

LOK SABHA

LAND ACQUISITION, REHABILITATION AND RESETTLEMENT BILL, 2011

[As introduced in Lok Sabha]

Notice of Amendments

Sl. No.	Name of the Member and text of Amendment	Clause No.
<b>SHRI JAIRAM RAMESH:</b>		
1.	Page 1, in the long title, for "to ensure a humane, participatory, informed consultative", substitute "to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed".	Long title
2.	Page 1, line 1, for "Sixty-second", substitute "Sixty-third".	Enacting formula
3.	Page 1, lines 5 and 6, for "the Land Acquisition, Rehabilitation and Resettlement Act, 2011", substitute "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2012".	1
4.	Page 2, line 1, for "(3) It shall come into force", substitute "(3) Save as otherwise provided in this Act, it shall come into force".	1
5.	Page 2, line 4, for "the Land Acquisition, Rehabilitation and Resettlement Bill, 2011", substitute "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2012".	1
6.	Page 2, for lines 6 to 27, substitute— "2(1) The provisions of this Act relating to land acquisition, compensation, rehabilitation 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; or (b) for infrastructure projects, which includes the following, namely:— (i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;	2

\*The President has in pursuance of clause (1) of article 117 and clause (1) of article 274 of the Constitution recommended to Lok Sabha the moving of the amendments.

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(ii) 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 the appropriate Government or by a farmers' cooperative or by an institution set up under a statute;

(iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;

(iv) project for water harvesting and water conservation structures, sanitation;

(v) project for Government administered, Government aided educational and research schemes or institutions;

(vi) project for sports, health care, tourism, transportation or space programme;

(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;

(c) project for project affected families;

(d) project for housing, for such income groups, as may be specified from time to time by the appropriate Government;

(e) 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;

(f) 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 or a corporation owned or controlled by the State.

(2) The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—

(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);

(b) for private companies for public purpose, as defined in sub-section (1):

Provided that in the case of acquisition for—

(i) private companies, the prior consent of at least eighty per cent, of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and

(ii) public private partnership projects, the prior consent of

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	<p>at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3, shall be obtained through a process as may be prescribed by the appropriate Government:</p> <p>Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:</p> <p>Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.</p> <p>(3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,—</p> <p>(a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government, through private negotiations with the owner of the land in accordance with the provisions of section 42.</p> <p>(b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:</p> <p>Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole."</p>	
7.	Page 2, for lines 34 and 35, <i>substitute</i> —	3
	"(i) a family whose land or other immovable property has been acquired;"	
8.	Page 2, lines 37 and 38, for "tenants, share-croppers or artisans or may be", <i>substitute</i> "tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be".	3
9.	Page 2, line 41, for "tribals", <i>substitute</i> "the Scheduled Tribes".	3
10.	Page 2, line 42, for "traditional rights", <i>substitute</i> "forest rights".	3
11.	Page 3, line 8, after "years", <i>insert</i> "or more".	3
12.	Page 3, line 12, after "sericulture,", <i>insert</i> "seed farming,".	3
13.	Page 3, for line 24, <i>substitute</i> "State, the Central Government, in consultation with the concerned State Governments or Union territories; and".	3
14.	Page 3, after line 26, <i>insert</i> —	3
	"Provided that in respect of a 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."	

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15.	Page 4, after line 31, insert— "Provided that widows, divorcees and women deserted by families shall be considered separate families;".	3
16.	Page 4, for lines 36 to 46, substitute— '(o) "infrastructure project" shall include any one or more of the items specified in clause (b) of sub-section (1) of section 2;'.	3
17.	Page 5, omit lines 1 to 5.	3
18.	Page 5, line 15 for "concerned authority;" substitute "authority concerned;".	3
19.	Page 5, line 16 for "Patta rights", substitute "forest rights".	3
20.	Page 5, line 38, for "tribals", substitute "the Scheduled Tribes".	3
21.	Page 5, line 38 for "any traditional", substitute "any forest".	3
22.	Page 6, for line 4, substitute '(za) "public purpose" means the activities specified under sub-section (1) of section 2;'.	3
23.	Page 6, omit lines 5 to 37.	3
24.	Page 6, line 39, after "any other organisation", insert "or person".	3
25.	Page 6, lines 41 and 42, for "in public interest to a company", substitute "for public purpose to a company".	3
26.	Page 6, after line 46, insert— '(zca) "Scheduled Areas" means the Scheduled Areas as defined in section 2 of the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996;'.	3
27.	Page 7, for lines 8 to 11, substitute— "4. (1) whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification. (2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Teshil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government: Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study:	40 of 1996 4

