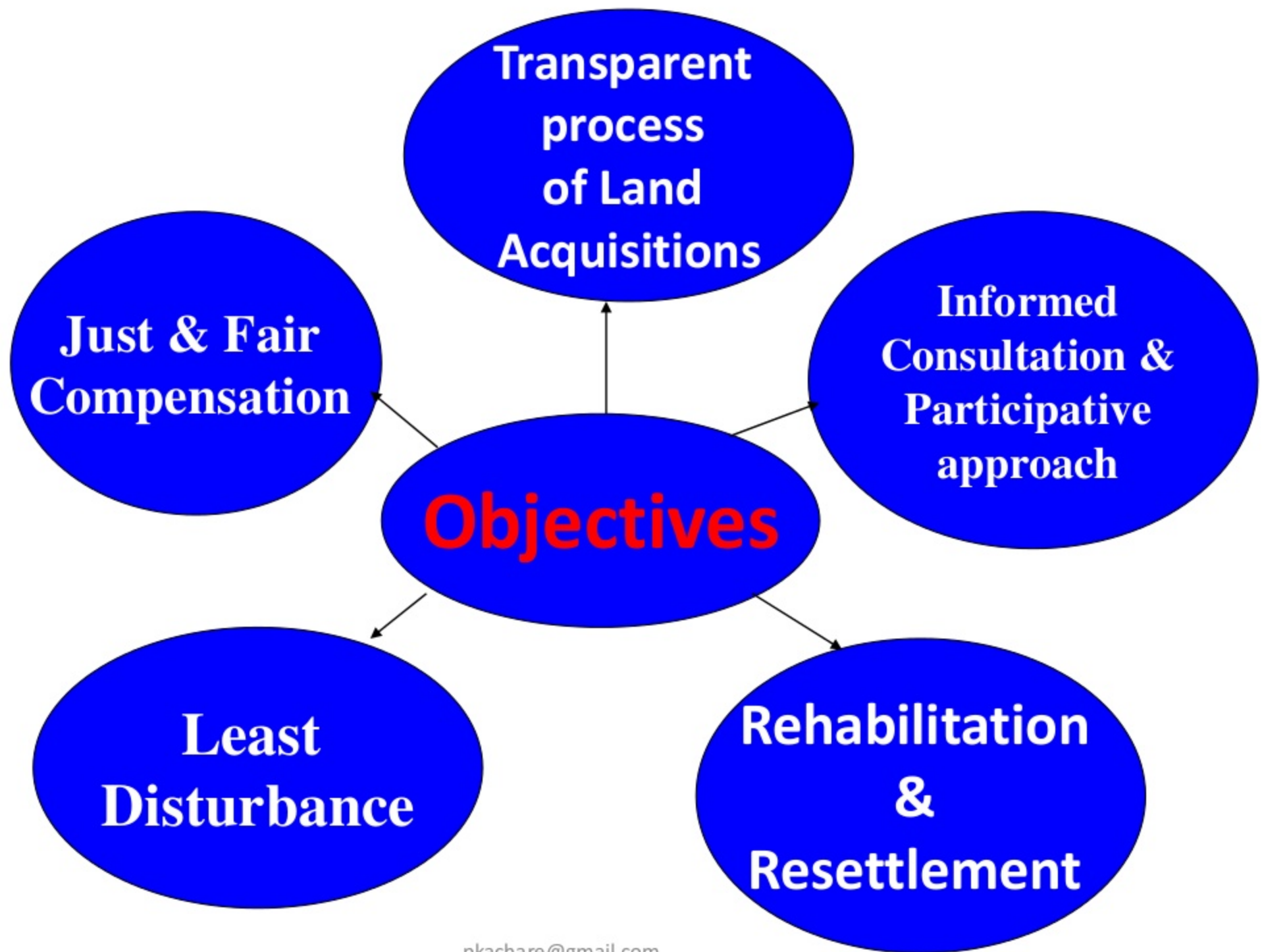


The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013

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Dy. Commissioner (Ent. Duty) , Pune



