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INDUCTION TRAINING OF MCS- 2021

PRESENTATION

ON ROLE OF EXTRA ASSISTANT COMMISSIONER

IN LAND ACQUISITION

RFCTLAR&R ACT/(LARR) 2013

Important Provisions of the RFCTLAR&R Act 2013

Activities	Provision under Section	Timeline
Preparation of SIA	Section 4	Within 6 months from Notification
Preliminary Notification Preliminary survey of land & power of officer to cause survey Payment for damage Objection hearing/inquiry Preparation of R&R Scheme Approved R&R Scheme to be made public (by Commissioner or RD&M)	Section 11 Section-12 Section-13 Sec-15 Sec-16 Sec-18	By R&DM Deptt, within 1 year from submission of Expert Group Report and Specific proposal by Collector Role of EAC from sec-12 to Sec-16
Declaration of Notification by Appropriate Govt	Section 19	Within 1 Year from 11 Notification
Notice to Persons interested	Section 21	Within 6 months (Role of EAC)
Enquiry and L/Acquisition Award by DC	Section 23	DC/ADC (EAC to maintain proper record with schedule of date, place, time etc)
Power to take Possession	Section 38	Within 6 months after the payment of full compensation and R&R entitlements
Special Provisions for SCs and STs	Section 41	

Determination of market value by DC

EAC(Rev) shall calculate the market value following the provisions given under Sec-26 and refer The First schedule given in the LARR Act 2013

Determination of Compensation/award amount by DC

EAC to refer Sec-26,27 &28 in ACCORDANCE WITH FIRST & SECOND SCHEDULE

Determination of value of things attached to land or building

EAC to ref Sec.29

SOLATIUM-Sec-30

THE FIRST SCHEDULE

[See section 30(2)]

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1(One).	

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|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Value of assets attached to land or building | To be determined as provided under section 29. |
| 5. Solatium | Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2). |
| 6. Final award in rural areas | Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2). |

7. Final award in urban areas Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).
8. Other component, if any, to be included

NOTE.-The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

26.Determination of market value of land by Collector.—(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

Explanation 1.—The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in *Explanation 1*, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2)The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3)Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority,

the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent, of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

29. Determination of value of things attached to land or building.—(1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

30. Award of solatium.—(1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a —Solatium amount equivalent to one hundred per cent. of the compensation amount.

Explanation.—For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier

THE SECOND SCHEDULE

[See sections 31(1), 38(1) and 105(3)]

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
(1)	(2)	(3)	(4)

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1. Provision of housing units in case of displacement
- (1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.
- (2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:
- Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:
- Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:
- Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.
- Explanation.*—The houses in urban area may, if necessary, be provided in multi-storied building complexes.

2. Land for Land

In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:

Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.

3. Offer for Developed Land In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development:

Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.

4. Choice of Annuity or Employment

The appropriate Government shall ensure that the affected families are provided with the following options:

(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or

(b) one time payment of five lakhs rupees per affected family; or

(c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.

5. Subsistence grant for displaced families for a period of one year

Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.

In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.

In case of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.

6. Transportation cost for displaced families Each affected family which is displaced shall get a one- time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.

 7. Cattle shed/Petty shops cost Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twentyfive thousand rupees for construction of cattle shed or petty shop as the case may be.
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8. One-time grant to artisan, small traders and certain others
- Each affected family of an artisan, small trader or self-employed person or an affected family which owned nonagricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.

11. Stamp duty and registration fee
- (1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body.
 - (2) The land for house allotted to the affected families shall be free from all encumbrances.
 - (3) The land or house allotted may be in the joint names of wife and husband of the affected family.
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THE THIRD SCHEDULE

[See sections 32, 38(1) and 105(3)]

PROVISION OF INFRASTRUCTURAL AMENITIES

For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the acquirer of land	Details of infrastructure amenities provided by the acquirer of land
(1)	(2)	(3)
1.	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged.	
2.	Proper drainage as well as sanitation plans executed before physical resettlement.	
3.	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.	
4.	Provision of drinking water for cattle.	
5.	Grazing land as per proportion acceptable in the State.	
6.	A reasonable number of Fair Price Shops.	
7.	Panchayat Ghars, as appropriate.	

8. Village level Post Offices, as appropriate, with facilities for opening saving accounts.
 9. Appropriate seed-cum-fertilizer storage facility if needed.
 10. Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.
 11. All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.
 12. Burial or cremation ground, depending on the caste- communities at the site and their practices.
 13. Facilities for sanitation, including individual toilet points.
 14. Individual single electric connections (or connection through nonconventional sources of energy like solar energy), for each household and for public lighting.
 15. Anganwadi's providing child and mother supplemental nutritional services.
 16. School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);
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17. Sub-health centre within two kilometres range.
 18. Primary Health Centre as prescribed by the Government of India.
 19. Playground for children.
 20. One community centre for every hundred families.
 21. Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.
 22. Separate land must be earmarked for traditional tribal institutions.
 23. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.
 24. Appropriate security arrangements must be provided for the settlement, if needed.
 25. Veterinary service centre as per norms.