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	Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.	
	(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6."	
28.	Page 7, for line 14, substitute "(a) assessment as to whether the proposed acquisition serves public purpose;"	4
29.	Page 7, omit lines 17 and 18.	4
30.	Page 7, line 25, for "impact from the project", substitute "impacts of the project".	4
31.	Page 7, for lines 26 and 27, substitute "them and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project."	4
32.	Page 7, after line 27, insert— "Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study."	4
33.	Page 7, line 30, after "such as", insert "livelihood of affected families,"	4
34.	Page 7, line 36, for "may specify", substitute "shall required the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing".	4
35.	Page 7, for lines 47 and 48, substitute "study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Teshil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government."	6
36.	Page 8, after line 10, insert— "(aa) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;"	7
37.	Page 8, line 16, for "the stated" substitute "any".	7
38.	Page 8, omit line 17.	7
39.	Page 8, line 18, for "the costs and adverse impacts" substitute "the social costs and adverse social impacts".	7
40.	Page 8, line 19, after "recommendation" insert "within two months from the date of its constitution".	7
41.	Page 8, after line 22, insert— "Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing."	7

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42.	Page 8, line 24, for "the stated public purpose;", substitute "any public purpose; and".	7
43.	Page 8, omit line 25.	7
44.	Page 8, line 26, for "the costs and adverse impacts," substitute "the social costs and adverse social impacts,".	7
45.	Page 8, line 27 after "recommendations", insert "within two months from the date of its constitution".	7
46.	Page 8, after line 31, insert— “(6) The recommendations of the Expert Group referred to in sub-section (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.”.	7
47.	Page 8, omit lines 32 to 43.	8
48.	Page 9, omit lines 1 to 11.	8
49.	Page 9, for line 12, substitute— “Examination of proposals for land acquisition and the Social Impact Assessment report by appropriate Government.	8
	8. (1) The appropriate Government shall ensure that—”.	
50.	Page 9, for lines 15 and 16, substitute— “(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as”.	8
51.	Page 9, for lines 20 to 25 substitute— “(d) there is no unutilised land which has been previously acquired in the area;  (e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.”.	8
52.	Page 9, for lines 26 and 27, substitute "(2) The appropriate Government shall examine the report of the Collector, if any and the report of the Expert Group on the Social Impact Assessment study and after".	8
53.	Page 9, for lines 31 and 32, substitute— “(3) The decision of the appropriate Government shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be	8

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	prescribed, and uploaded on the website of the appropriate Government:".	
54.	Page 9, line 34, <i>for</i> "clause (b) or (c) of sub-section (1) of section 2, the Committee", <i>substitute</i> "sub-section (2) of section 2, the appropriate Government".	8
55.	Page 9, line 35, <i>for</i> "whether the consent of at least eighty per cent.", <i>substitute</i> "whether the prior consent".	8
56.	Page 9, line 36, <i>for</i> "to sub-clause (vii) of clause (za) of section 3", <i>substitute</i> "to sub-section (2) of section 2".	8
57.	Page 10, line 3, <i>after</i> "district", <i>insert</i> "or State".	10
58.	Page 10, <i>for</i> line 4, <i>substitute</i> "such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.".	10
59.	Page 10, line 6, <i>after</i> "agricultural purposes", <i>insert</i> "or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security".	10
60.	Page 10, line 7, <i>for</i> "the acquisition of the land", <i>substitute</i> "the acquisition of the agricultural land".	10
61.	Page 10, <i>for</i> lines 8 to 10, <i>substitute</i> "for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government;".	10
62.	Page 10, line 22, <i>for</i> "regional", <i>substitute</i> "the regional".	11
63.	Page 10, <i>for</i> lines 23 to 32, <i>substitute</i> — “(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil; (d) uploaded on the website of the appropriate Government; (e) in the affected areas, in such manner as may be prescribed. (2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.”.	11
64.	Page 11, line 3, <i>after</i> "prescribed", <i>insert</i> "within a period of two months".	11
65.	Page 11, <i>after</i> line 16, <i>insert</i> — “Provided that no act under clauses (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner:	12

