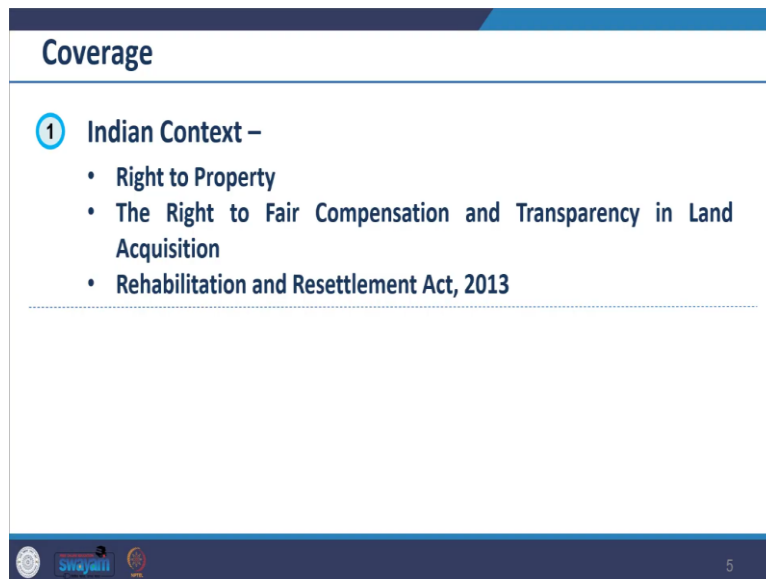


**Environmental Impact Assessment**  
**Professor Harshit Sosan Lakra**  
**Department of Architecture and Planning**  
**Indian Institute of Technology, Roorkee**  
**Lecture – 23**

**EIA - Law, Policy and Institutional Arrangements for EIA Systems (Part XI) Land Acquisition in Indian Context**

So, welcome to the course- Environmental Impact Assessments. So, in today's lecture, we will look at the other parts of land acquisition resettlement and livelihoods. So, we will look at the Indian Act, which is available, and what kind of right to land we have. So, we look at that.

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The slide is titled "Coverage" and lists the following topics under "Indian Context -":

- Right to Property
- The Right to Fair Compensation and Transparency in Land Acquisition
- Rehabilitation and Resettlement Act, 2013

The slide also features logos for IIT Roorkee and Swayam Prakashan at the bottom left, and the number 5 at the bottom right.

So, accordingly, our coverage, will include a, look at the Indian context, where we will look at the property right. Then we will look at the right to fair compensation and transparency in land acquisition. Rehabilitation and Resettlement Act of 2013. And for this, you can also refer to my other lecture for which I have also given a link there.

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**Learning Outcomes**

- 1 Synthesize Indian Context –
  - Right to Property
  - The Right to Fair Compensation and Transparency in Land Acquisition
  - Rehabilitation and Resettlement Act, 2013

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So, the expected learning outcomes of this particular session are that you should be able to synthesize the Indian context, and you need to understand what kind of rights we have to property. And then also look at the key aspects of the right to fair compensation and transparency in the Land Acquisition, rehabilitation, and Resettlement Act of 2013.

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**Right to Property**

Right to property is not a fundamental right but a constitutional right under Article 300A of the Constitution.

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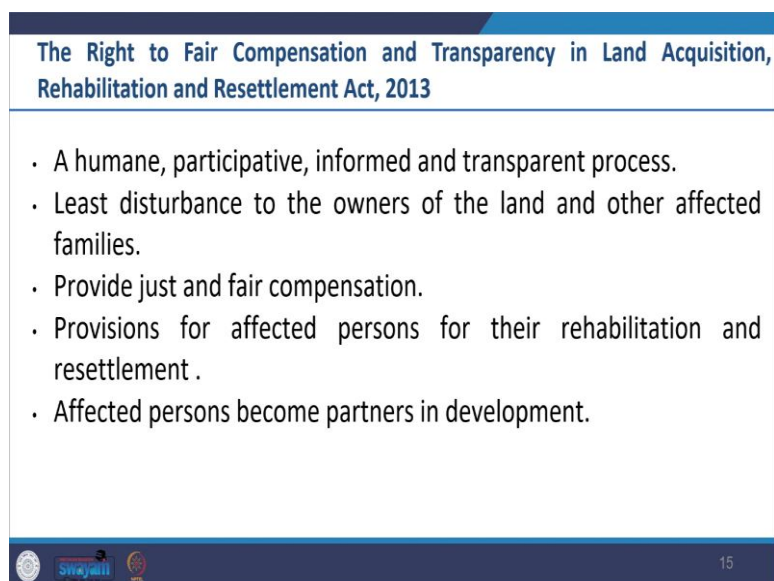
So, looking at the Indian context, let us first look at the right to property of the Indian citizen. So, I would like to remind you that, in our country right to property is not a fundamental right, but a constitutional right under Article 300 A of the Constitution. So, you need to understand that, we do not have fundamental, it does not qualify as a fundamental right but it is a constitutional right and then the government has the eminent domain, the power of eminent domain.

