

Introduction to Urban Planning
Prof. Harshit Sosan Lakra
Department of Architecture and Planning
Indian Institute of Technology, Roorkee

Lecture - 35
Land Acquisition Act

Welcome to the course introduction to urban planning. In today's session we will cover the Land Acquisition Act. In the previous class we did touch upon it while studying the timeline of different acts. Land acquisition Act has been the subject of debate, so in this class we will follow the act as a document and also simultaneously look at the reviews to understand the debate around it.

(Refer Slide Time: 00:57)

Coverage	
1	Issues of Land
2	Why Government Need to Acquire Land
3	Concept of Eminent Domain
4	Right to Property
5	History of Land Acquisition
6	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013)

So, accordingly our coverage will include first we will understand issues of land and then we will look into why the government needs to acquire land. The concept of eminent domain we will try to learn about it, then we will look at the right to property as per our constitution, then we will look at the history of land acquisition, then we look at the rights to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act of 2013 in detail to a certain extent.

In this we will look at its application, purpose key definitions, cost of acquisition, social impact assessment, food security safeguard, rehabilitation and resettlement provision will look at some

of the formats, reviews and the following ordinance with it. So, accordingly the learning outcome expected will be you should be able to discuss the issue of land. You should be able to review the government's needs to acquire land.

(Refer Slide Time: 02:12)

Learning Outcomes	
1	Discuss the Issues of Land
2	Review the Government's Need to Acquire Land
3	Define the Concept of Eminent Domain
4	State the Right to Property as per Constitution of India
5	Synthesis the History of Land Acquisition
6	Review Application, Purpose and Key Elements of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

You should be able to define the concept of eminent domain, you should be able to state the right to property as per our constitution, you should be able to synthesize the history of land acquisition, further you should be able to identify and review key elements of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act of 2013 and look into various application purpose, key definitions and so on. Moving on we are all familiar with the value of land.

(Refer Slide Time: 02:56)

Value of Land and Issues with Land Acquisition

And let us try to understand the impact of land acquisition from the perspective of landowners first.

(Refer Slide Time: 03:02)

"Our land is more valuable than your money. It will last forever. It will not even perish by the flames of fire. As long as the sun shines and the waters flow, this land will be here to give life to men and animals. Compulsory acquisition of land not only leads to loss of economic assets and livelihood but also disrupts communities, cultural identities, local markets for goods and labour, consequently placing the oustees in a "spiral of impoverishment"

(Sharon O' Brien, American Indian Tribal Governments, Pg:70)

As quoted by professor Daniel in the publication of 2016 and he quotes from Sharon O Brien American Indian tribal government's document, the quote reads our land is more valuable than your money. It will last forever; it will not even perish by the flames of fire. As long as the sun shines and the waters flow, this land will be here to give life to men and animals. Compulsory acquisition of land not only leads to loss of economic assets and livelihood.

But also disrupts communities, cultural identities, local markets for goods and labours, consequently placing the out sees in a spiral of impoverishment. Here in the court, we see why land is considered valuable? Further in the court we see that the compulsory acquisition of land leads to loss of economic assets and livelihood but also disrupts communities, cultural identities, local markets for goods and labour.

Therefore, according to the court compulsory land acquisition leads to outsees which are especially one who are removed from his or her place of residence or land to make room for an infrastructure improvement or public work project and this leads them to the spiral of impoverishment; meaning the loop of poverty.

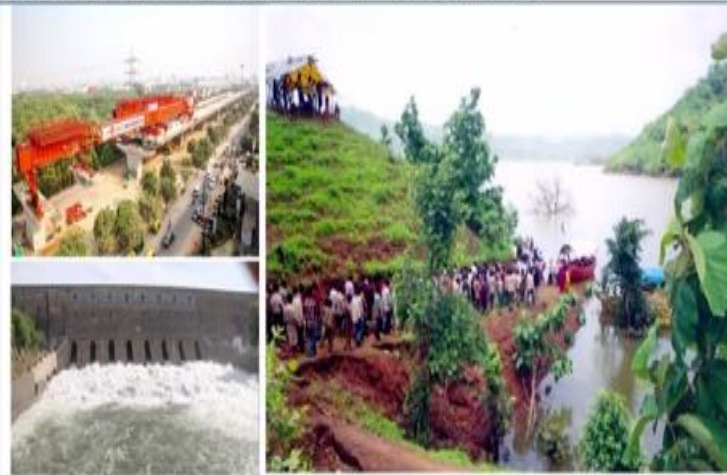
(Refer Slide Time: 04:51)



Let us see why land is acquired by the government.

(Refer Slide Time: 04:55)

Infrastructure Development And Land Acquisition

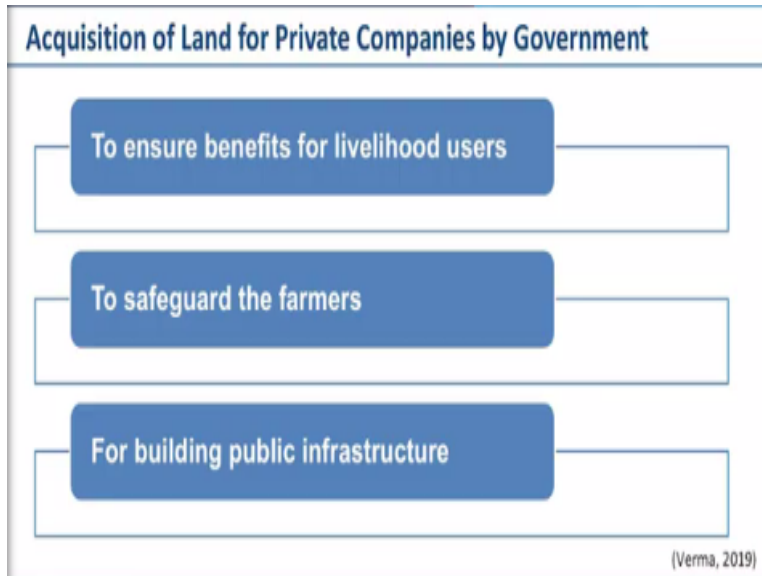


(IndiaSpend, 2014; ITD Cem, 2016; Gokhale/ IndiaSpend, 2020)

Looking at the Indian landscape we see most of the land is under agriculture and is occupied. The government in order to take the developmental work like construction of roads, industries, universities, dams, flyovers, bridges, housing, mines and so on requires vast expanses of land. Since land is a limited resource in order to carry out development work, the government has to acquire land thereby depriving the existing occupants from its use.

This leads to large-scale displacement and force transfer of people from their land. Development is important and so is due process for land acquisition and compensation and resettlement all these are important aspects. Furthermore, we also see that government acquired land for private parties. Trying to understand why does the government need to acquire land for private companies as well as public private partnership projects as for the writings of Verma we see one reason given is to, ensure benefits for livelihoods users.

(Refer Slide Time: 06:10)



If land is purchased then there are no benefits for livelihood losers, people who lose livelihood because of the transaction of the land who are usually far greater in number than the actual land owners. This bill ensures that they are taken care of and not simply displaced. Another explanation includes safeguarding the farmers. We see that inequality in terms of bargaining power exists between large-scale corporations and small farmers which increases the likelihood of unfair agreement.

That is why the government is required to bridge the gap and bring balance to this relationship. Further the author explains we need this intervention for building public infrastructure, we see that a legitimate need is there for acquisition by the state itself to build public goods such as roads, schools and hospitals and this can be undermined and stalled by groups with vested interests. So, this can be hindered, so that is why the government needs to come to intervene.

If there is no sovereign power to compel these groups a single individual or group of individuals can hold a process merely by refusing to part with the land. We also look at what the term eminent domain means.

(Refer Slide Time: 07:42)

Eminent Domain

The authority of Federal, state, and local governments to take private property for public use, providing just compensation to the owner, is called "eminent domain"

McKissock, 2018;
Britannica, 2021)



Eminent domain as we see from the United States document as for the fifth amendment to the U.S constitution it forbids the taking of private property for public use without just compensation. The authority of federal states and the local governments to take private property for public use providing just compensation to the owner is called eminent domain. Real estate or land is not only property subject to eminent domain law but water and air rights as well. To explore this concept, consider the following eminent domain definition.

(Refer Slide Time: 08:26)

Right to Property

Now looking at the right to property of the Indian citizen.