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	Provided further that the acts specified under the first proviso 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."	
66.	Page 11, line 17, <i>after</i> "Provided", <i>insert</i> "also".	12
67.	Page 11, line 27, <i>for</i> "Expert Committee" <i>substitute</i> "Expert Group".	14
68.	Page 11, <i>after</i> line 29, <i>insert</i> — "Provided that the appropriate Government, shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same: Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."	14
69.	Page 12, line 12, <i>omit</i> "and".	17
70.	Page 12, line 14, <i>for</i> "involved." <i>substitute</i> "involved; and".	17
71.	Page 12, <i>after</i> line 14, <i>insert</i> — "(c) details of any common property resources being acquired".	17
72.	Page 12, line 32, <i>after</i> "Gram Sabha and Municipality", <i>insert</i> "where more than twenty-five per cent of land belonging to that Gram Sabha or Municipality is being acquired".	17
73.	Page 12, lines 33 and 34, <i>omit</i> "under the Fifth Schedule".	17
74.	Page 12, <i>omit</i> lines 39 to 41.	17
75.	Page 12, <i>after</i> line 47, <i>insert</i> — "Approved Rehabilitation and Resettlement Scheme to be made public.	18A (New)
	18A. 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, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government."	
76.	Page 13, line 7, <i>after</i> "same", <i>insert</i> "preliminary".	19
77.	Page 13, <i>after</i> line 15, <i>insert</i> — "Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11. (2A) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified."	19



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78.	<p>Page 13, <i>for</i> lines 16 to 26, <i>substitute</i>—</p> <p>"(3) Every declaration referred to in sub-section (1) shall be published in the following manner namely:—</p> <p>(a) in the Official Gazette;</p> <p>(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;</p> <p>(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;</p> <p>(d) uploaded on the website of the appropriate Government;</p> <p>(e) in the affected areas, in such manner as may be prescribed.</p> <p>(4) Every declaration referred to in sub-section (1) shall indicate,—</p> <p>(a) the district or other territorial division in which the land is situated;</p> <p>(b) the purpose for which it is needed, its approximate area; and</p> <p>(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost."</p>	19
79.	<p>Page 13, <i>after</i> line 29, <i>insert</i>—</p> <p>"(5) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:</p> <p>Provided that in computing the period referred to in this sub-section, any 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:</p> <p>Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:</p> <p>Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."</p>	19
80.	<p>Page 13, line 40, <i>after</i> "thirty days", <i>insert</i> "and not more than six months".</p>	21
81.	<p>Page 14, <i>for</i> lines 28 to 37, <i>substitute</i>—</p> <p>"24 (1) Notwithstanding anything contained in this Act on and from the 17th December, 2012 in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—</p> <p>(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation, rehabilitation and resettlement shall apply; or</p>	24