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So, let us walk through the key provision of the right to fair compensation and transparency in the Land Acquisition, rehabilitation, and Resettlement Act of 2013. You may also see the lecture on the Land Acquisition Act in my lecture in Introduction to Urban Planning. The link is also provided to you. And here, I will cover it in a very brief manner.

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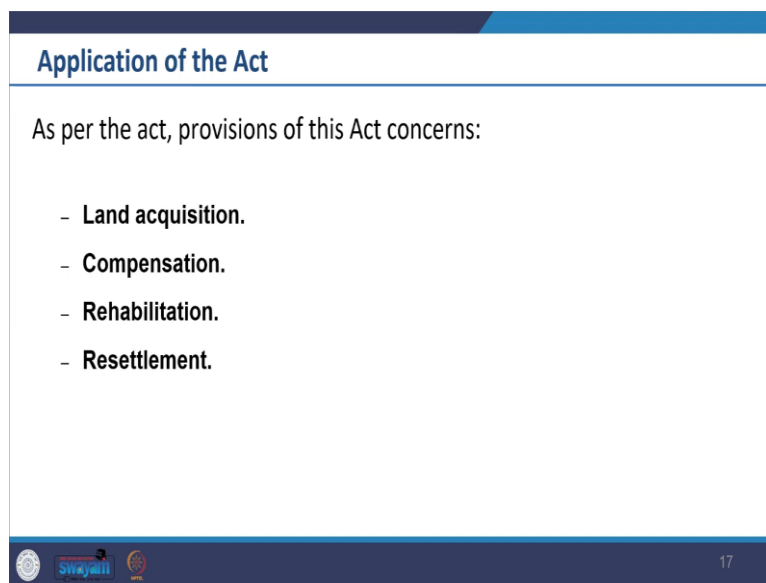
The act states to ensure in consultation with institutions of local self-government and Gram Sabha established under the constitution, a humane, participative, informed, and transparent process for land acquisition will be adopted for industrialization, development of essential infrastructure facilities, and urbanization, with the least disturbance to owners of land and other affected families. So, that, is what the act states.

And it would provide just and fair compensation. So, it talks about the just and fair compensation to the affected families, whose land has been acquired or proposed to be quiet or are affected by such acquisition. This act also makes adequate provision for affected persons for their rehabilitation and resettlement.

And for ensuring that, their cumulative outcomes of compulsory acquisition should be that, affected persons become development partners. So, it is just not that, they sacrifice in the process but they also become partners in the development, leading to an improvement in their post-acquisition, social and economic status and for matters connected thereafter, therewith or incidental thereto.

So, this is what I am reading from the act and this is what you can look at those terms which highlight how it is going to do through a participative, informed, and transparent process. It is, it targets to provide the least disturbance and it tells to provide just and fair compensation and then how it will take care of the rehabilitation and resettlement, and then how people would become development partners.

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**Application of the Act**

As per the act, provisions of this Act concerns:

- **Land acquisition.**
- **Compensation.**
- **Rehabilitation.**
- **Resettlement.**

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And looking at where this applies, and where the act applies. So, as per the act, this act is concerned with land acquisition, compensation, rehabilitation, and resettlement especially when the government acquires land for its use, for its use hold, and control including public sector undertaking and for public purpose. So, you see what we studied under eminent domain. So, you see, how the government can take land for the public purpose.


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### Purpose and Application of the Act

(a) For strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people;



(Indiatoday, 2019; electionfacts, 2019; Pro\_vitag, 2020; AFP/ moneycontrol, 2020)




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So, looking at the purpose of the act, we see that, the purpose of the act includes that, it would be used for strategic purposes related to the naval, military, air force, and armed forces of the union, including central paramilitary forces or any work, which is vital to national security or defense of India. So, for any such kind of thing, the government can take the land.

