

# Standing Committee Report Summary

## The Land Acquisition, Rehabilitation and Resettlement Bill, 2011

- The Standing Committee on Rural Development (Chair: Ms. Sumitra Mahajan) submitted its Report on ‘The Land Acquisition, Rehabilitation and Resettlement Bill, 2011’ on May 17, 2012.
- The term “public purpose” in the Bill includes specific government projects which benefit the public as well as provision of public goods and services by private companies or public-private partnerships (PPPs). The Committee recommended that land may not be acquired for use by private companies and PPPs. The Committee recommended including “infrastructure projects” within the definition of public purpose.
- The Bill defines “infrastructure projects” to include projects related to generation of electricity, telecommunication services, roads and highways, water supply, and other projects that may be notified by the government. The Committee felt that the Bill gives wide discretion to the government in notifying any project as infrastructure project and this Clause should be deleted.
- The Bill requires that rehabilitation and resettlement (R&R) should be provided by private companies if they purchase land equal to or more than 100 acres in rural areas and 50 acres in urban areas through private negotiations. The Committee recommended that since sale and purchase of land is a state subject, the threshold for R&R provisions shall be fixed by the states and not the central government.
- The Committee recommends that the Bill should not allow for acquisition or alienation of land of Scheduled Areas (Schedule V and VI). If unavoidable, there should be increased compensation and R&R benefits provided for acquisitions in such areas.
- A maximum of five per cent of irrigated multi-cropped land may be acquired in a district, with certain conditions. The Committee recommended that this restriction should also apply to any land under agricultural cultivation. Also, the percentage restrictions should be fixed by the state governments.
- The Bill exempted 16 existing legislations that provide for land acquisition. The Committee recommended that no central act should be exempted from the provisions of this Bill and necessary amendments should be brought in those Acts to bring them at par with this Bill.
- The Bill provides a consultation process with Gram Sabhas at certain stages (SIA, preliminary notification, R&R). The Committee expands the scope to include other decision points (compensation awards, disputes, etc.) and requires consent instead of consultation.
- The Bill requires the Collector to determine the market value based on certain specified parameters. The Committee recommended that the appropriate government should constitute a multi-member land pricing commission or authority to finalise the cost of land acquisition state wise/area wise. Also, 12 per cent interest per annum should be paid in addition to the compensation from the date of the notification till the date of the award.
- The Committee also recommended that in cases of urgency it should be clarified that the extra compensation would be 75 per cent of the total compensation package / solatium calculated.
- The Bill stated that if an acquired land 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 Committee recommended that this period should be reduced to five years and if left unutilised, the land should be returned to the land owners.
- The Bill proposed that the Schedules in the Bill could be changed by a notification given by the government. The Committee suggested that this should be done only by amendment Bills brought in the Parliament.
- The Committee recommended that the monetary components in the R&R entitlements given in Schedule II in the Bill should be inflation indexed. It also recommended that the minimum infrastructure at R&R sites shall be decided on a case by case basis.

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