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	<p>(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.</p> <p>(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made, but the possession of the land has not been taken or the compensation has not been paid for a period equal to or exceeding five years prior to the date of commencement of this Act, the said proceedings shall be deemed to have lapsed and the appropriate Government shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act.</p> <p><i>Explanation.</i>—For the purposes of this sub-section—</p> <p>(i) the compensation that has not been accepted by the individuals whose land is sought to be acquired under the said Land Acquisition Act or has been accepted under protest shall be deemed to be unpaid;</p> <p>(ii) the compensation shall be deemed to have been paid only where it is credited in the bank account of the individual whose land is sought to be acquired."</p>	1 of 1894.
82.	Page 14, line 38, for "two years", substitute "twelve months".	25
83.	Page 14, after line 40, insert— "Provided that appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:  Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."	25
84.	Page, 14, line 43, for "the minimum land value" substitute "the market value".	26
85.	Page 14, for lines 47 and 48, substitute— "nearest vicinity area; or  (c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,  Whichever is higher:  Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11."	26
86.	Page 15, after line 7, insert— " <i>Explanation 3.</i> —While determining the market value under this section and the average sale price referred to in <i>Explanation 1</i> or <i>Explanation 2</i> , any price paid as compensation for land acquired under the provisions	26

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	of this Act on an earlier occasion in the district shall not be taken into consideration.	
	<i>Explanation 4.</i> —While determining the market value under this section and the average sale price referred to in <i>Explanation 1</i> or <i>Explanation 2</i> , any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value."	
87.	Page 15, line 17, for "minimum land value", substitute "market value".	26
88.	Page 15, line 19, for "the concerned State Government shall", substitute "the State Government concerned shall".	26
89.	Page 15, after line 28, insert—	26
	"Provided also that the Collector shall, before initiation of any land acquisition proceeding in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:	
	Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice".	
90.	Page 15, after line 31, insert—	27A (New)
	Parameters to be considered by Collector in determination of award.	
	"Parameters to 27A in determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—	
	<i>firstly</i> , the market value as determined under section 26 and the award amount in accordance with the First and Second Schedules;	
	<i>secondly</i> , the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;	
	<i>thirdly</i> , the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;	
	<i>fourthly</i> , the damage (if any) sustained by the person interest, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;	
	<i>fifthly</i> , in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;	
	<i>sixthly</i> , the damage (if any) <i>bona fide</i> resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land; and	

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	<i>Seventhly</i> , any other ground which may be in the interest of equity, justice and beneficial to the affected families."	
91.	Page 16, <i>after</i> line 2, <i>insert</i> — <p>"(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier."</p>	29
92.	Page 16, <i>after</i> line 25, <i>insert</i> — <p>"Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index."</p>	30
93.	Page 16, <i>for</i> lines 26 to 28, <i>substitute</i> — <p>"31. In every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule."</p>	31
94.	Page 17, line 28, <i>for</i> "shall ensure that", <i>substitute</i> "shall take possession of land after ensuring that".	37
95.	Page 17, line 38, <i>omit</i> "proposed to be so".	37
96.	Page 17, line 40, <i>after</i> "all its aspects", <i>insert</i> "before displacing the affected families".	37
97.	Page 17, <i>omit</i> lines 41 to 43.	37
98.	page 17, <i>after</i> line 43, <i>insert</i> — <p>"Additional compensation in case of multiple displacements. 37A. The Collector shall, as far as possible not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements."</p>	37A (New)
99.	Page 18, line 3, <i>after</i> "natural calamities", <i>insert</i> "or any other emergency with the approval of Parliament".	38
100.	Page 18, lines 18 and 19, <i>for</i> "market value as determined under the provisions of this Act," <i>substitute</i> "total compensation as determined under section 27".	38
101.	Page 18, <i>after</i> line 21, <i>insert</i> — <p>"Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States."</p>	38

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102.	Page 18, after line 21, insert—	38A (New)
	"Special Provisions for Scheduled Castes and Scheduled Tribes. 38A. (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.	
	(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.	
	(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, by resolution, at the appropriate level in Scheduled Areas, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force, as per the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and other relevant laws. 40 of 1996.	
	(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.	
	(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.	
	(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.	
	(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.	
	(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.	
	(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.	
	(10) the affected Scheduled tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or	