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### Purpose and Application of the Act

(b) For Infrastructure Projects

- i. All activities or items listed in the notification of the government of india in the department of economic affairs (infrastructure section) excluding private hospitals, private educational institutions and private hotels.
- ii. Projects involving agro-processing.
- iii. Project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the national manufacturing policy.
- iv. Project for government administered, government aided educational and research schemes or institutions.
- v. Project for sports, health care, tourism, transportation or space programme.
- vi. Any infrastructure facility as may be notified in this regard by the central government and after tabling of such notification in parliament.

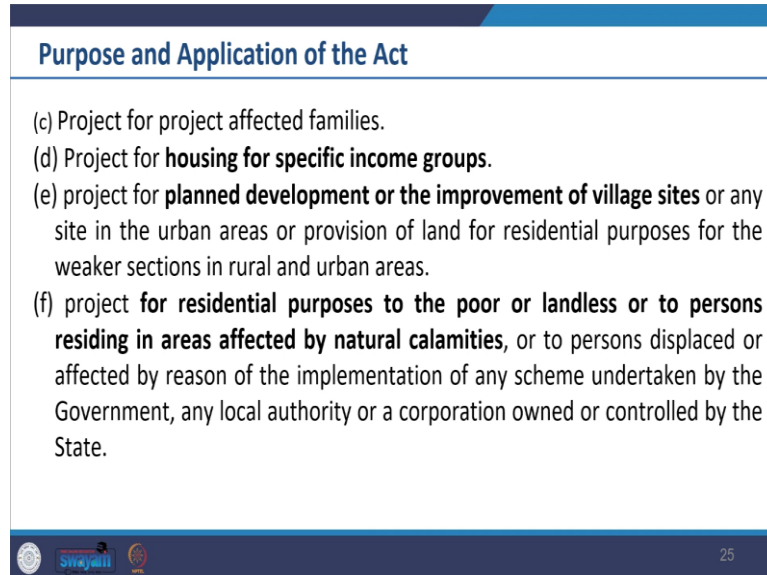



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Then, you see for the infrastructure projects like all the list of activities, if you can see includes infrastructure like all the hospitals, it can have industrial corridors, mining activities, national investment, and manufacturing zone. So, all these would be included in the infrastructure projects. This act applies to infrastructure projects.

So, for all the activities or items listed in the notification, the notification provides those lists. So, those will be included here the project involving agro-processing then the project for industrial corridor or mining activities, national investment, and manufacturing zones, as per the national manufacturing policies.

So, you also see projects for water harvesting and water conservation, structure and sanitation projects for government administration, government-aided educational and research schemes or institutions, projects for sports, and any infrastructure facility that may be notified in this regard by the central government and those may be included in this list.

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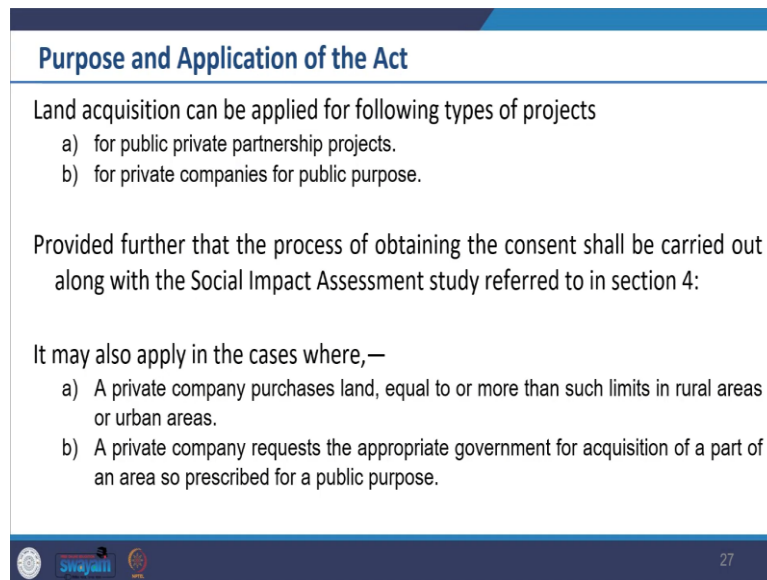
**Purpose and Application of the Act**

- (c) Project for project affected families.
- (d) Project for **housing for specific income groups**.
- (e) project for **planned development or the improvement of village sites** or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas.
- (f) project **for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities**, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.

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Further, the act includes projects for project-affected families. So, the project for housing for specific income groups, a project for planned development or the improvement of village sites, a project for residential purposes for the poor or landless or the persons residing in areas affected by natural calamities. So, whenever such housing projects are also created that, would be also included in the list.

