

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



INTRODUCTION

- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCT LARR) Act, 2013 came into force with effect from 1st January, 2014 thereby Land Acquisition Act 1894 has been repealed.
- RFCT LARR Act 2013 relates to land acquisition, compensation, rehabilitation and resettlement, when the appropriate Government acquires land for its own use, hold and control, including for Private Sector Undertakings and Public use.
- RFCT LARR Act 2013 has a total of 13 Chapters and 114 Sections.

CHAPTER II

DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

A. Preliminary Investigation for Determination of Social Impact and Public Purpose

4. Preparation of Social Impact Assessment Study:

- Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.
- The notification issued by the appropriate Government for commencement of consultation of the Social Impact Assessment Study shall be made available in the local language and shall be published in the affected areas and uploaded on the website of the appropriate Government.
- The appropriate Government shall ensure the completion of the Social Impact Assessment Study within a period of 6 months from the date of its commencement.

5. Public Hearing for Social Impact Assessment:-

- Whenever a Social Impact Assessment is required to be prepared, the Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue to ascertain the views of affected families to be recorded in the Social Impact Assessment Report.

6. Publication of Social Impact Assessment Study:-

- The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan are prepared and made available in the local language and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas as prescribed and uploaded on the website of the appropriate Government.
- Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Agency authorized by the Central Government to carry out environmental impact assessment.

B. Appraisal of Social Impact Assessment Report by an Expert Group

7. Appraisal of Social Impact Assessment report by an Expert Group:-

- The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.
- If the Expert Group constituted is of the opinion that the project does not serve any public purpose or the social costs and adverse social impacts of the project outweigh the potential benefits it shall make a recommendation within 2 months from the date of its constitution that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.
- If the Expert Group is of the opinion that the project will serve any public purpose and the potential benefits outweigh the social costs and adverse social impacts, it shall make specific recommendations within 2 months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available

8. Examination of Proposals for land acquisition and Social Impact Assessment report by appropriate Government:-

- The appropriate Government shall ensure that
 - ✓ There is a legitimate and bona fide public purpose
 - ✓ The potential benefits and the public purpose shall outweigh the social costs and adverse social impact.
 - ✓ Only the minimum area of land required for the project is proposed to be acquired.
 - ✓ There is no unutilized land which has been previously acquired in the area.
 - ✓ The land, if any, acquired earlier and remain utilized, is used for such public purpose
- The appropriate Government shall examine the report of the Collector. After considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individual affected.

9. Exemption from Social Impact Assessment:-

- Where land is proposed to be acquired invoking the urgency provisions under Section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment Study.

10. Special Provision to safeguard food security:-

- Save as otherwise provided in sub-section (2) no irrigated multi-cropped land shall be acquired under this Act.
- Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort.
- Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purpose.

CHAPTER IV

NOTIFICATION AND ACQUISITION

11. Publication of preliminary notification and power of officers:-

- Whenever, it appears to the appropriate Government that land in any area is required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban areas shall be published.
- The concerned shall be informed of the contents of the notification.
- The Notification issued shall also contain a statement on the nature of the public purpose involved.
- No person shall make any transaction.

12. Hearing of objections:-

- Any person interested in any land which has been notified may within 60 days from the date of the publication of the preliminary notification, object to (a) the area and suitability (b) justification offered (c) findings of Social Impact Assessment Report.
- Every objection shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being heard in person.
- The decision of the appropriate Government on the objections shall be final.

16. Preparation of Rehabilitation and Resettlement Scheme by the Administrator:-

- Upon the publication of the preliminary notification by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families.
- The Administrator shall, based on the survey and census, prepare a draft Rehabilitation and resettlement Scheme.
- In case where an affected area involves more than one Gram Panchayat or Municipality, public hearing shall be conducted in every Gram Sabha and Municipality where more than 25% of land belong to the Gram Sabha or Municipality is being acquired.
- The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.

19. Publication of declaration and summary of Rehabilitation and Resettlement:-

- When the appropriate Government is satisfied, after considering the report, that any particular land is needed for a public purpose, a declaration shall be made to that effect along with a declaration of an area identified as “resettlement area”.
- The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration.
- In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.
- The declaration shall be conclusive evidence that the land is required for a public purpose.
- Where no declaration is made within 12 months from the date of preliminary notification, then such notification shall be deemed to have been rescinded.

21. Notice to persons interested:-

- The Collector shall publish the public notice on his website and cause public notice to be given at convenient place, stating the Government intends to take possession of the land and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made.
- The Public Notice shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the collector not being less than 30 days and not more than 6 months after the date of publication of notice.

23. Enquiry and land acquisition award by Collector:-

- On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections which any person interested has stated pursuant to a notice, to the measurements, and into the value of land at the date of publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an Award under his hand of
 - ✓ True area of land
 - ✓ Compensation as determined
 - ✓ Apportionment of the said compensation among all the persons known or believed to be interested in the land.

CHAPTER V


REHABILITATION AND RESETTLEMENT AWARD

33. Corrections to Awards by Collector:-

- The Collector may at any time, but not later than 6 months from the date of Award to make reference to the Authority, before making of such reference, by order, correct any clerical or arithmetical mistakes in either of the Awards or errors arising therein either on his own motion or on application of any person interested or local authority. Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.
- The Collector shall give immediate notice of any correction made in the Award so corrected to all the persons interested.
- Where any excess amount is proved to have been paid to any person as a result of the correction, the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.


40. Special Powers in case of urgency to acquire land in certain cases:-

- In cases of urgency, whenever the appropriate Government so directs the Collector, though no such Award has been made, may, on the expiration of 30 days from the publication of the Notice, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

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- The powers of the appropriate Government shall be restricted to the minimum area required for the Defence of India or National Security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament.
 - The Collector shall not take possession of any building or part of a building without giving the occupier thereof at least 48 hours notice of his intention to do so.
 - Before taking possession of any land under sub section (1) or (2) the Collector shall tender payment of 80% of the compensation for such land as estimated by him to the person interested entitled thereto.
 - An additional compensation of 75% of the total compensation as determined under Section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under Sub-section (1) of this section

41. Special Provisions for scheduled Castes and Scheduled Tribes:-

- As far as possible, no acquisition of land shall be made in the Scheduled areas. Where such acquisition does takes place it shall be done as a demonstrable last resort.
- In case of acquisition or alienation of any land in the scheduled Areas, prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Council shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of notification under this Act, or any other Central Act or a State Act for the time being in force provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

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- In case of a project involving land acquisition on behalf of a Requiring body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared.
 - The Development Plan shall also contain a programme of development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of 5 years, sufficient to meet the requirements of tribal communities as well as Scheduled Castes.
 - In case of land being acquired from members of all the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first installments and the rest shall be paid after taking over of the possession of land.
 - The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.
 - Where the affected families belonging to the Scheduled Castes and Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional 25% rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of Rs. 50,000.

CHAPTER VIII

ESTABLISHMENT OF LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY

64. Reference to Authority:-

- Any person interested who has not accepted the Award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of Authority, as the case may be, whether his objection be to the measurement of land, the amount of compensation, the person to whom it is payable.
- The Collector shall, within a period of 30 days from the date of receipt of application, make a reference to the appropriate Authority.
- The Application shall state the grounds on which objection to the Award is taken:
 - ✓ Within 6 weeks or within 6 months from the date of the Collectors Award whichever the period shall expire first.



THANK YOU