Sl. No.	Name of the Member and text of Amendment	Clause No.
	dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.	
	(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees."	
103.	Page 18, after line 21, insert—	38B (New)
	"Reservation and other benefits. 38B. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.	
	(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.	
	(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community right."	2 of 2007.
104.	Page 18, line 45, for "village panchayat", substitute "Gram Sabha".	40
105.	Page 19, line 1, for "village panchayat", substitute "Gram Sabha".	41
106.	Page 19, after line 12, insert—	41
	"(fa) the Chairperson of the District Planning Committee or his nominee;"	
107.	Page 19, line 19, for "State", substitute "appropriate".	41
108.	Page 19, line 20, after "purchasing land", insert "through private negotiations, for an area".	42
109.	Page 19, line 21 and 22, for "one hundred acres, in rural areas and fifty acres in urban areas, through private negotiations", substitute "such limits, as may be notified by the appropriate Government, considering the relevant State specific factors and circumstances, for which the payment of Rehabilitation and Resettlement Costs under this Act is required,".	42
110.	Page 19, after line 34, insert—	42
	"Provided that the appropriate Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its State and shall also fix the limits or ceiling for the said purpose."	

<i>Sl. No.</i>	<i>Name of the Member and text of Amendment</i>	<i>Clause No.</i>
111.	Page 19, <i>after</i> line 41, <i>insert</i> —  "Quantification and deposit of rehabilitation and resettlement amount. 42A. Where the Collector is of the view that the obligations of the Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an account in complete satisfaction of such obligations, which shall be administered by the Administrator appointed under section 39, under the supervision of the Collector."	42A (New)
112.	Page 20, line 3, <i>for</i> "shall", <i>Substitute</i> "may, whenever necessary, for national or inter-State projects,".	43
113.	Page 20, <i>after</i> line 15, <i>insert</i> —  "Establishment of State Monitoring Committee for rehabilitation resettlement. 44A. (1) The State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.  (2) The Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, Associate with it eminent experts from the relevant fields.  (3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed by the State.  (4) The State Government shall provide such officers and other employees to the Committee as may be necessary for its efficient functioning."	44A (New)
114.	Page 20, line 21, <i>for</i> "to exercise the jurisdiction", <i>substitute</i> "to exercise jurisdiction".	45
115.	Page 20, <i>for</i> lines 34 and 35, <i>substitute</i> —  "(a) he is or has been a District Judge; or  (b) he is a qualified legal practitioner for not less than seven years."	47
116.	Page 21, lines 18 and 19, <i>for</i> "the earliest" <i>substitute</i> "earlier".	52
117.	Page 21, line 21, <i>for</i> "proved", <i>substitute</i> "proven".	52
118.	Page 22, line 23, <i>for</i> "fifteen", <i>substitute</i> "thirty".	58
119.	Page 23, <i>for</i> lines 21 to 40, <i>substitute</i> "including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 29 and the provisions under Chapter V of this Act."	63
120.	Page 25, line 1, <i>for</i> "68. The appropriate Government or a Requiring Body", <i>substitute</i> "68.(1) The Requiring Body".	68
121.	Page 25, line 2, <i>for</i> "section 63", <i>substitute</i> "section 64".	68
122.	Page 25, <i>after</i> line 6, <i>insert</i> —  "(2) Every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavor shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court."	68