Chapter Scheme of New Act

| Chapter No. | Contents of Chapter | Sections/ Provisions |
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Chapter Scheme of New Act

| Chapter No. | Contents of Chapter | Sections/ Provisions |
|-------------|-------------------------------|----------------------|
| XI | Preliminary | 81 to 83 |
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| XIII | Miscellaneous | 91 to 114 |

Schedules

| | | |
|---------------|---|---|
| First | Compensation for Land Owners | As per Sec-30(2) |
| Second | Element of Rehabilitation and Resettlement Entitlements for all the affected families (Both land owners and the family whose livelihood is primarily dependent on land acquired) in addition to those provided in the First Schedule | As per Section 31(1), 38(1) & 105(3) |
| Third | Provision for infrastructure amenities | 32, 38(1) & 105(3) |
| Fourth | List of enactments regulating land acquisition and rehabilitation and resettlement. | 105 |

Eco System of Land Acquisition

Appropriate Government

**Commissioner for
Rehabilitation &
Resettlement**

Collector

**Officer Designated by
Collector**

Administrator

Requiring Authority

R & R Committee

**Land Acquisition & Rehabilitation &
Resettlement Authority**

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Institutional Structure

Central Govt. Level

National Monitoring
Committee



Oversight at Central
Level for all projects

State Govt. Level

State LA & RR Authority



Dispute Resolution for
State Projects

Committee constituted by
Appropriate Government



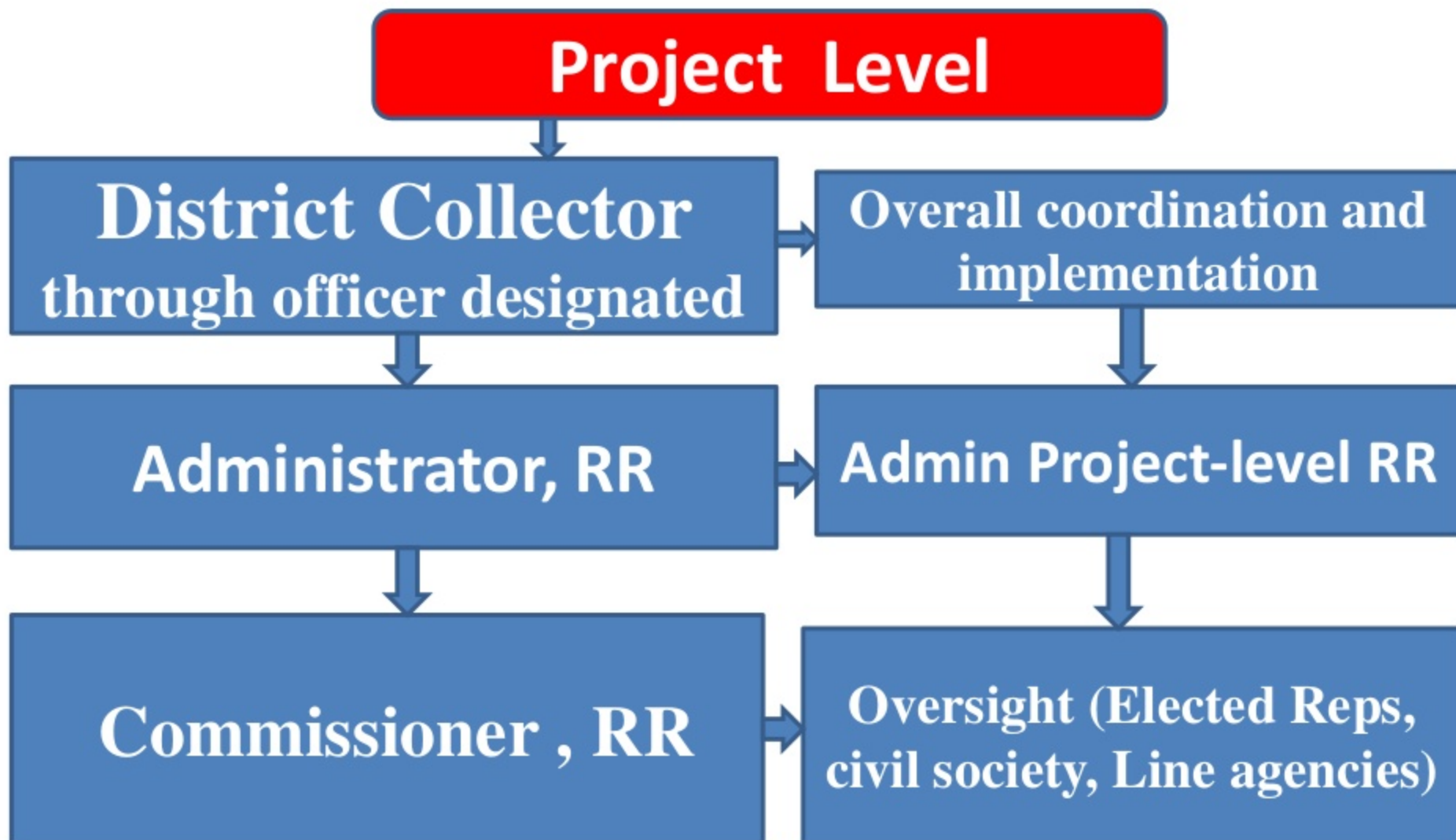
Whether projects are
for public purpose?

