

**THE RIGHT TO FAIR COMPENSATION  
AND TRANSPARENCY IN LAND ACQUISITION,  
REHABILITATION AND RESETTLEMENT ACT, 2013**

**(Act 30 of 2013)**

**THE ANDHRA PPRADESH RIGHT TO FAIR COMPENSATION  
AND TRANSPARENCY IN LAND ACQUISITION,  
REHABILITATION AND RESETTLEMENT RULES, 2014**

**(issued in GO 389 Rev.(LA) Dept, dated 20-11-2014 )**

**By**

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# BACKGROUND - OBJECTIVES

- Heightened **public concern** on Land Acquisition issues.
- **Absence of an National law** to provide for the Rehabilitation & Resettlement and Compensation for Loss of Livelihoods.
- The principal law continued to be the same i.e.the **British enacted Land Acquisition Act of 1894.**
- R & R even provided , not taken up along with L A .
- Displaced families ,Land losers and **Livelihood Losers to be taken care of .**

# SALIENT FEATURES

- *Public purpose , project , family etc are is clearly defined.*
- *A humane, participative, informed and transparent process.*
- *least disturbance of land and other affected families*
- *Fair compensation*
- *safe guarding of Food Security*
- *proper and timely R & R measures .*
- *Applicable when acquired for public private partnership*
  - for private companies for public purpose---prior consent of 70% and 80% of affected families is required respectively .e*
  - R &R applicable-private purchases - Ac 5000 and above - when part of habitation is there irrespective of extent-- when part of land is acquired by Govt. for a company R &R to be implemented for total area.*
- *Not applicable for certain Acts – Schedule IV*

# COMMENCEMENT OF THE PROCESS OF ACQUISITION OF LAND

- The requiring body shall file requisition in **Form - I** before the District Collector and the Commissioner R&R (if SIA required). **Rule 3**
- Concerned **Secretary** of the Department/ / **person authorised** has to file the Requisition for Govt. purposes
- The required **documents** specified in **Appendix I -III** to Form-I are to be enclosed.
- The District Collector to inform the **estimated cost** to the requiring body after conducting the enquiry and satisfying with the contents of the Requisition.
- The Commissioner R&R to calculate the **cost of R&R** and inform the requiring body.
- The requiring body to **deposit** the cost of administrative cost with the District Collector

# DETERMINATION OF SOCIAL IMPACT ASSESSMENT

- **Appro. Govt. to consult concerned Local Body** **Sec 4**
- **Notification** is issued by appropriate Govt. for conduct of SIA .
- made available in local language to Local body
- Requiring Body shall not be involved in appointing committee. Rule 9(2)
- To be completed in **6** months.
- The SIA team shall **consult** the affected communities and Stake Holders.
- SIA Report to cover the contents shall cover
  - Whether proposed acquisition is for **public purpose**-Whether proposed extent is **bare minimum**-Whether **alternate** land is there-Whether proposed land is **multi-cropped** area.
  - **Affects on affected families, public and community properties, assets, infrastructure –roads , public transport, drainage, sanitation, drinking water , Electricity supply etc be studied**

## DETERMINATION OF SOCIAL IMPACT ASSESSMENT --contd

- socio-economic and cultural profile of the affected area
- Estimated number of families get displaced and otherwise affected.
- List out ameliorative measures required.
- estimate Cost of R & R
- Area for Resettlement if families get displaced.
- Nature and extent of positive and negative social impacts.
- The Social Impact Management Plan- SIMP - comprising the contents is also prepared. mitigation, -ameliorative measures –measures proposed by Requiring Body etc I in SIMP .
- The consent of land owners is obtained in **Part A** of **Form –V** wherever required

## DETERMINATION OF SOCIAL IMPACT ASSESSMENT --contd

- Public hearing is held - Date and Venue to be published before one week - held in all Grama Panchayats / localities where 25% of the members are affected- Draft SIA report and SIMP published one week before – copy in Telugu to be made available to Local Body.- copies be kept for the day of Public Hearing
- Representatives of Requiring Body, Collector ( LAO) and Administrator shall also attend and address the questions raised by the affected families.
- Public Representatives, Local Voluntary Organisations and media shall also be invited.
- the proceedings be video graphed
- SIA Report / Study in Telugu is published in --- local body, Dist Collector , SDM, Tahsil , in affected areas .

