

KEY POINTS

The Draft National Land Acquisition and Rehabilitation & Resettlement Bill, 2011

Purpose:

Address concerns of farmers and those who have lost livelihood; facilitate land acquisition for industrialization, infrastructure and urbanization.

Scope Land can be acquired by government:

- ▶ For its own use
- ▶ To ultimately hand over the land to private companies for public purpose
- ▶ For immediate use by private companies for public purpose

Definition of public purpose

When 80% consent of affected families is not needed

- ▶ Strategic purposes
- ▶ Infrastructure and industry
- ▶ Natural calamities
- ▶ Rehabilitation and resettlement
- ▶ Land for railways, highways, ports, power and irrigation purposes

When 80% consent clause is applicable

- ▶ For private companies for public purposes

Compensation

For rural areas

The compensation would be not less than four times the original market value

For urban areas

Not less than twice that of the market value

Multi cropped land

Acquisition up to 5% allowed but with riders

Rehabilitation and resettlement

- ▶ Apart from subsistence allowance, 20% of the appreciated land value within 10 years to be shared with the original owner
- ▶ For those who have lost livelihood, apart from subsistence and a one-time resettlement allowance, mandatory employment for one member per affected family, or ₹2 lakh
- ▶ Separate allowances for scheduled castes and scheduled tribes
- ▶ The provisions will be applicable even when private companies purchase land, if it is more than 100 acres in rural and 50 acres in urban areas

Retrospective effect

Applicable when the award has not been made under the 1894 land acquisition Act

OR

Where the possession of land has not been taken, regardless of whether the award has been made