

Bill Summary

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015 was introduced in the Lok Sabha by the Minister for Rural Development, Mr. Birender Singh on May 11, 2015. The Bill amends the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- The Bill replaces the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 which is to lapse on June 4, 2015. The Bill will be deemed to have come into force on December 31, 2014.
- The Act outlines the process to be followed when land is acquired for a public purpose. Key changes made by the Bill are:
 - **Exemption of five types of projects from certain provisions:** The Bill seeks to exempt the following five types of projects from certain provisions of the Act: (i) defence; (ii) rural infrastructure; (iii) affordable housing; (iv) industrial corridors (set up by the government); and (v) infrastructure projects.
 - The provisions of the Act which will not apply to these five types of projects are: (i) obtaining the consent of 80% of land owners when land is acquired for a private project and the consent of 70% of land owners when land is acquired for the public-private partnership project; (ii) conducting a Social Impact Assessment; and (iii) limits on acquiring agricultural and multi-cropped land.
 - The government is required to issue a notification before exempting a project from the Social Impact Assessment, and limits on acquiring agricultural and multi-cropped land. Before issuing this notification, the government must ensure that the amount of land proposed to be acquired is in keeping with the minimum land required.
 - **Compensation and R&R provisions of 13 other laws:** The Bill brings the compensation, and rehabilitation and resettlement (R&R) provisions of 13 other laws which govern land acquisition in specific sectors (such as the National Highways Act, 1956 and the Railways Act, 1989) in line with the provisions of the Act. The Act had required that this be done within a year of its enactment (January 1, 2015), through a notification.
 - **Definitions:** The Act was applicable for the acquisition of land for private companies. The Bill changes this to acquisition for 'private entities'. A private entity is defined as an entity other than a government entity, and could include a proprietorship, partnership, company, corporation, non-profit organisation, or another entity under any other law.
- **Return of unutilised land:** The Act requires that if land which is acquired under it remains unutilised for five years, it is returned to the original owners or the land bank. The Bill states that the period after which unutilised land will need to be returned will be the later of: (i) five years; or (ii) any period specified at the time of setting up the project.
- **Retrospective application:** The 2013 Act states that the Land Acquisition Act, 1894 will continue to apply in those cases where an award has been made under the 1894 Act. However, if the award was made five years or more before the enactment of the 2013 Act, and the possession of land has not been taken or compensation has not been paid, the 2013 Act will apply.
- The Bill states that in calculating this time period, the following will not be included: (i) any period during which the process of acquisition was held up due to an order of a court; (ii) a period specified by a Tribunal for taking possession; and (iii) any period where possession was taken but the compensation was lying deposited in a court/designated account.
- **Offences by the government:** The Act states that if an offence was committed by the government, the head of the department will be deemed guilty unless he can show that the offence was committed without his knowledge, or that he had exercised due diligence to prevent the offence. The Bill removes this provision. It requires that the prior sanction of the government be obtained before prosecuting a public servant.
- **Other changes:** The Bill mandates that employment be provided to at least one member of a family of farm labourers as a part of the R&R entitlements provided under the Act. It also requires that the government conduct a survey of wasteland, and maintain a record of this land.
- The Act establishes a Land Acquisition, Rehabilitation and Resettlement (LARR) Authority to dispose disputes related to awards made under the Act. The Bill mandates that the hearing of the LARR Authority be held in the district where land is proposed to be acquired.