Sec 6

## DETERMINATION OF SOCIAL IMPACT ASSESSMENT --contd

- **Expert Group** is constituted by Appropriate Govt. for Appraisal of SIA Report
- Expert Group shall make specific Recommendations within **two months** from the date of its constitution for approval or rejection of the project –
- **Appropriative Govt may reject the report with justification.**
- Government may exempt SIA Where **the urgency** provisions are invoked
- Urgency provisions can be invoked - for National defense and security purposes --Resettlement & Rehabilitation in the event of natural calamities --any other emergency as approved by Parliament



# PUBLICATION OF PRELIMINARY NOTIFICATION

➤ Appro. Government to examine reports of Collector and Expert Committee and to ensure **Sec 8 and Rule 15**

- ❖ legitimate and *bona fide public purpose*
- ❖ *potential benefits and the public purpose shall outweigh the social costs and adverse social impact.*
- ❖ *minimum area of land required for the project is proposed*
- ❖ *no unutilized land , previously acquired in the area*
- ❖ *minimum displacement of people*
- ❖ *minimum disturbance to the infrastructure, ecology.*
- ❖ *minimum adverse impact on the individuals affected.*
  
- ❖ **Grama Sabha Resolution** as required u/s 41(3) is obtained in **in case acquisition is in Scheduled Area ( Part B of Form-V )**

**--contd**

## PUBLICATION OF PRELIMINARY NOTIFICATION ---contd

- Appr.Govt to publish Preliminary Notification in Form VI A  
Sec 11 and Rule 19
- Notification to specify
  - ❖ The designation of the Officer (of the cadre of Deputy Collector) -who discharges functions as collector as specified in sec 3(g).
  - ❖ particulars of appointment of the Administrator
  - ❖ The Survey number-wise extents, name of the pattadar / enjoyer, structures / trees etc., existing
  - ❖ The public purpose.
  - ❖ reasons necessitating the displacement of affected.

# PUBLICATION OF PRELIMINARY NOTIFICATION --contd

## ❖ summary of the Social Impact Assessment Report .

Specified that the following may be exempted when urgency provision u/s 40 is invoked - when purpose is one of five ,if decided so

conduct of SIA

Enquiry u/s 15

Acquisition of multi cropped Area

➤ Be specified that ----- No *transaction of land* is allowed – ( collector may exempt ) - No *encumbrances* are created on such land

➤ *objections* on area – suitability –public purpose and on SIA –called for- in **60** days (when urgency provisions are not invoked)

--contd

# PUBLICATION OF PRELIMINARY NOTIFICATION -- contd



## Published in

- ❖ the Official Gazette; / -STATE GAZETTE
- ❖ *in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;*
- ❖ *in the local language in the local body .*
- ❖ *in the offices of the District Collector, SDM, and the Tehsil;*
- ❖ *uploaded on the website of the Appropriate Government;*
- ❖ *in conspicuous places the affected areas,-- by beat of TOM – Tom .*
- ❖ *uploaded in Website of Appr.Govt*



*If preliminary notification not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group , such report shall be deemed to have lapsed – the Government, shall have the power to extend the period of twelve months*

**Sec 14**

# ACTION SUBSEQUENT TO PUBLICATION OF PRELIMINARY NOTIFICATION

## Demarcation and Sub division

Sec 12

- shall not be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner
- may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey
- No person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing.

--Contd

# **ACTION SUBSEQUENT TO PUBLICATION OF PRELIMINARY NOTIFICATION -- contd**

## **Disposal of Objections received.**

**Sec 15**

- **Collector to issue Notice– Place and date of hearing of objections is specified - Form VI B in AP** **Rule 21**
- **Opportunity for hearing in person/ through Advocate**
- **Collector to furnish report along with record to the Appropriate Govt.**
- **A speaking order be given by Appropriate Govt.**
- **Orders to be served on all concerned**
- **The decision of Appropriate Government is final**

**---contd**

# ACTION SUBSEQUENT TO PUBLICATION OF PRELIMINARY NOTIFICATION -- contd

## PREPARATION OF R& R SCHEME BY THE ADMINISTRATOR

Sec 16 and Rule 22

- Administrator is appointed by State Govt.- when displacement is there Sec 43
- The Administrator for R& R shall conduct a survey
- undertake a census of the affected families-
- within **2** months from the date of Preliminary Notification.
- Survey should cover
  - ❖ particulars of lands and immovable properties being acquired of each affected family;
  - ❖ livelihoods lost in respect of land losers and landless, primarily dependent on the lands being acquired;
  - ❖ a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;