Commissioner, RR



Overall Admin for LA
& RR In State

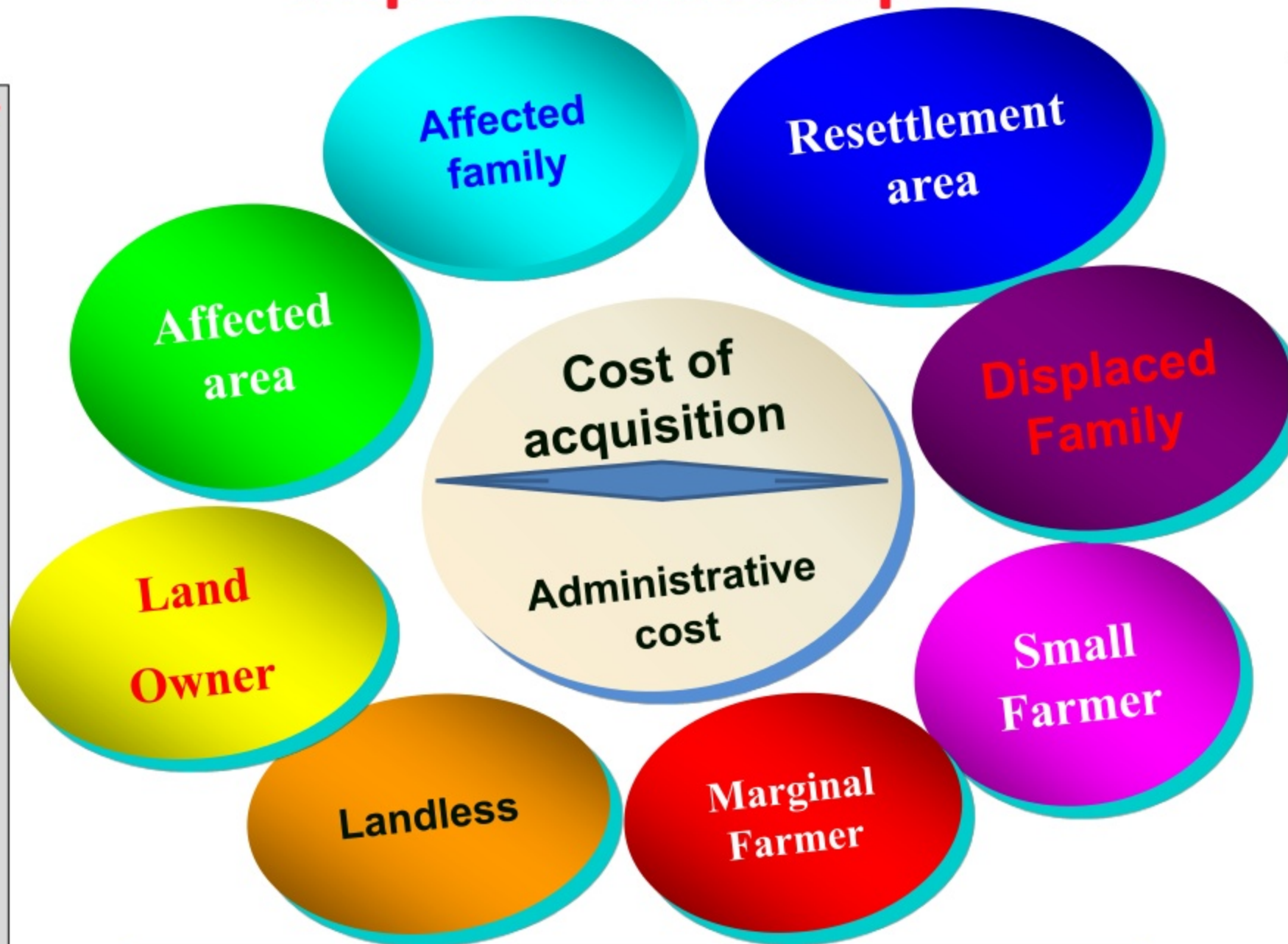
Institutional Structure



Important Concepts

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Public Purpose

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Comparative Provisions of old Act and new Act.

| Sr. No. | Process | Old Act Section | New Act Section |
|---------|---|-----------------|-----------------|
| 1 | Preliminary notification | 4 | 11 |
| 2 | 5 A Hearing | 5A | 15 |
| 3 | Declaration of Resettlement Area & Public Purpose (by Secretary or Officer Authorized) | 6 | 19 |
| 4 | Award | 11 | 23/30/31 |
| 5 | Correction of clerical errors. etc. | 13A | 33 |
| 6 | Possession | 16 | 38 |
| 7 | Urgency Clause | 17 | 40 |
| 8 | Ref. to Court / Authority | 18 | 64 |
| 9 | Matters to be considered | 23 | 27 |

Comparative Provisions of old Act and new Act.

| Sr. No. | Process | Old Act Section | New Act Section |
|---------|---|-----------------|-----------------|
| 10 | Matters to be ignored | 24 | 28 |
| 11 | Interest on excess compensation | 28 | 72 |
| 12 | Re-determination of compensation | 28A | 73 |
| 13 | Apportionment of compensation | 29 | 75 |
| 14 | Payment of deposit in court/ Authority | 31 | 77 |
| 15 | Interest | 34 | 80 |
| 16 | Temporary Occupation | 35 | 81 |
| 17 | Enforcing possession when opposed | 47 | 91 |
| 18 | Withdrawal from acquisition | 48 | 93 |
| 19 | Exemption from stamp-duty and fees | 51 | 96 |

Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013

| Shift | 1894 Act | 2013 LARR Act |