(Refer Slide Time: 08:29)

Right to Property

- A constitutional right under Article 300A of the Constitution
- Removed from the list of Fundamental rights (Article 31) after 44th Amendment

“The right to property is now considered to be not only a constitutional right but also a human right. Under Article 17 of the Universal Declaration of Human Rights, 1948 dated 10-12-1948, adopted in the United Nations General Assembly Resolution”

The Apex Court Judgment pronounced in the case of *Chairman, Indore Vikas Pradhikaran v. Pure Industrial Coke & Chemicals Ltd*

(Bhandari, 2021)

I would like to remind you that in our country, the right to property is not a fundamental right but a constitutional right under the article of 300A of the constitution. During the first decade of independence era it was felt that the right to property as a fundamental right was a great obstruction for socio-economic development which was seen as a source of conflict when the state was to acquire private property for public purposes particularly to expand the rail network, road network and industries and so on.

So, in order to resolve this hurdle this obstruction the supreme court in the historic case known as fundamental rights case held that the right to property is no part of the basic structure of the constitution and therefore parliament can acquire or take away private property of persons for concerned good and in the public interest. Thereafter parliament passed the constitution 44th amendment which made the right to property an ordinary legal right under article 300A.

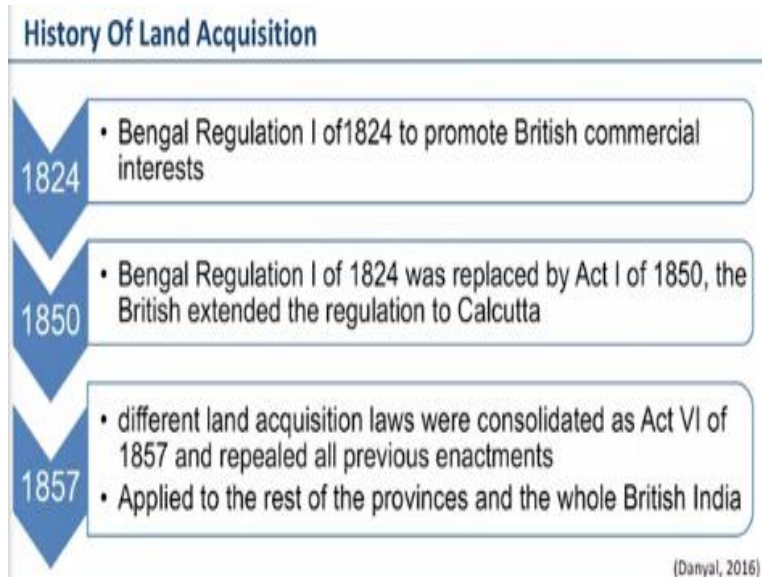
So, the property rights of people displayed the need for the nation to industrialize and provide infrastructure for the good of the larger population have put land acquisition at the core of discussion and debate.

(Refer Slide Time: 10:04)

History of Land Acquisition Act

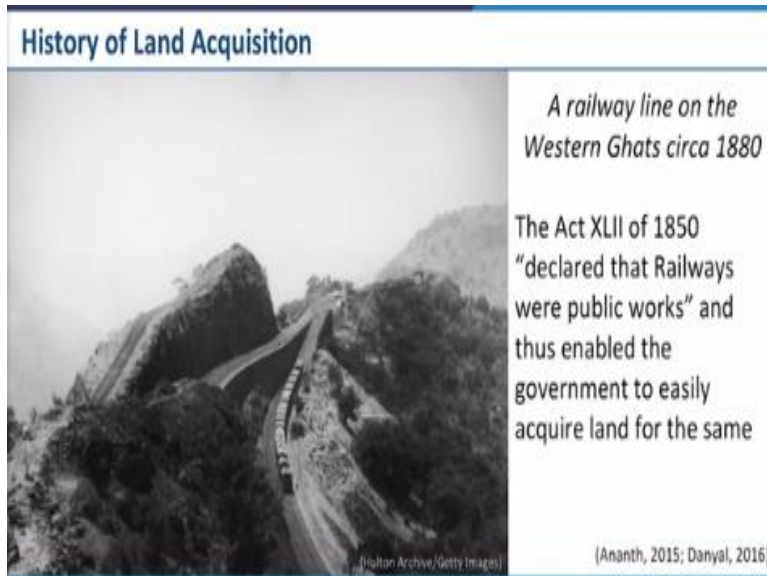
Now looking at the history of land acquisition Act.

(Refer Slide Time: 10:09)



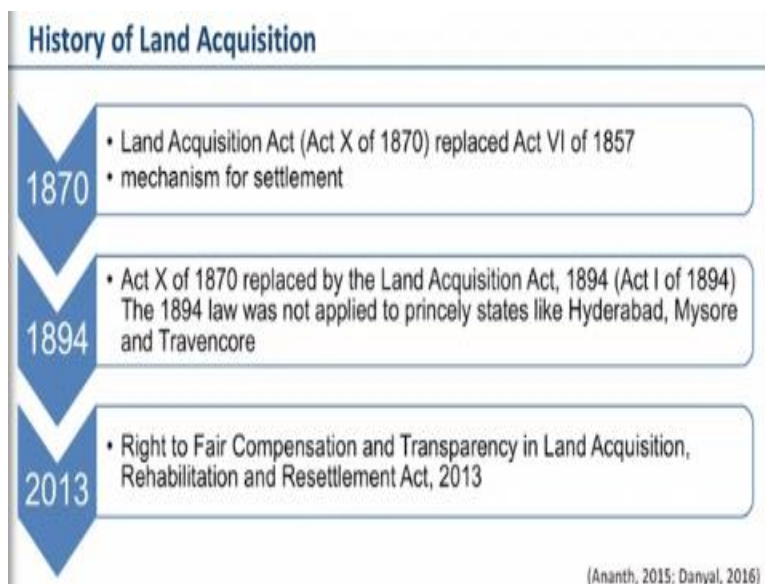
As professor Danyal's review in 2016 the history of land acquisition began with the Bengal regulation 1 of 1824 to promote British commercial interest.

(Refer Slide Time: 10:24)



Land for construction of railways, was acquired under the land acquisition regulation and finally the first railway came up. The Bengal regulation 1 of 1824 was replaced by Act 1 of 1850 by which the provision for land acquisition was extended to Kolkata town by 1857, various laws and land acquisitions were consolidated as Act 6 of 1857 and it was made applicable to the whole of British India.

(Refer Slide Time: 10:56)



The 1857 Act was replaced by the land acquisition Act 10 of 1870. We further see that Venkat Anand review in 2015 indicates that the 1870 law brought a mechanism for settlement for the first time. So, in this particular law we see the mechanism came in; it was eventually replaced by

the land acquisition acts of 1894. The 1894 law did not apply to princely states like Hyderabad, Mysore, Travancore who enacted their own land acquisition legislation.

(Refer Slide Time: 11:40)



Briefly looking at the land acquisition Act of 1894 because this was an important Act. As per professor Danyal's review, the Act was enacted by British with the definite objective of building infrastructure like railways, post telegraph lines, roads, bridges, canals, communication network and means to transfer their army and weaponry to different parts of the country.

(Refer Slide Time: 12:06)

History of Land Acquisition

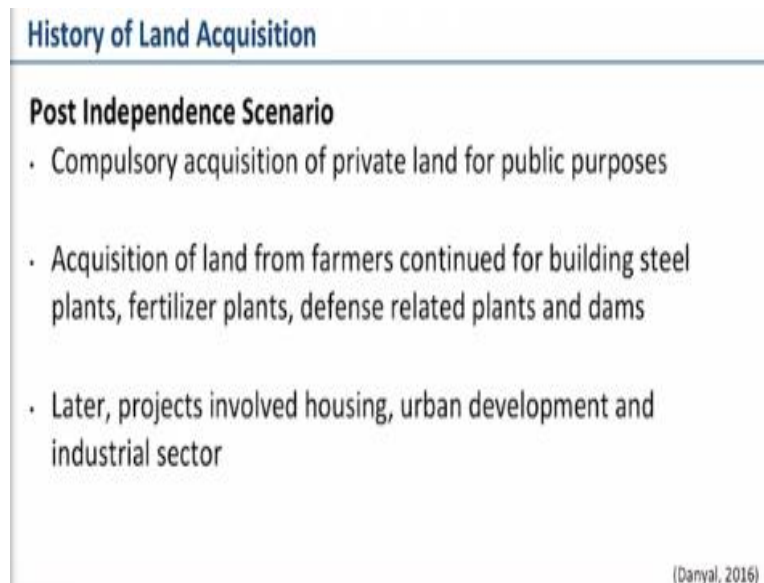
- Basic intention
 - extend,
 - control and
 - consolidate their rule throughout the country
- Land belonging to rural landowners was acquired under the act
- Ownership and control of the built infrastructure and communication network remained completely with the government

(Danyal, 2016)

Their basic intention was to extend control and further consolidate their rules throughout the country. Hence land belonging to the rural landowners was acquired under the act the ownership

and control of the infrastructure and the communication network built after the land acquisition remained completely with the government for utilization and public purpose.