---contd

## **ACTION SUBSEQUENT TO PUBLICATION OF PRELIMINARY NOTIFICATION -- contd**

- ❖ **details of the amenities and infrastructural facilities which are affected or likely to be affected**
- ❖ **List of likely Displaced families.**
- ❖ **List of Land Holdings in the village.**
- ❖ **List of Trades and business in the affected area .**
- ❖ **List of landless people living in the affected area.**
- ❖ **List of persons of SCs, STs, Disabled in the affected area.**
- ❖ **List of landless Agricultural labourers**

**-- contd**



# ACTION SUBSEQUENT TO PUBLICATION OF PRELIMINARY NOTIFICATION -- contd

- ❖ List of unemployed youth.
- ❖ details of any common property resources being acquired.
- It shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.
- A public hearing shall be conducted, after giving adequate publicity about the date, time and venue for the public hearing at the affected area
- It shall be as is done in case of SIA.

# ACTION SUBSEQUENT TO PUBLICATION OF PRELIMINARY NOTIFICATION -- contd

- ❖ **Collector** to review the R&R Scheme at **Project Level Committee** constituted as per **Sec 45** **Sec 17 Rule 22**
- to send to **Commissioner R&R**
- **Commissioner** makes available the approved scheme to **local body** etc and publishes –in offices – effected localities **Sec 18, Rule 22**

## DEVELOPMENT PLAN FOR SCS, STS

- It is to be prepared in **Form-VIII**

**Sec 41 (4) , Rule 24**

# PUBLICATION OF DECLARATION

Sec 19 and Rule 25.

- Appropriate Government to consider the report of the Collector – and satisfy as regards to public purpose , extent of land etc
- shall make a Declaration in Form- VII
- Declaration also covers “resettlement area” for the purposes R & R
- different Declarations may be made in respect of different parcels of land covered by the same preliminary notification
- Collector shall publish summary of the R & R Scheme along with Declaration
- No declaration shall be made unless the summary of the R&R Scheme is published along with declaration:
- No declaration shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed

## PUBLICATION OF DECLARATION -----contd

- published in the manner as in case of Preliminary Notification
- the declaration shall be **conclusive evidence** of public purpose.
- Declaration to be made within **twelve months** from the date of preliminary Notification otherwise deemed to have been rescinded:
- The period or periods of any **stay or injunction** by the order of any Court shall be excluded:
- The Government shall have the **power to extend the period of twelve months**
- Any **such decision** to extend the period shall be recorded in writing and **notified and uploaded on the website of the authority**

**Sec 19(7)**

**--contd**

## AWARD ENQUIRY

- *The Collector shall publish the public notice on his website.*
- ❖ *convenient places on or near the land to be taken.*
- ❖ *be stated that the Government intends to take possession of the land.*
- ❖ *Be specified that claims to compensations and R&R for all interests may be made.*
- ❖ *be specified that all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice.*
- ❖ *The particulars of the land are shown.*

-- contd

## **AWARD ENQUIRY -- contd**

❖ **time given be not less than thirty days and not more than six months after the date of publication of the notice.**

❖ **Notice is issued to such persons known to have interest**

**Sec21(4)**

❖ **The Collector may require such persons to make statement in writing and sign.**

**Sec21(3)**

## **AWARD ENQUIRY -- contd**

❖ In case any person so interested resides elsewhere, and has no agent, the Collector shall ensure that the notice shall be sent to him by post - sent to his last known residence, address of place or business - publish the Notice under 21 in at least two national daily newspapers in such cases.- puts on website.

**Sec 21(5)**

❖ Collector may require any person to make or deliver to him, at a time and place mentioned a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, for three years next preceding the date of the statement.

**Sec 22**

**-- contd**

## AWARD ENQUIRY -- contd

❖ On the day fixed, or on any other day to which the enquiry has been adjourned, the Collector shall enquire into the objections related

Sec 23

- to the measurements,
- the value of the land on date of the publication of the notification,
- interests of the persons claiming the compensation and R& R



# DETERMINATION OF COMPENSATION

## Market value of the land:

Sec 26

- the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; **or**
- the average of the sale price for **similar type of land** situated in the immediate areas adjoining the land / near village being acquired ----- ascertained from **fifty per cent** of the sale deeds registered during the preceding three years, where higher price has been paid; .
- the **consented** amount in case the land is acquired for private companies or public-private partnership projects.

