

LARR (Amendment) Bill, 2015: Amendments proposed on March 9, 2015

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015 was introduced in Lok Sabha on February 24, 2015 to replace an Ordinance. The following amendments were circulated by the government on March 9, 2015:

Change to public purpose

- The Bill amends the Act to include acquisition of land for private hospitals and private educational institutions within the definition of public purpose.
- The amendments remove this provision of the Bill. This implies that acquisition of land for private hospitals and private educational institutions is no longer included within the definition public purpose.

Changes to five categories of exempted projects:

- The Bill allows the government to exempt five categories of projects from: (i) Social Impact Assessment, (ii) limits on acquisition of irrigated multi-cropped land, through a notification, and (iii) consent provisions. These five categories are: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure and social infrastructure. The amendments make the following changes to this provision:
- *Industrial corridors*: The amendments clarify that land acquired for industrial corridors will be for industrial corridors set up by the government and government undertakings. Further, land can be acquired up to 1 km on both sides of the designated railway line or road of the industrial corridor.
- *Social infrastructure*: The amendment removes social infrastructure as an exempted category.

Changes to SIA and limits on irrigated multi-cropped land:

- The Bill allows the government to exempt the above five categories of projects from SIA and limits on irrigated land, through a notification. The amendments add that before issuing this notification, the government must ensure that the extent of land being acquired is in keeping with the minimum land required for such a project.

Survey of wasteland:

- The amendments add that the government must conduct a survey of its wasteland including arid land, and maintain a record containing details of such land, as may be prescribed by the government.

Changes to rehabilitation and resettlement:

- Under the Act, the rehabilitation and resettlement award for each affected family includes mandatory employment for the members of the family.
- The amendments change this provision to ensure compulsory employment to at least one member of such an 'affected family of a farm labourer'.

Changes to Land Acquisition, Rehabilitation and Resettlement Authority:

- The Act provides for the establishment of a Land Acquisition, Rehabilitation and Resettlement (LARR) Authority which may be approached in case a person is not satisfied with an award under the Act.
- The amendments state that the LARR Authority must hold its hearing in the district where the land acquisition is taking place, after receiving a reference from the Collector and giving notice of this reference to all concerned parties.

Changes to application of 2013 Act:

- The Land Acquisition Act, 1894 will continue to apply in certain cases, when an award has been made under it. The 2013 Act will apply in case an award has been made five years prior to the commencement of the 2013 Act but the physical possession of the land has not been taken or compensation has not been paid.
- The Bill states that in calculating the five year time period, any period where possession of land was taken but the compensation is lying deposited in a court or any account, will not be counted. The amendments change 'account' to 'designated account'.

Offences by government employees:

- The Bill states that if an offence is committed by a government employee he cannot be prosecuted without the prior sanction of the government, as provided in Section 197 of the Code of Criminal Procedure, 1973.
- The amendments state that the government employee can be prosecuted if procedure laid down in Section 197 of the Code of Criminal Procedure, 1973 is followed. Section 197 requires the prior sanction of the government prior to prosecuting a public servant.

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