

# Bill Summary

## The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023 was introduced in the Assam Legislative Assembly on September 14, 2023. The Bill amends the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 passed by Parliament, in its application to the state of Assam. The 2013 Act provides for land acquisition by the government or private companies. It also provides for compensation, resettlement, and rehabilitation to individuals affected by the acquisition process.
  - **Exemptions to national security projects:** The 2013 Act requires consent from land owners if the land is being acquired for private or public-private projects. The Act also mandates a social impact assessment which includes: (i) assessing if the proposed acquisition serves a public purpose, (ii) estimation of affected families, and (iii) the extent of lands, public and private houses, and common properties that are likely to be affected. Additionally, it prohibits acquisition of irrigated multi-cropped land, barring exceptional circumstances. The Bill exempts land acquired for projects vital to national security or defence, including preparation for defence or defence production, from these provisions. It also removes the requirement for rehabilitation and resettlement in case of land acquisition for the above purposes. Instead, the state government will pay a lump-sum amount as compensation
  - **Award of land without enquiry:** Under the 2013 Act, the collector must give notice and enquire into public objections to the proposed land acquisition. Following the enquiry, collector will determine the true area of the land, compensation for the land, and division of the compensation between the persons interested in the land. The Bill allows the collector to carry out these functions without an enquiry if all the concerned persons have reached an agreement in writing.
  - **Compensation claims:** Under the Act, if the land was acquired before the commencement of the
- 2013 Act and compensation for the majority of land holdings was not paid by then, specified beneficiaries will be entitled to compensation as per the 2013 Act. The Bill provides that beneficiaries will receive compensation as per the 2013 Act only if the land was acquired at least five years before the commencement of the Act. This period will not include delays resulting from legal proceedings.
- **Value of assets on acquired land:** Under the Act, the value of immovable property attached to the acquired land or building must be calculated for compensation. The Bill specifies that the asset value of such immovable property must be calculated after accounting for depreciation.
  - **Return of acquired land:** The Act provides that if the acquired land stays unutilised for five years from the date of taking possession of the land, it must be returned to the original owners, their legal heirs, or to the government land bank. The Bill instead provides that unutilised land must be returned after five years or the period specified for setting up the project, whichever is later.
  - **Voluntary acquisition of land:** The Bill allows the state government to enter into an agreement to acquire land for public purposes from a landowner who is willing to sell the land. Where families, other than that of the landowners, are impacted by such acquisition, the state government will also pay a lump sum amount towards their rehabilitation and resettlement.
  - **Exception:** The provisions of the Bill will not apply to acquisition under the Assam Land (Requisition and Acquisition) Act, 1964. The 1964 Act allows state government to require and if needed subsequently acquire land mainly for flood control operations. However, compensation and rehabilitation and resettlement provisions of the 2013 Act may be extended to such acquisition. This can be done only after a resolution is passed by the State Legislative Assembly.

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