|---------------------------------------|---|---|
| Public Purpose | Includes several uses such as infrastructure, development and housing projects. Also includes use by companies under certain conditions. | No significant change except private companies for PPP. |
| Social Impact Assessment (SIA) | No provision | SIA has to be undertaken in case of every acquisition (Subject to pending Amendment Bill 2015) |

Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013

| Shift | 1894 Act | 2013 LARR Act |
|-------------------------------------|--|---|
| Consent from affected people | No generic mandatory provision. Consented Awards provided | <ul style="list-style-type: none">• Consent of 80 per cent of land owners is obtained when land is acquired for private projects• Consent of 70 per cent of land owners is obtained when land is acquired for public-private partnership projects.• No consent required for infrastructure work of Govt .• Consent from affected persons in addition to land owners. |

Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013

| Shift | 1894 Act | 2013 LARR Act |
|---------------------|---|--|
| Compensation | Based on the market value. | Market value doubled in rural areas and not in urban area |
| Market Value | Based on the current use of land. Explicitly prohibits using the intended use of land while computing market value | Whichever is higher of: (a) value specified for stamp duty, and - Ready Reckoner (b) average of the top 50% by recorded price of sale of land in the vicinity (c) Consented amount u/s 2(2) |
| Solatium | 30 % | 100 % |