<i>Sl. No.</i>	<i>Name of the Member and text of Amendment</i>	<i>Clause No.</i>
123.	Page 26, lines 33 and 34, <i>omit</i> "or for a company,".	75
124.	Page 27, line 7, <i>omit</i> "or for a company".	76
125.	Page 27, lines 14 and 15, <i>for</i> "any information or produces any document that the person knows is false or misleading," <i>substitute</i> "any information that is false or misleading, or produces any false document,".	78
126.	Page 27, line 16, <i>for</i> "one month", <i>substitute</i> "six months".	78
127.	Page 27, line 19, <i>for</i> "appropriate authority", <i>substitute</i> "appropriate Government in the manner as may be prescribed".	78
128.	Page 29, for lines 31 to 33, <i>substitute</i> — "Exemption from income-tax, stamp duty and fees. 90. No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 42, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.".	90
129.	Page 29, <i>after</i> line 42, <i>insert</i> — "Provided that if the land acquired is rendered unusable for the purpose for which it was acquired due to a fundamental change because of any unforeseen circumstances, then the appropriate Government may use such land for any other public purpose.".	93
130.	Page 30, line 1, <i>omit</i> "or part thereof,".	95
131.	Page 30, line 2, <i>for</i> "ten years", <i>substitute</i> "five years".	95
132.	Page 30, line 2, <i>for</i> "same shall return to the", <i>substitute</i> "same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the".	95
133.	Page 30, line 3, <i>after</i> "reversion", <i>insert</i> — "in the manner as may be prescribed by the appropriate Government. <i>Explanation.</i> — For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.".	95
134.	Page 30, line 6, <i>for</i> "twenty", <i>substitute</i> "forty".	96
135.	Page 30, <i>for</i> line 8, <i>substitute</i> — "were acquired within a period of five years from the date of acquisition: Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.".	96
136.	Page 30, line 15, <i>for</i> "may, by notification," <i>substitute</i> "shall, by notification, within one year from the date of commencement of this Act,".	98



Sl. No.	Name of the Member and text of Amendment	Clause No.
137.	Page 31, after line 7, insert— <p>"(a) the process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;  (aa) the limits of land in rural areas or urban areas under clause (a) of sub-section (3) of section 2;"</p>	102
138.	Page 31, omit lines 14 and 15.	102
139.	Page 31, after line 24, insert— <p>"(1a) the form in which the Development Plan shall be prepared under sub-section (4) of section 38A;"</p>	102
140.	Page 31, after line 30, insert— <p>"(1a) the procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 44A;"</p>	102
141.	Page 31, after line 36, insert— <p>"(oa) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 78;  (ob) the manner of returning the unutilised land by reversion under section 95;  (oc) manner of publication wherever the provisions of this Act provide for;"</p>	102
142.	Page 31, omit lines 37 and 38.	102
143.	Page 33, line 13, for "2 (Two)", substitute "1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government."	First Schedule
144.	Page 36, omit lines 28 to 43.	Second Schedule
145.	Page 36, after line 43, insert—	Second Schedule

(1)	(2)	(3)	(4)
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"2A. Offer for Developed Land	In case the land is acquired for urbanisation purposes, twenty per cent of the developed land will be reserved and offered to land owing project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development:
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Provided that in case the land owing project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it."

Sl. No.	Name of the Member and text of Amendment	Clause No.								
146.	Page 36, lines 49 and 50, for "mandatory employment", substitute "after providing suitable training and skill development in the required field, make provision for employment".	Second Schedule								
147.	Page 37, after line 29, insert—	Second Schedule								
	<table border="1"> <thead> <tr> <th>(1)</th> <th>(2)</th> <th>(3)</th> <th>(4)</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center;"> <p>"In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities."</p> </td> </tr> </tbody> </table>	(1)	(2)	(3)	(4)	<p>"In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities."</p>				
(1)	(2)	(3)	(4)							
<p>"In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities."</p>										
148.	Page 38, omit lines 35 to 51.	Second Schedule								
149.	Page 39, omit lines 1 to 55.	Second Schedule								
150.	Page 40, omit lines 1 to 54.	Second Schedule								
151.	Page 42, line 20, for "traditional right", substitute "forest rights".	Third Schedule								
152.	Page 43, omit line 8.	Fourth Schedule								
153.	Page 43, omit line 18.	Fourth Schedule								
154.	Page 43, omit line 22.	Fourth Schedule								

NEW DELHI;  
December 17, 2012  
Agrahayana 26, 1934 (Saka)

T.K. VISWANATHAN,  
Secretary-General.