

Examrace

Land Acquisition and Resettlement and Rehabilitation Bill 2011

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Table 1

What is there?	What is needed?
	Effective resettlement and rehabilitation policy
	Clear definition of 'public purpose'. How does one evaluate the amount of public purpose in a private project?
<i>What is there</i>	

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Table 2

	Positives	Negatives
Acquisition of Agricultural Land	Rules out the acquisition of multi-cropped irrigated agricultural land	
Avoiding or minimizing displacement	Number of good provisions related to displacement (SIA, review of SIA, public hearing etc)	The principles of 'no forced displacement' and 'free, informed prior consent' are not mentioned.
Compensation	Increases the compensation amount significantly	
Acquisition by		The bill provides for partial acquisition by the

the state for private companies		state. The 2007 bill clearly stated that state can acquire 30% if the company has already bought 70pc.
Private purchases	Extends R&R provisions to private negotiated purchases of land (but provides no safeguard against unfair negotiation)	There is an asymmetry of power between sellers and the buyers. The bill provides no mechanism to reduce this asymmetry
Change of land use (from agricultural purpose)		(this is a major issue in the debate of land acquisition)
Definition of 'public purpose'		Defines public purpose very broadly and leaves it to the bureaucracy to decide each case.
Coverage of 'project affected persons'		Not clear whether the sellers of goods and services to the people in the project area, who will lose their livelihoods when the people whom they serve move away will be regarded as project affected persons
Social Impact Assessment	On SIA this bill is an improvement on the 2007 bill. SIA will be reviewed by an independent multi-disciplinary expert body	Leaves SIA to be prepared by the 'appropriate government'
Rehabilitation package		Principle of 'land for land' has been abandoned. It is applicable only in the case of irrigation projects
Others		The idea of National Rehabilitation

		Commission has been abandoned
<i>Positives Negatives</i>		

The Land Acquisition Draft Was Further Amended

- The draft circulated for public discussion recommended increasing the registered value of a property six fold in rural areas and two fold in urban areas Unfortunately, the bill tabled in Parliament has reduced it by one-third in rural areas, leaving the compensation amount unchanged in urban areas
- The bill introduced in Parliament restricts the benefits to those who have been living or working in the place for more than three years prior to acquisition.
- Such a cut-off date is arbitrary and may keep a substantial number of people out
- The draft was particular about protecting fertile, irrigated multi-crop lands and prohibited their acquisition – but the bill allows for that.

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