(Refer Slide Time: 12:38)



Continuing from professor Danyal's writing we see that after independence the process of acquisition of land from farmers for building steel plants, fertilizer plants, defence related plants and dams continued all for public purposes. Thereafter the government entered into housing, urban development and industrial sector and resorted to acquisition of land from farmers for developing housing colonies, laying electrical poles and industries.

All these activities were for the public purposes. After the liberalization of the economy as you make recollects from a series of discussion, this led to privatization we see that the share of private initiatives in various sectors increased and the private sector started taking the responsibilities which were earlier discharged by the government in return for a number of incentives from the government side.

(Refer Slide Time: 13:42)

Drawback of Land Acquisition Act of 1894

Looking into the drawback of the land acquisition Act of 1894, we see that as per the review by Danyal's writing, we see that in the past years large scale acquisition of land has been made for companies under part 7 of 1894 Act proposing to use the land for a public purpose. We see that the state government have acquired large tracts of land in rural areas belonging to farmers, rural land owners at low prices in the name of development projects.

Later after changing the land use, land was handed over to private builders for construction of multi-storage residential and commercial complexes, industries and so on. So, professor Danyal points out that there have been cases where the land owners, farmers were assured of employment generation for their known or in relation but did not happen. So, this did not happen as they were neither skilled for the job nor qualified for the same.

There are reported narrations of farmers being cheated in the name of land acquisition for public purpose as they do not get the market price for the land due to the underrated sale deeds and the government said to be playing the agent for the private players. So, as per his report we see such kinds of narrations coming in.

(Refer Slide Time: 15:22)

Drawback of Land Acquisition Act of 1894

Issues with landowners/ farmers

- Often no monetary advantage because the money is either lost or spent in an inefficient manner, leaving them landless/unemployed
- Lack of capacity apart from farming
- No financial counseling
- Excessive land acquisition in the name of "development" has ruined many families and pushed backward areas even further into poverty
- Forceful acquisition combined with unreasonably low compensation rates
- Vested arbitrary authority in the state agencies
- Definition of "public purpose"
- Misuse the of "urgency clause"

(Danyal, 2016; Ramesh, 2018)

Further we see Danyal makes observation that even if the land owners or farmers receive compensation from the government it does not provide any monetary benefit to them as the money received is either wasted or spent unwisely. So, you may have noticed about or read about such kinds of things where people got money but they wasted the money or lost the money. So, we see that there is no agency to counsel these farmers, landowners for proper use for long-term investment or management of the money.

Many other reviews also indicate that the forcible and excessive acquisition of land in the name of development had destroyed a number of families and pushed backward communities further into the margins of poverty. We see that the methods of acquiring land under the dated land acquisition Act of 1894 was considered very harsh as observed by many researchers because of the forced nature of acquisition combined with unreasonably low rates of compensation and vested too much arbitrary authority in the state agencies.

So, as for the reviews the act failed to address some important issues associated with land acquisition particularly forcible acquisition. Forced acquisitions; meaning that under the 1894 legislation once the acquiring authority has formed the intention to acquire a particular plot of land. It can carry out the acquisition regardless of how the person whose land is sought to be acquired is affected.

So, nevertheless the land would be taken. We further see their limitation with the definition of public purpose and then there were reported case of very low rate of compensation. Low rate of compensation like as per the Supreme Court observation, it noted that the act has become outdated and needs to be replaced at earliest by fair reasonable and rational enactment in tune by the constitutional provisions, particularly article 300A of the constitution.

Deals with; persons not to be deprived of the property saved by the authority of law. Then researchers also point out widespread misuse of the urgency clause. Urgency clause, this is the most criticized section of this particular law, the clause never truly defines what constitutes an urgent need and leaves it to the discretion of the acquiring authority. As a result, almost all acquisitions under the act invoke the urgency class.

These results in the complete dispossession of the land without even the token satisfaction of the processes listed under the act. According to professor Danyal's writing, the urgency clause is the most criticized and misused section of 1894 Act, the deliberate misuse of the section we see 175 by the state government is a serious cause for concern, this particular Act 1894 has been referred to as a harsh law by many researchers.

Because the; landowners whose land is proposed to be acquired cannot seek ruling against it. He she can only file objections under section 586 against the proposed land acquisition which is a basic right to the landowner under the principle of natural justice or the Alteram Partem. As per the author there have been a number of cases where various state governments have acquired land by misusing the provision of the section of the urgency clause.

Under the provision the state government may direct the provision of section 5A shall not apply. And take away the basic rights of the land owners to file his or her objections. Hence according to the author, the state power is used to misuse the provision of urgency.

(Refer Slide Time: 19:48)

Conflict Case of Land Acquisition in Nagri Village, Jharkhand



We see a conflicted case of national law university built in Nagri village which came a lot in the news as per the research publication by Rahul Ranjan titled, unravelling the narratives of Adivasi dispossession a case study of land acquisition in Nagri village, Jharkhand published in 2018, the land primarily belonged to Adivasis was taken away to establish the national law university. The conflict in Nagri surfaced on November 2011, government of Jharkhand asserted eminent domain over 227 acres of fertile cultivated land under the emergency class of land acquisition Act of 1894.

(Refer Slide Time: 20:35)

Conflict Case of Land Acquisition in Nagri Village, Jharkhand

- **Displaced People's Narratives:** "No compensation" or "no alternative arrangement for resettlement"
- **Official Narrative:** the land transferred in 1957, and therefore, the disputes seem fallible and immaterial
- The land acquired 1957-1958 for the development of Birsa Agriculture University and Seed Bank under the act's "public purpose" clause
- The case indicated Adivasi rights violations based on the statements of persons, predominantly women, who were displaced from their land and were not compensated.
- 'Public purpose' was also questioned

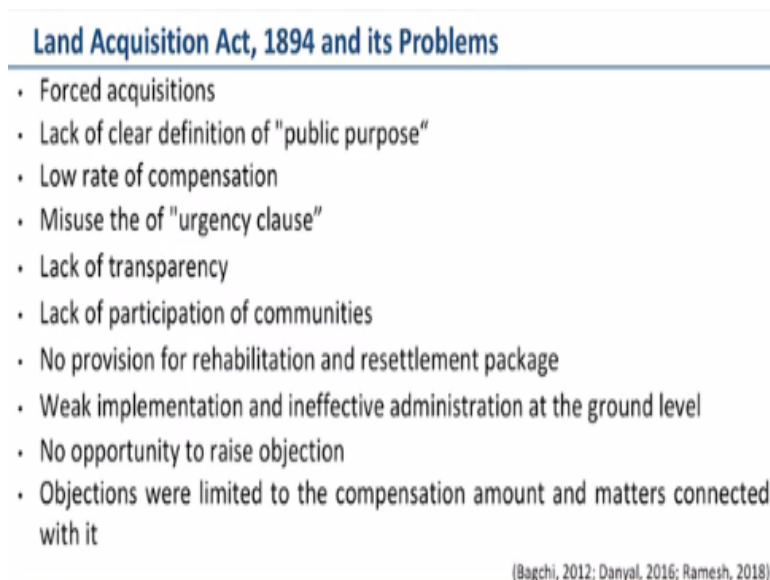
(Ranjan, 2018)

The narratives of the displaced people indicated no compensation or absence of any alternative arrangement for the resettlement. The official narrative establishes that the land was transferred

in 1957 and therefore the disputes seem valuable and immaterials. The land was acquired in 1957-58 for the construction of the Birsa Agriculture University and Seed Bank which was considered to be for public purpose.

And according to the publication the case indicates a unique case of violation of the rights of the Adivasi based on the testimonies of the people mostly women who have been rendered landless and did not receive any compensation the article also questioned the public purpose.