Paradigm shifts from the Land Acquisition Act, 1894 to the LARR Act, 2013

| Shift | 1894 Act | 2013 LARR Act |
|--|----------------------------------|--|
| Return of land to land owner | No provision | Acquired land if not used within 5 years, it will be returned to Land Bank or land owners. |
| Sharing of profit /appreciation | No provision. | If the acquired land is unused and is transferred, 20% of the profits shall be shared with the original land owners. |
| R&R | No provision for R&R. | R&R necessary for all affected families. Minimum R&R entitlements to be provided to each affected family specified. |

Maharashtra Policy on Land Acquisition Act, 1894 to the LARR Act, 2013

| Sr. No | Particulars | 2013 LARR Act |
|-----------|---|---|
| 1 | Market Value of Land | To be determined by ready reckoner value fixed under the Maharashtra Stamp Act (59 of 1958) and the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 199 |
| 2 | Multiplication Factor | Land Compensation |
| | 1. Metropolitan Areas, A, B, C, Class Municipal Areas, Special Planning Authorities, Area Dev. Authorities, & New Townships | (market value x 1) plus value of assets attached to land or building)plus(100% solatium) |
| | 2. Areas covered by Regional Plans & Development Plans (<i>excluding above areas</i>) | (market value x 1.5) plus value of assets attached to land or building)plus(100% solatium) |
| | 3. Urban Areas | (market value x 2) plus value of assets attached to land or building) plus(100% solatium) |

Rehabilitation and Resettlement Components

| Sr. No | Particulars | 2013 LARR Act |
|-----------|-----------------------------|---|
| 1 | House is lost in rural area | <p>A constructed house shall be provided as per the specifications of <i>Indira Aawas Yojana</i> (a house of 25 sq.mtrs.) or Rs. 1.65 lacs in lieu of house. The construction cost will be minimum Rs. 600 per sq.ft.which gives Rs. 1,61,400 excluding the cost of the developed land.</p> |
| 2 | House is lost in rural area | <p>A constructed house shall be provided of 50 sq. mtrs. plinth area as per Public Works Department norms or Rs. 5.5 lacs in lieu of house.</p> <p><i>Explanation.—Considering the construction cost of Rs. 1000 per sq.ft., the cost of house will be Rs. 5,38,000 excluding the cost of the developed land.</i></p> <p>pkachare@gmail.com</p> |

Rehabilitation and Resettlement Components

| Sr. No | Particulars | 2013 LARR Act |
|-----------|--|--|
| 3 | One time payment | One time payment of Rs. 5 lacs to each affected family to those who have eligible candidate for employment. |
| 4 | Subsistence allowance to the affected displaced families | Rs. 3000 per month for a year after displacement date. For the families belonging to Scheduled Castes or Scheduled Tribes such families will get additional Rs. 50,000.. |

Rehabilitation and Resettlement Components

| Sr. No | Prticulars | 2013 LARR Act |
|-------------------|--|--|
| 5 | Transportation cost | Rs. 50,000 per affected displaced families.. |
| 6 | One time financial assistance. | Those families having cattle shed or petty shops will get Rs. 25,000 one time financial assistance. |
| 7 | One time grant | One time grant for artisans, small traders of Rs. 50,000. |
| 8 | One time resettlement allowance | One time resettlement allowance of Rs. 50,000 after shifting of house. |

Rehabilitation and Resettlement Components

| Sr. No | Particulars | 2013 LARR Act |
|-----------|---|--|
| 9 | Stamp duty and registration charges | Stamp duty and registration charges will be borne by Requiring Body for the first transaction of the rehabilitated person only. |
| 10 | Requiring Body to provide infrastructure in Rehabilitation and Resettlement area. | which includes the roads, drainage, <i>Panchayatghar, post office, Samaj Mandir and other facilities as mentioned in the THIRD SCHEDULE</i> |
| 11 | Provision of monetization (on written consent) | 10 % plus the total per family cost of all the amenities to be provided under the THIRD SCHEDULE of the said Act—5% increase in inflation index increases on 1 st Jan |