

LAND ACQUISITION REHABILITATION AND RESETTLEMENT BILL 2013

Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013:

The Monsoon session of the Parliament saw the passing of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 that shall set to be repealing and replacing the century old Land Acquisition Act, 1896 that had been governing Land acquisitions in India. This Bill of 2013 is set to establish a fair and a strong structure for land acquisition in India and lays down a list of legal prerequisites that are mandatorily required to be first discharged before setting in motion the land acquisition process. This Bill aims to provide for fair compensation to the affected land owners and provide for transparency in the process of land acquisition. The primary highlight of this Bill is that it provides for rehabilitation and resettlement of all those persons who have been displaced from their land by such compulsory acquisition and have been adversely affected and impacted from the loss of their only source of livelihood. The present article is aimed to briefly describe some of the key features of the Bill.

Need of passing of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013:

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 is an important legislation to be enacted by the Parliament this year. This legislation has come up in wake of the recent disputed and contested land acquisitions processes undertaken around the country. This legislation aims to address these issues and bring clarity on the subject of land acquisition in India.

The erstwhile Land Acquisition Act, 1896 was of the nature that mandated land acquisition without providing for adequate safeguard to the displaced land owners. The Act did not provided for any form of proper hearing or even adequate compensation to the land owners who were losing their land to acquisition. The Act of 1896 was also silent on the resettlement and rehabilitation part for displaced landowners and mandated land acquisition under the urgency clause without taking into consideration the interest of farmers and important village communities that were solely depending upon the land for their livelihood.

This bill in contrast introduces participation of government bodies along with panchayats, gram sabha and landowners in the process of land acquisition thereby adopting inclusive approach and involving all concerned people in the matters affecting land acquisition and thereby negating confusion and chaos over land acquisition and encouraging and protecting legitimate acquisitions and interest of farmers and land owners across board.

Some of the Highlights of the Bill 2013:

- This Bill provides for a fair and transparent process of land acquisition for public purpose. The Bill clearly defines public purpose and provides for Social Impact Assessment (SIA) to be conducted before issuance of notification regarding acquisition of land. This SIA report is to be examined by an expert body that is to include besides other members, 2 persons representing Panchayati raj institutions. This expert committee shall be deciding as to the legitimacy of the project and thereby keeping the interest and concerns of land owners on board in the process of land acquisition. This report shall be in public domain and shall be available for scrutiny of the general public. The Bill also provides that consent of the affected parties or persons from land acquisition is bound to be taken before setting in motion the process of acquisition. The Bill also provides for public hearing after release of notification notifying land acquisition and provides for hearing in respect of finalisation of scheme of resettlement and rehabilitation.
- The most unique feature of the bill is that it provides for compensation to affected parties along with provision for resettlement and rehabilitation of the affected parties. The bill proposes clear guidelines for payment of compensation. This bill provides that in case of rural properties and urban properties, compensation of 4 times the market rate of land and 2 times of market rate of land shall be provided to the affected parties for releasing their land in favour of land acquisition by government. The Bill provides that affected parties shall be rehabilitated and resettled by providing allowance for resettlement and employment and thereby takes into consideration the interest of land owners and endeavours to mitigate the harmful impact of land acquisition.
- This Bill is retrospective in operation and is aimed as the title of the bill suggests for providing fair compensation to affected parties and provides for transparent process of land acquisition. This Bill shall be applicable to all those land acquisitions where compensation has not been provided or where award has not been passed or where possession of land has not been taken. Fresh land acquisition proceedings shall be initiated under this Bill 2013.
- The bill also endeavours to safeguard agricultural land and food security and thereby direct the respective state governments to impose limits on the acquisition of land under agricultural cultivation.
- The Bill also provides that in case where the acquired land is not utilised for the public purpose for which it had been undertaken then, it shall be either returned back to the respective land owner or shall go into the State Land Bank.
- The Bill also provides that in case where there is sale of the land acquired through land acquisition to the third party and this is sold at 40 per cent of the appreciated value, than the profits are to be shared with the land owners.
- The bill also provides that rights of Scheduled tribes and scheduled caste under Forest Rights Act shall not be affected under the land acquisition bill and they shall be continued to be provided with their age-old traditional dwellers rights of fishing etc.

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- The bill also provides that no stamp duty or income tax shall be paid in respect of released land under the bill or compensation received under the Bill.
- The Bill also provides that no scheduled land shall be acquired for land acquisition under the Bill and in case of acquisition; consent of Gram sabha shall be mandatorily required to be taken.

Conclusion:

This Bill of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement is a path defining law on land acquisition that has served the dual purpose of providing transparent land acquisition process and also providing for fair compensation to the affected parties. This Bill truly from its provisions illustrates that processes of land acquisition can be undertaken with consideration of interest of all classes involved and can emerge as a winner for the cause of public interest for which it is undertaken and serve the interest of parties deeply affected by land acquisition.

This Bill serves as a great model for other countries to follow in regard to land acquisition.

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