(Refer Slide Time: 21:25)



Land Acquisition Act, 1894 and its Problems

- Forced acquisitions
- Lack of clear definition of "public purpose"
- Low rate of compensation
- Misuse the of "urgency clause"
- Lack of transparency
- Lack of participation of communities
- No provision for rehabilitation and resettlement package
- Weak implementation and ineffective administration at the ground level
- No opportunity to raise objection
- Objections were limited to the compensation amount and matters connected with it

(Bagchi, 2012; Danyal, 2016; Ramesh, 2018)

Then the researchers also point out lack of transparency in the acquisition process. Participation of communities whose land is being acquired there were no safeguards, there was no real appeal mechanism to stop the process of acquisition in the act there was no provision for rehabilitation and resettlement package. Reviewers also point out weak implementation and ineffective administration at the ground level increase the suffering and the pain of the people.

Due to lack of clear definition of the public purpose there has been considerable difference of opinion among various judgments of the Supreme Court, finally resulting in granting very broad discretionary powers to the state in terms of deciding the outlines of public purpose under particular circumstances. According to professor Danyal's writing the Act of 1894 did not provide any opportunity to land owners persons having interest in land to raise objection against the acquisition of land.

(Refer Slide Time: 22:31)

Amendment of the 1894 Act

- Addition of Section 5A in 1923
 - any person interested in land which was needed or likely to be needed for a public purpose or for a Company, could within 30 days from the date of publication of the Notification under Section 4(1), file objections to the acquisition of the land plus
 - under 5A(2), an opportunity of being heard was to be provided by the Collector to the person interested in the land

“Audi Alteram Partem” (Rule of fair hearing or listen to the other side or let the other side be heard as well) incorporated into the process of acquisition under the 1894 Act

(Danyal, 2016)

This further led to the amendment of 1894 Act in 1923 by which section 5A was added under which any person interested in the land which was needed or likely to be needed for a public purpose or for a company, could within 30 days from the date of publication of the notification under section 4 1, could file objection to the acquisition of the land plus under 5A and opportunity of being heard was to be provided by the collector to the person interested in the land.

By this amendment Audi Alteram Partem which is in Latin phrase meaning listen to the other side or let the other side be heard as well, which is the cardinal very important principle of natural justice which was incorporated into the process of acquisition under the Act. After India gained independence in 1947, it adopted the land acquisition Act of 1894 by the Indian independence order in 1948.

(Refer Slide Time: 23:46)

Amendment of the 1894 Act

- In 1998 that the rural development ministry initiated the actual process of amending the act
- 2007 bill:
 - a mandatory social impact assessment (SIA) study in case of large-scale "physical displacements"
 - eligibility of tribals, forest-dwellers and persons having tenancy rights under the relevant state laws
- Payment for loss or damages "caused to the land and standing crops in the process of acquisition" by Govt and additionally, the costs of resettlement and rehabilitation of affected persons or families.
- Cost or compensation would be determined by the "intended use of the land" and as per prevailing market prices

(Ananth, 2015)

Since 1947 land acquisition in India has been through the British era act. It was in 1998 that the rural development ministry initiated the actual process of amending the act as per the Venkat Anand writing the 2007 bill called for a mandatory social impact assessment study, in case of large scale physical displacement in the process of land acquisition. The act ensured the eligibility of tribals, forest dwellers.

And persons; having tenancy rights under the relevant state laws as per the bill. While acquiring the land the government had to pay for loss of damages caused to the land and standing crops in the process of acquisition and additionally the cost of resettlement and rehabilitation of affected persons or families. This caused our compensation to be determined by the intended use of the land and as per prevailing market prices.

(Refer Slide Time: 24:52)

Amendment of the 1894 Act

- Establishment of the Land Acquisition Compensation Disputes Settlement Authority at both the state and central levels
- Land acquired as per the act which is unused for a period of five years shall be returned to the appropriate government

(Ananth, 2015)

So, it also sought to establish the land acquisition compensation disputes, settlement authority at both the state and the central level for the purpose of providing speedy disposal of disputes relating to land acquisition compensation besides the bill also proposed that land acquired as per the act which is unused for a period of five years shall be returned to the appropriate government.

(Refer Slide Time: 25:17)

Amendment of the 1894 Act

- Reintroduction of 2007 bill as "Land Acquisition Rehabilitation and Resettlement Bill in 2011" or LARR, 2011
- Bill passed in August 2013 as "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" and came into effect on 1 January 2014
- This act was amended (ordinance) in 2014 to favor development-driven agenda
- The proposed 2015 bill (second amendment);
 - five categories exempt from certain provisions of the previous act, including consent for acquisition

(Ananth, 2015)

The bill of 2007 was reintroduced in 2011 as the land acquisition rehabilitation and resettlement bill of 2011. The bill was passed in August 2013 as the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act of 2013 and came into effect on first January 2014. As per Venkat's writing later in May 2014 this Act was amended to favour development driven agenda.

It was argued that the government found it difficult to execute its projects and programs which seek to revive and boost domestic manufacturing. Under the proposed 2015 bill there will be five categories which will be exempted from certain provisions of previous Act of 2013.

(Refer Slide Time: 26:17)

Amendment of the 1894 Act

- Five categories exempt from certain provisions of the previous act, including consent for acquisition
 - national security and defense production
 - rural infrastructure including electrification
 - affordable housing for the poor
 - industrial corridors
 - PPP (public private partnership) projects where the land continues to vest with the central government
- These categories are also exempted from the SIA provisions, as provided for in the 2013 act
- The 2013 act facilitated land acquisition by private companies, which the 2015 bill has changed to "private entities"
- The 2015 version also removes restrictions on acquisition of land for private hospitals and private educational institutes

(Ananth, 2015)

Including consent for acquisition, they are national security and defence production rural infrastructure including electrification, affordable housing for the poor industrial corridors and projects under public private partnership. So, where the; land continues to vest with the central government. These categories are also exempted from the SIA; social impact assessment provision as provided in 2013 Act.

The 2013 Act facilitated land acquisition by private companies which the 2015 bill has changed to private entities. So, we see that kind of restriction coming in. Further we see in the 2015 version also removes restrictions on the acquisition of land for private hospitals and private educational institutions. The central Act of 2013 was brought to give effect to the pre-existing fundamental rights to livelihood of citizens.

It ensured that livelihood will not be taken away unless it is in the public interest and that is seen by a social impact assessment that these things have to be ensured in the provision.

(Refer Slide Time: 27:31)

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

KEY PROVISIONS OF THE ACT

Let us walk through the key provisions of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act of 2013.

(Refer Slide Time: 27:44)

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

- A humane, participative, informed and transparent process
- Least disturbance to the owners of the land and other affected families
- Provide just and fair compensation
- Provisions for affected persons for their rehabilitation and resettlement
- Affected persons become partners in development

The Act states to ensure in consultation with institutions of local self-government and gram sabhas established under the constitution. A humane participative informed and transparent process for land acquisition for industrialization, development of essential infrastructure facilities and urbanization with the least disturbance to the owner of the land and other affected families. And provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition.

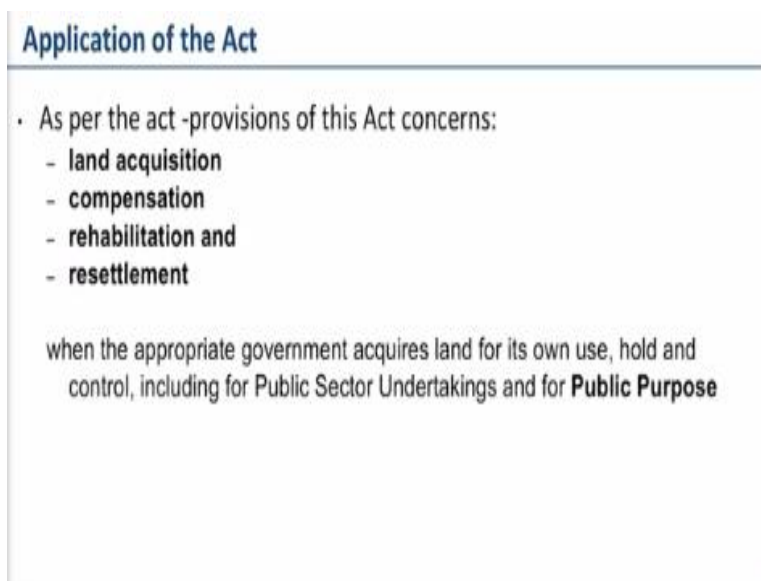
And Act makes adequate provision for the affected persons for their rehabilitation and resettlement for ensuring that the cumulative outcome of the compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition, social and economic status and for matters connected therewith or incidental their tool.

