Land Acquisition Rehabilitation and Resettlement Act, 2013

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History of LARR, 2013

- The Primary Land Acquisition Act was the Land Acquisition Act of 1894.

- Non consultative, Non transparent, Low compensation.

- Large scale acquisition of land, especially under Special Economic Zone Act, 2005 led to hue and cry.

- No proper grievance redressal mechanism.

- Need felt for a more balanced Act.
Highlights of LARR 2013

- Government acquisition in about 12 categories under section 2 (1) of the Act were exempted from consent and only SIA was required.

- Consent of 70% and 80% of the affected families was required for PPP and private project respectively.

- 13 Acts under Schedule Four of the Act through which most of the land acquisition takes place were also exempt from consent as well as SIA.

- The compensation under these acts was payable according to 1894 old law only.
Ordinance 2014 & LARR (Amendment) Bill 2015
Need for the Ordinance/Amendment - 1

- As per Section 105 (3) of the LARR Act, the 13 Acts under the Forth Schedule of the Act were to be brought in line with LARR in matters of compensation, rehabilitation and resettlement and infrastructure facilities by 31st December 2014.

- All the shortcomings in any Act can not be identified by a theoretical exercise. It comes to light only after the Act is implemented and after widespread consultation with stakeholders and the implementing agency.
Need for the Ordinance/Amendment – 2
Feedback to Department of Land Revenue (Ministry of Rural Development):

- Some provisions like Social Impact Assessment & 70-80% consent clause from affected families, were making the implementation of the Act difficult.

- Conference of State Revenue Ministers was organized in Vigyan Bhavan on 27th June, 2014.

- Consultations with Secretaries and officers of concerned ministries administering the Acts mentioned in the Fourth Schedule of the Act were held on 21.10.2014.
Need for the Ordinance/Amendment – 3

• More than 70% of the country's population is dependent on agriculture which contributes only about 15% in the Gross Domestic Production (GDP).

• The solution is to reduce the dependence of 70% of the population on agriculture by providing them alternative means of gainful employment and increase the contribution of agriculture sector in the GDP.

• For this setting up of cottage, small and village industries in the rural areas is required along with development of infrastructure facilities.
Conclusion

• Necessary to bring changes in the Act, while safeguarding the interest of the farmers and affected families in cases of land acquisition.

• Procedural difficulties in SIA & consent were to be mitigated.

• To bring more activities under the preview of exemption of consent.

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1. Provisions relating to consent, Social Impact Assessment (SIA) and Food Security not to apply to following additional five categories of projects:

(a) defence; or defence production  
(b) rural infrastructure including electrification;  
(c) affordable housing and housing for the poor people;  
(d) industrial corridors; and  
(e) infrastructure and social infrastructure projects including projects under public private partnership where the ownership of land continues to vest with the Government.
The duration of the trial period has been removed from the calculation of five years u/s section 24.

Prosecution under the Act against the head of the department to be with in the provision of Section 197 of IPC only.

Unused acquired land to revert back to farmers only after ‘a period specified for setting up of any project or for five years, whichever is later’. (Section 101).

13 Acts listed in the Fourth Schedule of the Act brought under provisions related to LARR 2013 for compensation, resettlement and rehabilitation.
BJP President set up committee on the Proposed Amendments

- Eight member Committee constituted under Shri Satpal Malik to get feedback from the farmers.

- The Committee met representative of about 200 Farmer Organizations and around thousand individuals from all over the country over a period. It also received representation through email and post which were analyzed and report for suggestive amendments was submitted to the party President on 4th March 2015.
Summary of Feedback
OBJECTIONS - Issues

- Acquisition of Fertile Land.
- Exemption from Social Impact Assessment for certain categories.
- Inclusion of ‘private hospitals’ and ‘private educational institutions’ in ‘public purpose’.
- Extension of period after which unused acquired land was to revert back to farmers.
- No grievance redressal mechanism at the local level for long pending disputes under the Act.
- State government not paying compensation as provided in LARR Act 2013 but based on a different formula.
Demand

- Assessment and identification for compensation of project affected families.

- Land losing person /family be provided with some alternative permanent employment as land in majority of cases is the only source of employment.

- Land more than what was actually required for projects like roads, railways not to be acquired.

- Additional compensation on installments in future also.
Overall Feedback

A large number of suggestions from individual maintained that the farmer are not against land acquisition per say but wanted some more changes in amendments.

The Government and the Party need to effectively communicate the need for amendments with the public.
LARR Amendment Bill, 2015 – Modified in Lok Sabha

- Removes ‘social infrastructure’ from the five exempted categories.
- Restricting acquisition for Industrial Corridors to one one Km on both sides of designated roads and railways only.
- Removes private hospitals and private educational institutions from ‘Public Purpose’.
- Before acquisition government to ensure that the extent of land to be acquired is kept at minimum.
- Compulsory employment to one member of project affected family of farm labours.
- LARR Authority to setup District Tribunals and hold hearing at the local level.
PM’s ‘Mann Ki Baat’ – Main Points on LARR

• **Farmers’ interest sacrosanct**, to be kept above everything else.
• Open to further amendments.
• Opposition indulging in misleading campaign.
• Consent was not required for many government projects under the 2013 Act as well.
• Most of the check provided under SIA like acquisition of minimum land requirement, gainful employment to family member of farm laborers, land bank for arid and barren land etc. have been incorporated in the main Act.
PM’s ‘Mann Ki Baat’— Main Points on LARR

- All member of farmer family cannot be gainfully employed on limited farmland therefore alternative source of employment required for which land is required in rural areas.

- Not a single provision relating to land acquisition for Corporates has been changed.

- Only provisions that came in the way of land acquisition for development of farms, farmers, and farmers family have been amended.

- Clarification on compensation in the form of 20% of developed land also.
Position of Corporate Sector

- Corporate Sector is interested in direct negotiation and purchase of land from farmers. It is more comfortable that the State Governments records the purchase and gives permission to their project through Change in Land Use (CLU).

- State Governments are also comfortable with this approach.

- The above process is not in favor of farmers. Farmers can get better and higher compensation under the amended Land Acquisition Bill only.
Suggested Way Ahead For The Party - 1

- The ordinance and amendment is more of a battle of perception.
- Need to engage with the farmers and explain the provision in detail.
- Only the difficulties and shortcomings of LARR 2013, experienced from ground level implementation, have been sought to be removed/ironed out:
  a) In effective terms, only the scope of SIA has been narrowed down and main safeguard have been retained in the Act.
  b) Grievance redressal mechanism has now been made available at the district level.
  c) Only through development activities and building infrastructure in the villages (for which land is required), the higher value of land is unlocked.
• Land acquisition is in the Concurrent list, so that the State Governments are free to implement the New Act or not.

• Forest Rights Act and Tribal Rights Act protect the rights of tribal people and their forest land and therefore these are not affected by the provision of New Act. Their rights are also protected under sections 5 and 6 of the Constitution.
Thank You

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