

Bill Summary

The Land Acquisition, Rehabilitation and Resettlement Bill, 2011

- The Land Acquisition, Rehabilitation and Resettlement Bill, 2011 was introduced in the Lok Sabha on September 7, 2011 by the Minister of Rural Development. The Bill proposes a unified legislation for acquisition of land and adequate rehabilitation mechanisms for all affected persons and replaces the Land Acquisition Act, 1894.
- Land Acquisition refers to the forcible acquisition of land from an unwilling seller and is distinct from a land purchase from a willing seller.
- The provisions of this Bill shall not apply to 16 existing legislations that provide for land acquisition. These include The Atomic Energy Act, 1962, The National Highways Act, 1956, SEZ Act, 2005, Land Acquisition (Mines) Act, 1885, The Railways Act, 1989.
- The provisions of the Bill relating to land acquisition, rehabilitation and resettlement shall be applicable in cases when the appropriate government acquires land, (a) for its own use and control, (b) to transfer it for the use of private companies for public purpose, and (c) on the request of private companies for immediate use for public purpose.
- The Bill proposes that private companies shall provide for rehabilitation and resettlement if they purchase or acquire land, through private negotiations, equal to or more than 100 acres in rural areas and 50 acres in urban areas. In addition, if such companies request the appropriate government to acquire part of an area for public purpose, they shall be liable for rehabilitation and resettlement of the affected persons, for the area acquired by the government, as well as the land purchased previously through private negotiations.
- The term 'public purpose' in the Bill includes provision of land for, (a) strategic defence purposes and national security, (b) roads, railways, highways, and ports, built by government and public sector enterprises (c) project affected people, (d) planned development or improvement of villages, and (e) residential purposes for the poor and landless. Public purpose includes other government projects which benefit the public as well as provision of public goods and services by private companies or public-private partnerships; these require the consent of 80 per cent of project affected people. Affected families include those whose livelihood may be affected due to the acquisition, and includes landless labourers and artisans.
- A maximum of five per cent of irrigated multi-cropped land may be acquired in a district, with certain conditions.
- Every acquisition requires a Social Impact Assessment (SIA) by an independent body followed by a preliminary notification and a final award by the District Collector.
- In the case of urgency, the Bill proposes that the appropriate government shall acquire the land after 30 days from the date of the issue of the notification (without SIA). This clause may be used only for defence, national security, and conditions arising out of a national calamity.
- The compensation for the land acquired shall be based on the higher of (a) the minimum land value, specified in the Indian Stamp Act, 1899 for the registration of sale deeds; and (b) the average sale price of the higher priced 50% of all sale deeds registered in the previous 3 years for similar type of land situated in the vicinity. This amount is further doubled in case of rural areas. The value of the assets (trees, plants, buildings etc) attached to the land being acquired will be added to this amount. This total amount reached will then be multiplied by two to get the final compensation amount; in case of the urgency clause, an additional 75% of the market value shall be given.
- The Bill proposes the following authorities; Administrator; Commissioner for Rehabilitation and Resettlement; Rehabilitation and Resettlement Committee (for acquisition of 100 acres or more of land); National Monitoring Committee for Rehabilitation and Resettlement; and Land Acquisition, Rehabilitation and Resettlement Authority (which shall adjudicate all disputes, with appeal to the High Court).
- If an acquired land which is transferred to a person for a consideration, is left unutilised for a period of 10 years from the date it was acquired, it shall be returned to the Land Bank or the appropriate government.
- The Bill proposes that in cases where the ownership of an acquired land is sold to any person, without any development made, 20 per cent of the profit made shall be shared among all the persons from whom the land was acquired.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.