(Refer Slide Time: 28:55)



Looking at the application of the Act now, we look at where the Act applies.

(Refer Slide Time: 29:00)



As per the Act provision of this Act concerns land acquisition, compensation, rehabilitation and resettlement. When the appropriate government acquires land for its own use, hold and control including for public sector undertakings and for public purpose.

(Refer Slide Time: 29:18)



Looking at the purpose of the Act, we see that the Act is applied for strategic purposes related to naval, military, air force, armed forces of the union including central paramilitary forces or any other vital to national security or defence of the country.

(Refer Slide Time: 29:40)



Further we see it is used for the purpose of infrastructure projects under which all Activities or items listed in the notification as per the government of India and we see that infrastructure such

as private hospitals, private educational institutions and private hotels were excluded from this however which have been amended after the ordinance of 2015. We see that infrastructure projects such as projects involving agro processing.

Further we see projects for industrial corridor or mining activities, national investment and manufacturing zones all come under infrastructure projects. Further we see projects for water harvesting and water conservation, structure, sanitation for also we see projects for administered government aided educational and research schemes or institutions, projects for sports, healthcare, tourism transportation or space program.

We also see any infrastructure facility as may be notified in this regard by the central government and after tabling of such notification in the parliament.

(Refer Slide Time: 30:52)

Application of the Act

- (c) Project for project affected families
 - (d) Project for **housing for specific income groups**
 - (e) project for **planned development or the improvement of village sites** or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas
 - (f) project for **residential purposes to the poor or landless or to persons residing in areas affected by natural calamities**, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State
-

Further it also includes projects for project affected families if something comes up and then also projects for housing for specific income groups, also projects for plant development or improvement of village sites, also projects for residential purposes to the poor or landless or to the person residing in areas affected by natural calamities.

(Refer Slide Time: 31:15)

Application of the Act

- Land acquisition can be applied for following types of projects
 - (a) for public private partnership projects
 - (b) for private companies for public purposeProvided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

- It may also apply in the cases where, —
 - (a) a private company purchases land, equal to or more than such limits in rural areas or urban areas
 - (b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose

Moving on further we see that land acquisition can be applied to following types of projects. One we see can be applied for public private partnership kind of projects; we see further it can be applied for private companies for public purpose provided that the process of obtaining the consent shall be carried out along the social impact assessment. We also see that it may apply in cases where a private company purchases land equals or more than such limits in rural areas or urban areas.

A private company requests the appropriate government for acquisition of a part of an area so prescribed for the public purpose. Now moving forward, we will look at some key definitions as given by the Act, these are not all which we cover here for the detail.

(Refer Slide Time: 32:06)

Key Definitions in the RFCTLARR Act, 2013

You can look into the Act; we only pick up a few selective definitions here.

(Refer Slide Time: 32:12)

Definitions

Affected Area means such area as may be notified by the appropriate Government for the purposes of land acquisition

Affected Family includes—

- I. a family whose land or other immovable property has been acquired
- II. a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land
- III. the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land

We see what the affected area means. Such areas may be notified by the appropriate government so the government notifies the affected area for the purpose of land acquisition. Further we see affected families which means families whose land or other immovable property has been acquired. Also, it may include a family which does not own any land. So, this is important to see that even if the family does not own any land.

But a member or a member of such family may be agricultural labourers, tenants including any form of tenancy or holding as affect right, sharecroppers or artisan or may be working in the

affected area for three years prior to the acquisition of the land whose primary source of livelihoods stand affected by the land acquisition process. Further we see it includes the scheduled tribes and other traditional forest dwellers who have lost any of the forest rights recognized under the schedule tribe and other traditional forest dwellers Act.

(Refer Slide Time: 33:20)

Definitions

Affected Family also includes—

- (iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land
- (v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition
- (vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land

Also, it includes families whose primary source of livelihood for three years prior to the acquisition of the land is dependent on the forest or water bodies and includes gatherers of forest produced hunters, fisher folk and boatmen and such livelihood which is affected because of this process here. A member of a family who has been assigned land by the state government or a central government under any of its schemes in such an area.

A family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land. So, moving forward we see what constitutes cost of acquisition, so what really comes to the cost of acquiring a land.

(Refer Slide Time: 34:07)

Definitions

Cost of acquisition includes—

- i. Solatium - which means a thing given to someone as a compensation or consolation, any enhanced compensation
- ii. Demurrage- to be paid for damages caused to the land and standing crops in the process of acquisition
- iii. Cost of acquisition of land and building for settlement of displaced or adversely affected families
- iv. Cost of development of infrastructure and amenities at the resettlement areas
- v. Cost of rehabilitation and resettlement
- vi. Administrative cost
- vii. Cost of undertaking 'social impact assessment' study

So, the cost of an acquisition includes the amount of compensation which includes solatium which means a thing given to someone as a compensation or consolation. Any enhanced compensation ordered by the land acquisition and rehabilitation and settlement authority or quote an interest payable at any other amount determined payable to the affected family. So, that would constitute one component of cost. We see the other component would be demurrage.

A charge which is a charge payable to the owner of a chartered ship or on failure to load or discharge the ship within the time agreed. So, whatever the loss or the damage has happened because of not the fulfilment of the duties that is demurrage and that also has to be paid for the damages caused to the land and standing crop in the process of acquisition. It also includes the cost of acquisition of land and the building for the settlement of the displaced.

We also see the cost of development includes the infrastructure and the amenities at the settlement areas. Cost of rehabilitation and resettlement as determined in accordance with the provision of the Act, so that also is included. Further it also includes the administrative cost, the cost which is invested to take care of all these things. Further we see it also includes the cost of undertaking social impact assessment. So, with all these expenditures, the real cost of land acquisition comes in.

(Refer Slide Time: 35:49)

Definitions

Holding Of Land: the total land held by a person as an owner, occupant or tenant or otherwise

Land also includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth

Landless is defined as such persons or class of persons who may be,—

- (i) considered or specified under any State law for the time being in force; or
- (ii) in a case of landless not being specified under sub-clause (i), as may be specified by the appropriate Government

Moving on we see that the holding of land is defined as total land held by a person as an owner occupant or tenant or otherwise. So, we see what land is, land also includes benefits to arise out of the land and things attached to the earth or permanently fastened to anything attached to the earth. We see landless is defined as such persons or class of persons who may be as per the definition of the state or government whichever is applicable at that point in time.

(Refer Slide Time: 36:23)

Definitions

Land Owner—

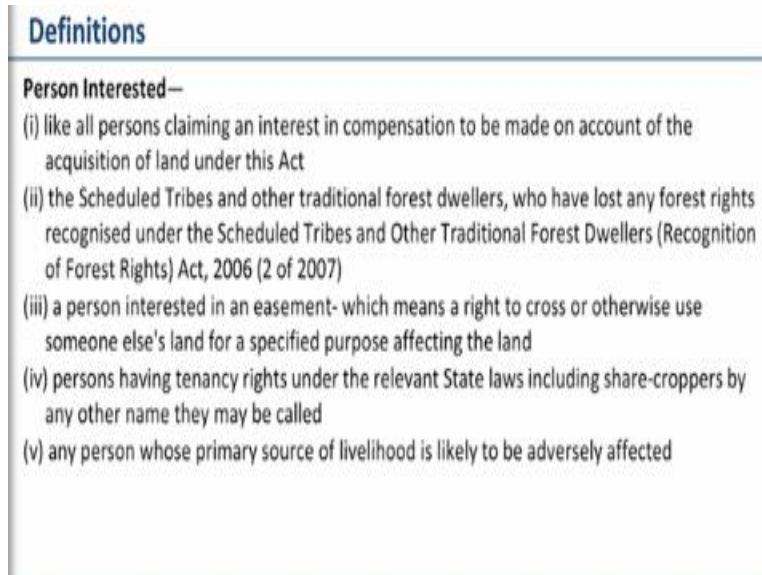
- (i) whose name is recorded as the owner of the land or building
- (ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers
- (iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or
- (iv) any person who has been declared as such by an order of the court or Authority

Marginal Farmer means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare

Further we see it defines landowners, people who have name recorded in the owning of the land or the building or any person who is guaranteed forest right under the scheduled tribe areas. Further who is entitled to be granted but are right on the land any person who has been declared as such by any order of court or authority. Further we see it defines marginal farmers as a

cultivator with un irrigated land holdings up to one hectare of irrigated land holdings up to one half hectare.