---whichever is higher

- *Any price paid as compensation for land acquired under the provisions of the Act on an earlier occasion in the district shall **not be** taken into consideration*
- Where no data related to stamp Act is not available ,the Govt. specifies the **Floor price** or minimum price per unit area

- -- contd

## DETERMINATION OF COMPENSATION -- contd

➤ The M V is as on the **date** of Preliminary Notification

--MARKET VALUE SO CALCULATED SHALL BE MULTIPLIED BY A MULTIPLIER FACTOR Sec 26(2)

❖ urban areas -----by 1( one )

❖ Rural Areas --- up to two – depending on the distance from the town – to be prescribed - 1.25 in rural area and 1.50 in scheduled area Rule 28 ( 1 )

➤ Value of the assets attached to land: Building/Trees/Wells/Crop etc as valued by relevant govt. authority; Sec 29

### Fruit Bearing trees

❑ GO Ms. No. 357, Revenue (LA) Department, dated 22.03.2006-

❑ Govt revised the fixation of five categories of Fruit Bearing Trees in GO Ms. No. 268, Revenue (LA) Dept, dt 14.07.2015 -- the orders have been withdrawn vide GO Ms. No. 327, Rev (LA) Dept, dt 08.09.2015 w.e.f 30.08.2015.

## DETERMINATION OF COMPENSATION -- contd

### Non Fruit Bearing trees

- as fixed by the authorities of Forest Authorities

### Structures

- as fixed by competent Engineering authorities

### compensation

entitled by each awardee to be finalised. – M V +

Damages + value of structures etc

Sec 27 and 28

- **Solatium** is 100% of compensation

Sec 30(1)

- **Additional value** @12% from date of **SIA Notification** to the date of Award or taking possession – earlier of the two.

Sec 30(3)

- **Individual Awards** to be passed

Sec 30(2)

- -- contd

## DETERMINATION OF COMPENSATION- -- contd

- Where land is acquired for urbanisation, 20% of the developed land will be reserved and offered to land owning project affected families, in proportion to their land acquired and at a price equal to cost of acquisition and the cost of development. In case the project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation
- The Company for whom land is being acquired may offer shares limited to 25% of the Compensation amount - not mandatory to accept

# LAND ACQUISITION AWARD

- Passed under sections 23 and 30 in **Form IX** **Sec 30(2) - Rule 26**
- Collector to pass award within **12 months** of Declaration **Sec 25**
- It may be **extended** beyond 12 months by the **Government**

# REHABILITATION AND RESETTLEMENT AWARD

## ➤ ENTITLEMENTS GIVEN IN SECOND Schedule

➤ Constructed house as per the Indira Awas Yojana specifications to displaced families in Rural areas constructed house - **not less than 50 sq.mts** in plinth area in urban areas -- in either case the equivalent cost of the house may be provided

➤ Subsistence allowance at Rs. 3000 per month per displaced family for 12 months;

➤ One time transportation grant of Rs 50000 per Displaced Family

(Displaced families are also entitled for other benefits as Affected families)

➤ The affected families shall be entitled to

▪ Where jobs are created through the project, **mandatory employment** for one member per family **or**

▪ Rupees **5 lakhs** per family; **or**

▪ Rupees **2000** per month per family as **annuity** for **20** years, with appropriate index for inflation- **The option to the affected family**

# Entitlements -A Comprehensive R&R Package

## (Second Schedule) Sec 31

- Constructed house shall be provided as per the Indira Awas Yojana specifications to displaced families in Rural areas constructed house - **not less than 50 sq.mts** in plinth area in urban areas -- in either case the equivalent cost of the house may be provided
- Subsistence allowance at Rs. 3000 per month per displaced family for 12 months;
- One time transportation grant of Rs 50000 per Displaced Family  
(Displaced families are also entitled for other benefits as Affected families)
- The affected families shall be entitled to
  - Where jobs are created through the project, **mandatory employment** for one member per family **or**
  - Rupees **5 lakhs** per family; **or**
  - Rupees **2000** per month per family as **annuity** for **20** years, with appropriate index for inflation;

