000 after shifting of house.</b>



# Rehabilitation and Resettlement Components

Sr. No	Particulars	2013 LARR Act
9	Stamp duty and registration charges	Stamp duty and registration charges will be borne by Requiring Body for the first transaction of the rehabilitated person only.
10	Requiring Body to provide infrastructure in Rehabilitation and Resettlement area.	which includes the roads, drainage, <i>Panchayatghar, post office, Samaj Mandir and other facilities as mentioned in the THIRD SCHEDULE</i>
11	Provision of monetization ( on written consent)	10% plus the total per family cost of all the amenities to be provided under the THIRD SCHEDULE of the said Act—5% increase in inflation index increases on 1 <sup>st</sup> Jan