(Refer Slide Time: 37:00)



It also defines persons interested, so persons interested are all the persons claiming an interest in the compensation to be made on the account of acquisition of land under this Act. The scheduled tribes and other traditional forest dwellers who have lost an interest right recognized under the scheduled tribe and other traditional forest dwellers act, they all come under persons interested. We also see a person interested in an easement.

Easement if you look at the meaning of easement means that a right to cross or otherwise use someone else's land for a specific purpose is also considered as the person interested. We see persons having tenancy rights under the relevant state law including sharecroppers by any other name there might be different name in different states, so that may be included in this.

(Refer Slide Time: 38:00)

Definitions

Easement- a right to cross or otherwise use someone else's land for a specified purpose affecting the land

Any person whose, primary sources of livelihood are likely to be adversely affected.

(Refer Slide Time: 38:04)

Definitions

Project : a project for which land is being acquired, irrespective of the number of persons affected

Resettlement Area: an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government

Scheduled Areas: the Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996)

Small Farmer: a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer

So, what does the project mean? Project means for which the land is being taken then the resettlement area means an area where the affected families who have been displaced as a result of land acquisition are re settled by appropriate government. We see scheduled areas as defined in section two of the provision of Panchayats extension to the scheduled areas Act of 1996, we also see small farmers being defined here.

So, we saw some selective definitions from this Act that are liable to change from time to time as per the prevalent state of central government law.

(Refer Slide Time: 38:52)

Social Impact Assessment

This Act made provision for preparation of social impact assessment study.

(Refer Slide Time: 38:53)

Social Impact Assessment Study

- **Social impact assessment:** includes the processes of
 - Analysing,
 - Monitoring and
 - Managing
- Social consequences of planned interventions (policies, programs, plans, projects)
- Social change processes invoked by those interventions

(IAIA, 2021)

Let us see what does the social impact assessment means; SIA. Social impact assessment includes the process of analysing, monitoring and managing the intended and unintended social consequences both positive and negative of plan interventions and any social changes. It is primary purpose of this assessment is to bring about a more sustainable and equitable biophysical and human environment. So, as per the; Act whenever the appropriate government intends to acquire land for public purpose.

(Refer Slide Time: 39:34)

Social Impact Assessment Study

Consultation to carry out Social Impact Assessment

- Panchayat (village level / affected areas)
- Municipality (ward level / affected areas)
- Municipal Corporation (affected areas)

(SIA, 2021)

It shall consult the concerned panchayat municipality or municipal corporation whatever may be the case and carry out the social impact assessment, in consultation with them in such a manner which is prescribed by the government.

(Refer Slide Time: 39:51)

Social Impact Assessment Study

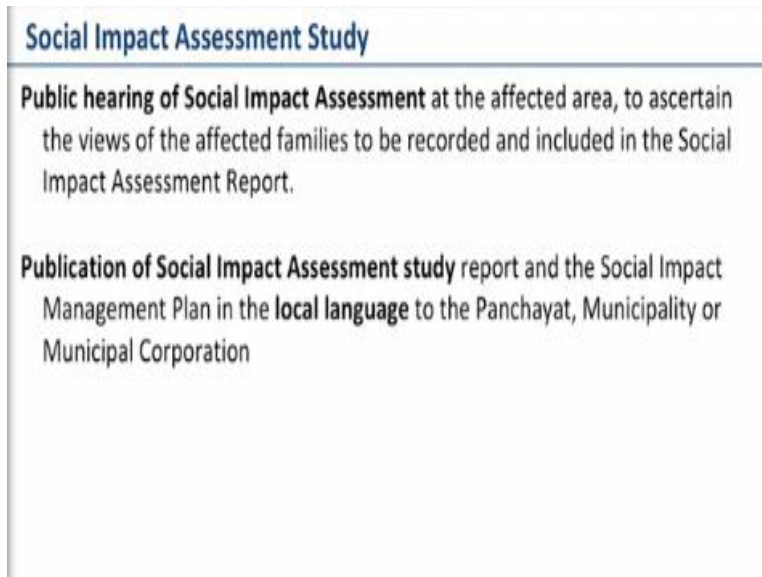
Includes

- a) Review public purpose
- b) Estimation of affected families and the number of families among them likely to be displaced
- c) Extent of lands, public and private, houses, settlements and other common properties likely to be affected
- d) Ensuring bare minimum extent of land for acquisition
- e) Ensuring all alternatives are reviewed
- f) Study of social impacts of the project, and the nature and cost of addressing them and cost benefit analysis

As per the social SIA, the social impact assessment study will include assessment whether the proposed acquisition serves public purpose or not. Estimation of the affected families, extent of land, public and private houses settlements and other common properties which are affected whether the extent of land proposed for acquisition is the absolute bare minimum extent. So, one should not take too much land, whether the land acquisition is an alternate place has been considered.

So, alternatives have been considered an odd study of social impact of the project nature and cost and so on.

(Refer Slide Time: 40:33)



Social Impact Assessment Study

- Public hearing of Social Impact Assessment** at the affected area, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.
- Publication of Social Impact Assessment study** report and the Social Impact Management Plan in the **local language** to the Panchayat, Municipality or Municipal Corporation

Further we see the appropriate government shall require the authority conducting social impact assessment study to prepare a social impact management plan also. So, if there is a positive or negative impact or negative impact in particular how that has been managed. So, management plan is also required, there would be public hearing for social impact assessment and particularly at the affected area to ensure the views of the affected families have been recorded.

And included in the SIA report as per the act SIA needs to be published. The social impact assessment study report and the social impact management plan are to be prepared and made available in the local language, not in English or any other language but in the local language to the panchayat municipality or municipal corporation. Moving on we further see that one of the key features of the act is that it provides safeguard for food security.

(Refer Slide Time: 41:34)

Safeguard for Food Security

- The act specifies that no irrigated multi-cropped land shall be acquired under this Act (only under exceptional circumstances)
- Equivalent area of culturable wasteland shall be developed if multi crop area is acquired for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security
- Acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State
- Exception for linear projects (railways, highways, major district roads, irrigation canals, power lines)

In order to ensure safeguard for food security, the act specifies that no irrigated multi-cropped land shall be acquired under this act such land may be acquired subject to the condition. There is a condition that it has been done under exceptional circumstances as a demonstrable last resort. So, we may see that it lays several criteria under which the food security has to be ensured act states that whenever multi-crop irrigated land is acquired the alternatives have to be given further it instructs that in case not falling under subsection.

(Refer Slide Time: 42:16)



**Resettlement Scheme by the
Administrator**

Further we see that the act provides instructions on preparation of rehabilitation and resettlement schemes by the administrator.

(Refer Slide Time: 42:24)

Rehabilitation and Resettlement Scheme

The collector, the administrator is required to conduct a survey and undertake a census of the affected families-

- a) Particulars of **lands and immovable properties** being acquired of each affected family; for the purpose of rehabilitation and resettlement
- b) Administrator shall also **record livelihoods lost** in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired
- c) **A list of public utilities and government buildings** which are affected or likely to be affected, where resettlement of affected families is involved
- d) Details of the **amenities and infrastructural facilities** which are affected or likely to be affected, where resettlement of affected families is involved
- e) Details of any **common property resources** being acquired.

The collector, the administrator is required to conduct a survey and undertake a census of the affected families. It will record particulars of the land and immovable properties being acquired of each affected family for the purpose of rehabilitation and resettlement. Administrator shall also record livelihood loss, administrator will also list public utilities, government buildings, it would also take care of the detailed amenities and infrastructure facility and also any common property resources which have been acquired.

(Refer Slide Time: 43:00)

Rehabilitation and Resettlement Scheme

2. The draft Rehabilitation and Resettlement scheme shall ensure

- time limit for implementing Rehabilitation and Resettlement Scheme,
- Wide publicity in the affected area
- discussed in the concerned Gram Sabhas or Municipalities.

3. A public hearing shall be conducted in prescribed manner

4. Claims and objections raised in the public hearing to be recorded

The draft rehabilitation and resettlement scheme shall include time limit for implementing rehabilitation and resettlement, so it should not go on and on. But it has to be time bound and it has to be made locally known by wide publicity. Public hearings shall be conducted and the

administrators shall submit the draft scheme for rehabilitation and resettlement along with the specific report on the claims and objections raised in the public hearing.