The option to the affected family

- **Land** to be given to each family in every project – at least one acre in command Area as possible – compensation is restricted accordingly
- One time **Resettlement Allowance** of **Rs. 50,000** per family;
- Where land is acquired for urbanisation, **20% of the developed** land will be reserved and offered to land owning project affected families, in proportion to their land acquired and at a price equal to cost of acquisition and the cost of development. In case the project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation



- **Rs 25000 per cattle shed / petty shop** -( if has the structure in the area acquired)
- **One time financial assistance of Rs. 25,000 to artisans / small traders per family;- - if structures are lost.**
- **Fishing Rights** are provided in case of irrigation projects
- **Stamp Duty and registration Fee are exempted.**
- **all 25 infrastructural amenities to be provided in the Resettlement area- schedule -III**
- **Award becomes final once displayed in the office of the Collector**

# SPECIAL PROVISIONS TO SCs and STs -- contd

*.In addition to the R&R package, SC/ST families entitled to the following additional benefits:* **Sec 41**

- Free land for community and social gatherings
- In case of displacement, a **Development Plan** is to be prepared – alternate fuel ,fodder etc -- in **Form VIII**
- Preference in relocation and resettlement in area in same compact block
- Reservation and other Schedule V and Schedule VI area benefits shall be continued at resettlement area.
- Consent of Grama Sabha in Sheduled Areas
- Land Acquired ,if attracts L T R Act, the R&R benefits to original Tribal family ( the nontribal occupant is not entitled for any compensation)

## TAKING POSSESSION OF THE LAND .

- Possession to be taken after payment of Compensation and R&R Benefits (except when provisions of urgency are invoked) **Sec 38**
- Compensation be given within a period of three months from the date of the award
- Monetary R&R entitlements will be provided within a period of six months from the date of the award;
- Infrastructure R&R entitlements will be provided within a period of eighteen months from the date of the award;
- No involuntary displacement will take place without completion of R&R;
- In case of irrigation or hydel projects, R&R shall be completed six months prior to submergence
- If not surrendered , surrender to be enforced by Magistrate ( If collector(LAO) is not Magistrate to address magistrate **Sec 91**

## OTHER FEATURES OF THE ACT

- **LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITIES ARE CONSTITUTED**
- Any person interested and has not accepted the award may, by written application to the Collector for referring to LA RR Authority as regards to measurements , amount of compensation, apportionment, rights of R &R
- Appeal lies to High Court on the orders of LA RR Authority .
- Disputes as regards to ownership are also referred to LA RR Authority
- Interest for delay in payment of compensation –in case of enhanced compensation 9% for first year and later on 15 %.
- provision is there to apply to collector by those who received on protest , but not filed Applications to refer to Authority basing upon enhancement of compensation by Authority in the cases covered by same PN

## OTHER FEATURES OF THE ACT - contd

- Appro. Govt at liberty to withdraw the Acquisition proceedings- But damages to be paid
- **Income Tax Exemption:** All amounts accruing under the Act have been exempted from Income tax and from Stamp duty
- **No change** from the purposes specified in the Land Use Plan submitted at the time of land acquisition will be allowed . Change of ownership shall not be with out permission of Appro. Govt.
- Land that is **not used within 5 years** in accordance with the purposes for which it was acquired at the time of acquisition, shall be transferred to the State Government's Land Bank OR to the original land owner. **District Collector** to pass orders
- **Sharing appreciated value:** Upon every transfer of land without development, **40% of the appreciated land value** shall be mandatorily shared with the original owner whose land has been acquired **Sec 102**

# SPECIAL PROVISIONS TO THE STATES

- 
- **States can enact Laws –** **Sec 107**
- ❖ **providing higher Compensation**
- ❖ **Providing higher R&R Benefits– than allowed  
by Act 30 / 2013**
- **Affected families may opt for providing  
compensation , R&R Benefits** **Sec 108**

# SPECIAL PROVISIONS IN A P

- 
- Rule 28A has been incorporated –G O 262 Rev (LA) Dep, dated 13.07.2015
- District Collector may initiate negotiations for mutually agreeable package
- Detailed proposals to be sent to concerned administrative department with justification
- Package should be lumpsum
- Government to approve – 3 men committee constituted  
GO 492,25.4.2016
- MOA is entered
- Government may issue Orders / Guidelines
- Interested persons are not entitled for privilege under Sec 64

***Thank You***