NOTE.— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the acquirer

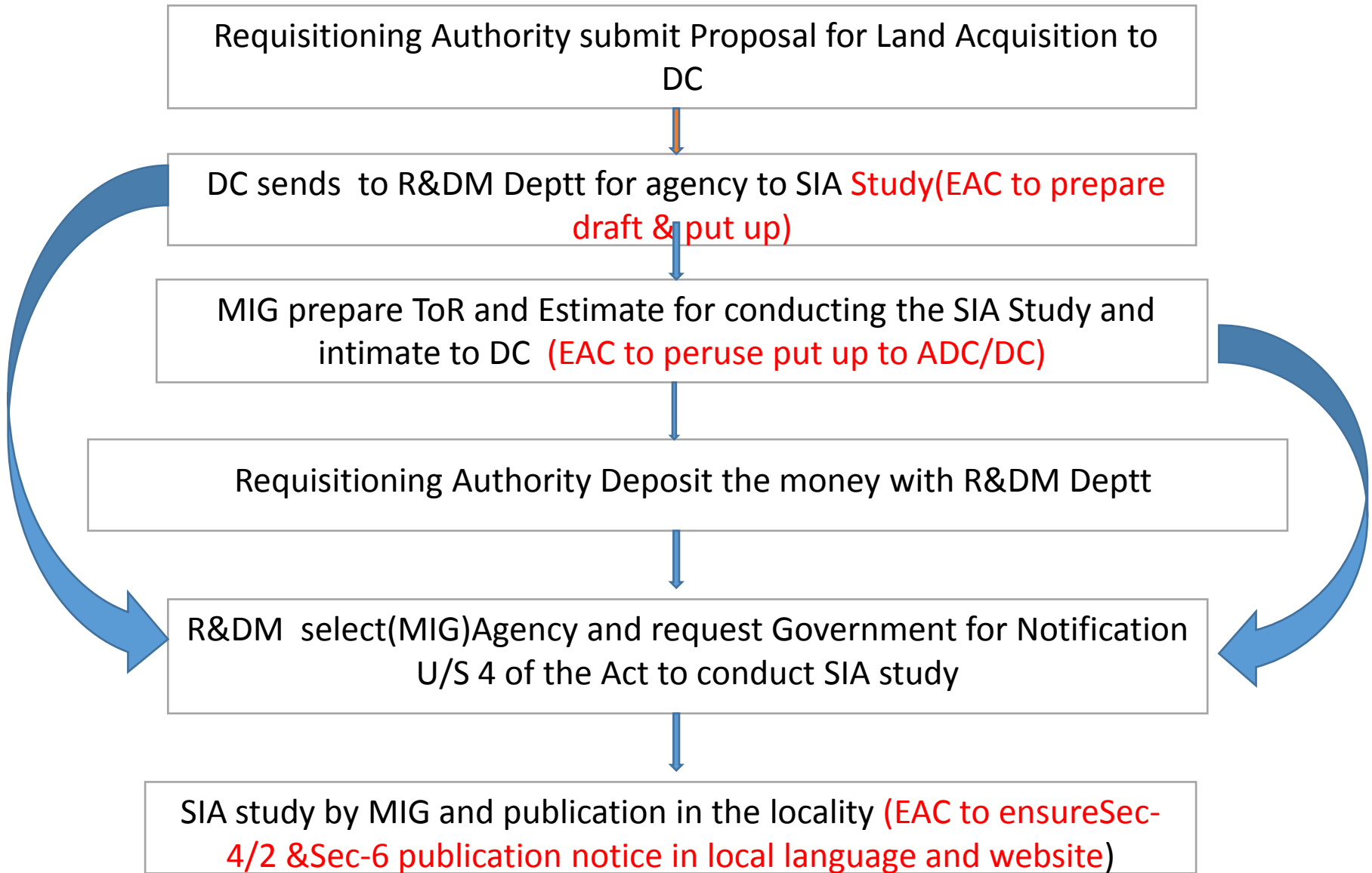
THE FOURTH SCHEDULE

(See section 105)

LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND REHABILITATION AND RESETTLEMENT

1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).
2. The Atomic Energy Act, 1962 (33 of 1962).
3. The Damodar Valley Corporation Act, 1948 (14 of 1948).
4. The Indian Tramways Act, 1886 (11 of 1886)
5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).
6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
7. The National Highways Act, 1956 (48 of 1956).
8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).
10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).
11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
12. The Electricity Act, 2003 (36 of 2003).
13. The Railways Act, 1989 (24 of 1989).

Step by Step Procedure followed for Land Acquisition as per RFCTLAR&R Act , 2013



Formation of Expert group by Collector and Conducting of Gram Sabha(consultation)sec-7 preparation of expert group record/report

Collector to submit Specific proposal and Expert Group Recommendation to Govt.(EAC to peruse & prepare the recommendation)

Notification by the Government U/S 8(2) and publication in the locality(EAC to ensure notification upto tehsil/block level/village level)

Preliminary Notification U/S 11(1) of the Act for Acquisition(RD&M Deptt) Sec-12 Preliminary survey of/sec-13 payment for damage if any land(EAC with survey team)

Objection(public hearing)U/S 15 of the Act(EAC/Ex Magistrate)

Declaration U/S 19(1), after verifying the Sanction Estimate, Fund certificate, R&R Certificate and no objection certificate

Notice to Awardees U/S -21 and Payment of compensation U/S 23 of the Act(EAC to prepare)

Power to take possession U/S 38 of the Act (EAC to mark boundary)

INVOLVEMENT OF EAC IN L/A

>All responsibilities listed as that of DC under the LARR Act 2013 are invariably falling upon ADC(Rev)/EAC(Rev)

>EAC to prepare proper schedule of notification, issue process chronologically from the initiation of LA process till the end

NOTE: For ease of process handling EAC may begin with a thorough reference of First, Second and Third schedule as the case of LA may entail

Thank You