(Refer Slide Time: 43:30)

Rehabilitation and Resettlement Scheme

- Review of the Rehabilitation and Resettlement Scheme
- Publication of approved Rehabilitation and Resettlement Scheme
- Publication of declaration and summary of Rehabilitation and Resettlement
- The award should be made within a **period of twelve months** from the date of publication of the declaration under section 19 and if no award is made within that period, the **entire proceedings for the acquisition of the land shall lapse**
- Determination of market value of land by Collector
- Determination of amount of compensation

For the detailed procedure to be followed there are details given in the act which include approved rehabilitation resettlement scheme to be made public and then it has to be published and so on. The act also specified the awards should be made within the period of 12 months from the date of publication and there might be some exceptions. If no award is made within that period, the entire proceedings for the acquisition of the land shall lapse.

The act also provides a formula to determine the market value of the land, and also provides instruction on calculation to determine the amount of compensation.

(Refer Slide Time: 44:12)

Parameter for Calculation

- Market value
- Damage sustained by the person interested
 - by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof
 - by reason of severing such land from his other land
 - by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings
 - Compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change
 - decrease of the profits of the land
- Any other ground which may be in the interest of equity, justice and beneficial to the affected families

We also see there are parameters given for how to calculate the amount of compensation depending on the market value and then the damages sustained by the people as well as any other consequences of acquisition and also based on the any kind of loss of the profit because of the acquisition any kind of loss to the profit of the land. So, based on these parameters given the award of the compensation is determined plus one.

We also need to take care of the award of solatium compensatory fees which is given, so this would be in addition to the compensation payable to any affected person.

(Refer Slide Time: 45:03)



**Rehabilitation and
Resettlement Award**

Moving on we look into the summer rehabilitation and resettlement award.

(Refer Slide Time: 45:08)

Rehabilitation and Resettlement Award

The rehabilitation and resettlement award shall include all of the following, namely:—

- Particulars of **payment for cattle shed and petty shops**
- Particulars of **one-time amount** to artisans and small traders
- Details of **mandatory employment** to be provided to the members of the affected families
- Particulars of any **fishing rights** that may be involved
- Particulars of **annuity and other entitlements**
- Particulars of **special provisions** for the **Scheduled Castes** and the **Scheduled Tribes**

As per the acts I am only listing few, you may look at the act for detail understanding rehabilitation and resettlement awards shall include the following particulars of payment for the cattle shed and petty shops and so on any detailed mandatory employment which has to be provided particulars of any fishing rights, particulars of any entitlements and particular of special provision for scheduled caste and scheduled tribes.

(Refer Slide Time: 45:37)

Rehabilitation and Resettlement Award

Infrastructural amenities in resettlement area

- Infrastructural facilities and basic minimum amenities as specified
- Affected person shall also have the power to take possession of land to be acquired
- Provision for additional compensation in case of multiple displacements

The rehabilitation and settlement shall also include provision for infrastructure amenities in the resettlement area which is one of the key provisions of this. In every resettlement area the collector shall ensure the provision of all infrastructure facilities and basic minimum amenities as

specified. Affected person shall also have the power to take possession of the land to be acquired. There is also provision for additional compensation in case of multiple displacements.

(Refer Slide Time: 46:05)

Special Provisions for Scheduled Castes and Scheduled Tribes

- (1) **As far as possible, no acquisition of land shall be made in the Scheduled Areas**
- (2) **Done only if demonstrated last resort**
- (3) **Prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils**
- (4) **In case of involuntary displacement, a Development Plan shall be prepared,**
 - **laying down the details of procedure for settling land rights due**
 - **Or else special drive together with land acquisition**

There is special provision for scheduled caste and scheduled tribe as far as possible no acquisition of,

(Refer Slide Time: 46:11)

Special Provisions for Scheduled Castes and Scheduled Tribes

- (5) **The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes**
- (6) **In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land**
- (7) **The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity**

land shall be made in scheduled areas.

(Refer Slide Time: 46:15)

Special Provisions for Scheduled Castes and Scheduled Tribes

- (8) **The resettlement areas** predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government **free of cost for community and social gatherings**
- (9) **Any alienation of tribal lands** or lands belonging to members of the Scheduled Castes in **disregard of the laws and regulations for the time being in force shall be treated as null and void**, and in the case of acquisition of such lands, the **rehabilitation and resettlement benefits shall be made available to the original tribal land owners** or land owners belonging to the Scheduled Castes

It should be proved that it is a last resort for why the land in the scheduled area is being taken.

(Refer Slide Time: 46:20)

Special Provisions For Scheduled Castes And Scheduled Tribes

- (10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes **having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects**
- (11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are **relocated outside of the district**, then, **they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits** to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees

(Refer Slide Time: 46:23)

Provision for the Reservation and other Benefits

- (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area
- (2) All the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not
- (3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights

Further we see that the act makes provision for reservation and other benefits. So, all benefits including the reservation benefits available to scheduled tribes and schedule caste in the affected area shall continue in the resettlement areas.

(Refer Slide Time: 46:37)

Temporary Occupation of Waste or Arable Land

Moving on we see that the act also makes provision and instructions,

(Refer Slide Time: 46:41)

When the Acquired Land remains Unutilized

When any land acquired remains unutilized for a period of **five years** from the **date of taking over the possession**, the same shall be **returned to the original owner** or owners or their legal heirs, as the case may be, or to the **Land Bank** of the appropriate Government by reversion in the manner

On temporary occupation of waste or arable land.

(Refer Slide Time: 46:45)

**Formats for Compensation
Calculations**

The act provides a formula for compensation calculation as seen in the image.

(Refer Slide Time: 46:50)

Features of the RFCTLARR Act, 2013

To fair compensation and transparency in the land acquisition, rehabilitation and resettlement Act of 2013.

(Refer Slide Time: 47:04)

Key Features
<ul style="list-style-type: none">• Various types of "public purpose" projects• Prior-consent required in the case of public-private partnership projects. This also includes consent to the amount of compensation that shall be paid• Payment of compensations• Links land acquisition act and the accompanying obligations for resettlement and rehabilitation• Addresses historical injustice where no land acquisition award has been made.• Return of unutilized land• Increased share in the sale of acquired land• Income-tax exemption• Strict restrictions on the multi-crop acquisition• Acquisition only if necessary• Share in developed land• Fishing rights• Time-bound social impact assessment• Appraisal of social impact assessment report by an expert group


(Jatinverma, 2019)

We see that you have already walked through the act, you see that it defines various types of public purpose. Further it makes provision for prior consent likewise, it proposes the payment of compensation and there are criteria for that as well as we see that the review indicates that this is the very first law that links land acquisition act and the accompanying obligations for resettlement and rehabilitation.

So, it brings resettlement and rehabilitation. It also has provision for retrospective operation in order to address historical injustice the bill applies retrospectively to cases where no land acquisition award had been made earlier. Further it also talks about share in the sale of acquired land increase, it also talks about the income tax exemption. There is a strict restriction on the multi-crop acquisition for the food security purpose.

Further we see that for the food security purpose it also gives fishing rights another thing. It also emphasizes the time bound social impact assessment and also the appraisal of social impact assessment.

(Refer Slide Time: 48:27)



Limitations of the RFCTLARR Act, 2013

Looking at the limitation of the act even the researchers have reviewed this and the limitations include.

(Refer Slide Time: 48:35)


Limitations

- The Act leads to delays; involves number of processes
- No binding recommendations of the expert group
- Vague meaning of the term 'public purpose'
- Lack of monitoring
- Poor implementation of the Act by the states

The researchers point out the Act leads to delay because of this such a tedious process it leads to delay, there is no binding recommendation of the expert group, so whatever recommendations they get they can be ignored. Still there is a vague meaning to public purpose, we see that there is a lack of monitoring system and then still there is the problem of poor implementation of the acts by the state.

We see that researchers also point out that regarding the determination of the market value is still a challenge and there is also challenge in the temporary acquisition as well as prior consent.

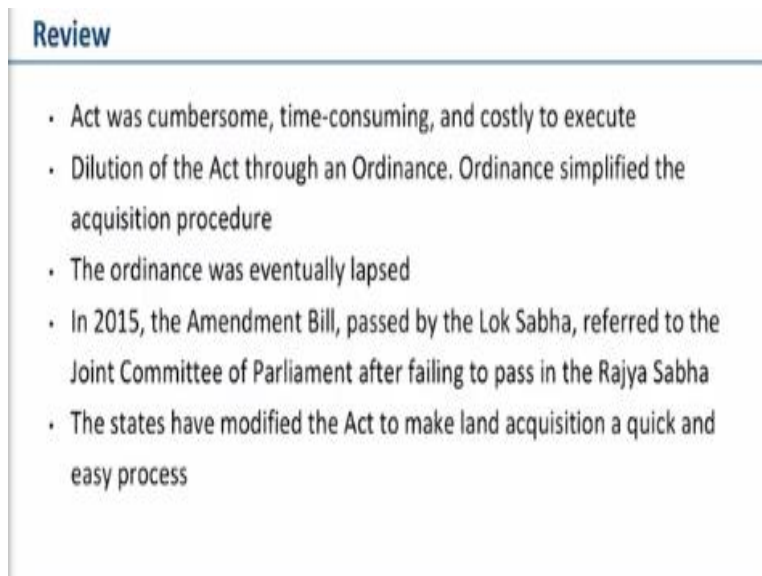
(Refer Slide Time: 49:17)



**Review of the
RFCTLARR Act, 2013**

We further see that there has been dilution of the act soon after it was enacted on January 1st 2014.

(Refer Slide Time: 49:22)

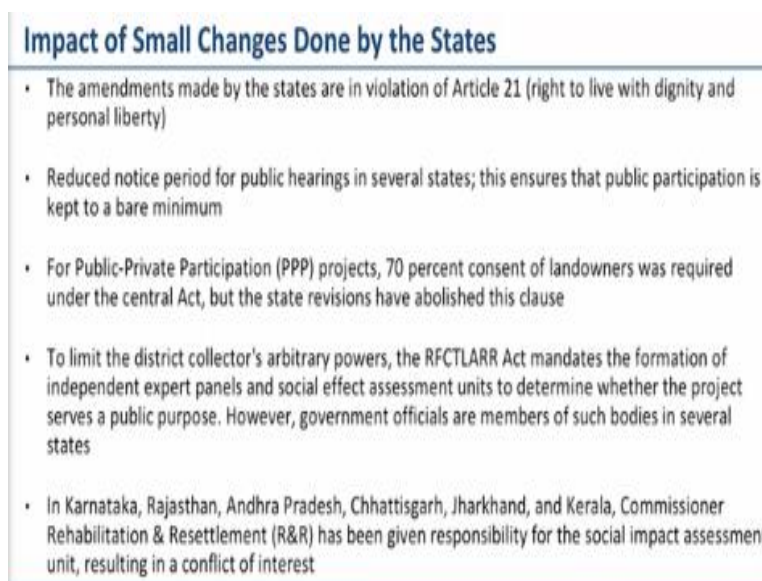


Review

- Act was cumbersome, time-consuming, and costly to execute
- Dilution of the Act through an Ordinance. Ordinance simplified the acquisition procedure
- The ordinance was eventually lapsed
- In 2015, the Amendment Bill, passed by the Lok Sabha, referred to the Joint Committee of Parliament after failing to pass in the Rajya Sabha
- The states have modified the Act to make land acquisition a quick and easy process

The government diluted the act through an ordinance later, in 2015 the reason was that the new act was cumbersome, time consuming and cost escalating making its implementation difficult. The ordinance also makes the process of acquisition simple. So, we see that the states have modified the act.

(Refer Slide Time: 49:44)



Impact of Small Changes Done by the States

- The amendments made by the states are in violation of Article 21 (right to live with dignity and personal liberty)
- Reduced notice period for public hearings in several states; this ensures that public participation is kept to a bare minimum
- For Public-Private Participation (PPP) projects, 70 percent consent of landowners was required under the central Act, but the state revisions have abolished this clause
- To limit the district collector's arbitrary powers, the RFCTLARR Act mandates the formation of independent expert panels and social effect assessment units to determine whether the project serves a public purpose. However, government officials are members of such bodies in several states
- In Karnataka, Rajasthan, Andhra Pradesh, Chhattisgarh, Jharkhand, and Kerala, Commissioner Rehabilitation & Resettlement (R&R) has been given responsibility for the social impact assessment unit, resulting in a conflict of interest

The states have found it difficult to acquire land for industries, so states have tweaked the legislation to make land acquisition a quick and easy process. So, there are further discussions on

the limitations of this act which talks about reducing the notice period of public hearing and so on and other conflicts of interest.

(Refer Slide Time: 50:07)

Summary	
1	Discussed the Issue of Land
2	Reviewed the Government's Need to Acquire Land
3	Defined the Concept of Eminent Domain
4	Stated the Right to Property as per Constitution of India
5	Looked Into the History of Land Acquisition
6	Reviewed the Application, Purpose and Key Elements Of The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013

Summarizing, we discussed the issue of land, we reviewed governments' need to acquire land, we defined the concept of eminent domain, we looked into the rights to property as per our constitution, we looked into the history of land acquisition, and we identified and reviewed key elements of the 2013 act.

(Refer Slide Time: 50:29)

Key References	
•	Detailed analysis of Land Acquisition Act, Verma, 2019
•	"Right to property is still a constitutional right under Article 300A of the Constitution"; SC reminds in a case where State took possession of surplus land in absence of surplus land, 2021
•	Right to Property in India: everything important you should know about, Rai, 2020
•	HC reiterates: Right to Property is a Constitutional Right, Legal Right, and Human Right [Read Judgment], Bhandari, 2021
•	The Fundamental Right to Property in the Indian Constitution, Namita Wahi, (NA)
•	Land Acquisition in India-Past and Present, Dayal, 2016
•	The evolution of the Land Acquisition Act, Ananth, 2015
•	A five-year review of Land Acquisition Act, 2013: How the law is empowering millions despite Centre's unwillingness, Ramesh, 2018
•	The land acquisition debate: A review, Bagchi, 2012

So, that was what we covered today.

(Refer Slide Time: 50:32)

Suggested Readings

In Reverse Gear

2008: The ministry small case project is moved by left. Prime gov't 100 acres identified in Singur.

May 25, 2008: Singur farmers start agitation.

Dec 4, 2008: MHA starts to begin with the Singur case for 24 days.

Jan 2007: Tata starts construction of plant.

Oct 2008: Rural task force announces.

June 2009: Punjab CM announces acquisition.

May 2011: MHA starts to begin with the Singur case.

Aug 11, 2010: SC quashes land acquisition, orders state govt to return land to farmers.

Jan 2012: HC orders Singur Tata plant to be closed and void. SC orders Singur to return land to farmers.

Jan 2011: Tata plant to be closed and void. SC orders Singur to return land to farmers.

Jan 2015: Singur case set aside. Govt starts returning land to farmers.

Singur case

THE BUILT TO LAST: IMPLICATIONS AND REFORMS TO LAND ACQUISITION, DEMOLITION AND SETTLEMENT ACT, 2011

ARRANGEMENT OF SECTIONS

CHAPTER I
Preliminary

Section 1. Short title and other commencement.
2. Application of Act.
3. Definitions.

CHAPTER II
Demolition of non-compliance structure

4. Declaration of non-compliance structure.
5. Demolition of non-compliance structure.

CHAPTER III
Demolition of non-compliance structure

6. Declaration of non-compliance structure.
7. Demolition of non-compliance structure.
8. Demolition of non-compliance structure.
9. Demolition of non-compliance structure.

CHAPTER IV
Demolition of non-compliance structure

10. Declaration of non-compliance structure.

CHAPTER V
Demolition of non-compliance structure

11. Declaration of non-compliance structure.
12. Declaration of non-compliance structure.
13. Declaration of non-compliance structure.
14. Declaration of non-compliance structure.
15. Declaration of non-compliance structure.

Land acquisition under Gujarat Amendment Act, 2016

The key references we have listed here.

(Refer Slide Time: 50:34)

Suggested Watch

Nagri Movement: The Land is Like Our Mother
<https://www.youtube.com/watch?v=mhJBLyVBUQ>

Farmers get land back, but Singur-Nandigram have moved on
https://www.youtube.com/watch?v=VeluvGILZ_4

Master Stroke: Gujarat farmers raise their voice against bullet train land acquisition pro
https://www.youtube.com/watch?v=zA1zOXFh_AI

Singur Verdict: SC Quashes Acquisition, Orders Bengal Govt To Return Land In 12 Weeks
<https://www.youtube.com/watch?v=EgeRuUg6A4Y>

And they are all suggested reading here. That is all for today, thank you!