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**Purpose and Application of the Act**

Land acquisition can be applied for following types of projects

- for public private partnership projects.
- for private companies for public purpose.

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

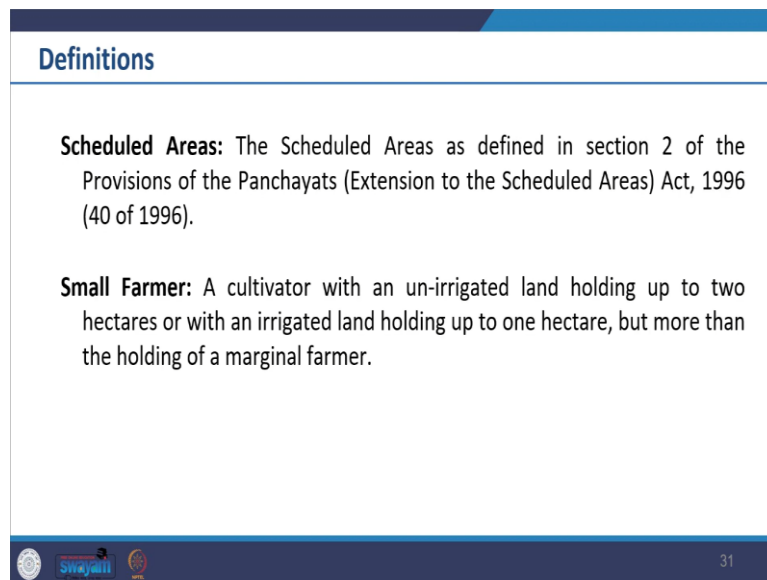
It may also apply in the cases where,—

- A private company purchases land, equal to or more than such limits in rural areas or urban areas.
- A private company requests the appropriate government for acquisition of a part of an area so prescribed for a public purpose.

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So, land acquisition can be applied to the following types of projects. For the public-private partnership projects also. For private companies for public purposes, that would also be included. And it may also apply in cases where a private company purchases land, equal to or more than such limits in rural areas or urban areas. Or a private company requests the appropriate government for acquisitions. So, it applies to that, as well.

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**Definitions**

**Scheduled Areas:** The Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).

**Small Farmer:** A cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

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So, the act also provides certain key definitions. So, we looked in the previous part at some of the key definitions. We can just look at some of the extras here, which might be off, which is useful for our context. So, it includes a definition of Scheduled Areas. So, scheduled areas are defined in section 2 of the provision of the Panchayats (Extension to Schedule Areas) Act 1996. So, it defines that, what are scheduled areas, and then what it means by that.

And then, it also defines farmers and small farmers, meaning cultivator or cultivator with un-irrigated land holding up to two hectares, or with irrigated land holding up to one hectare. But, more than the holding of a marginal farmer. So, such kinds of definitions are given you can go through the list from the act. So, it defines all key concepts here, what would apply to the act.

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**Social Impact Assessment Study**

**Includes**

- a) Review public purpose.
- b) Estimation of affected families and the number of families among them likely to be displaced.
- c) Extent of lands, public and private, houses, settlements and other common properties likely to be affected.
- d) Ensuring bare minimum extend of land for acquisition.
- e) Ensuring all alternatives are reviewed.
- f) Study of social impacts of the project, and the nature and cost of addressing them and cost benefit analysis.

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Further, we see that this act makes provision for the preparation of social impact assessment studies. So, in the previous class, you saw, what kind of social impact the categories of social impacts, and the kind of reports that are required to be made. So, here this act also makes provision for a social impact assessment study.

And as per the act, the social impact assessment study will include like, it has to have an assessment of, whether the proposed acquisition serves the public purpose or not and then an estimation of the affected families, and the number of families among them likely to be displaced. Then it also needs to look into the extent of land, how much land will be occupied public and private, houses and settlements, and other common properties likely to be affected by the acquisition. So, that, all needs to be seen here. And whether the extent of land proposed for acquisition is the absolute bare minimum extent.

So, there are chances that, when proponents ask for land, they might ask for extra land, than what is needed. So, this act makes this provision that, what is needed is just the minimum that they need to acquire the land. Further, we see that it also looks into whether the land acquisition at an alternative place has been considered or not.

So, if you remember, what World Bank had guided that, one has to avoid resettlement, resettlement, and displacement has to be avoided. So, this also looks into the social impact, looks into, whether they have considered alternatives or not. Further, you see that the study of the social impact of the project should also

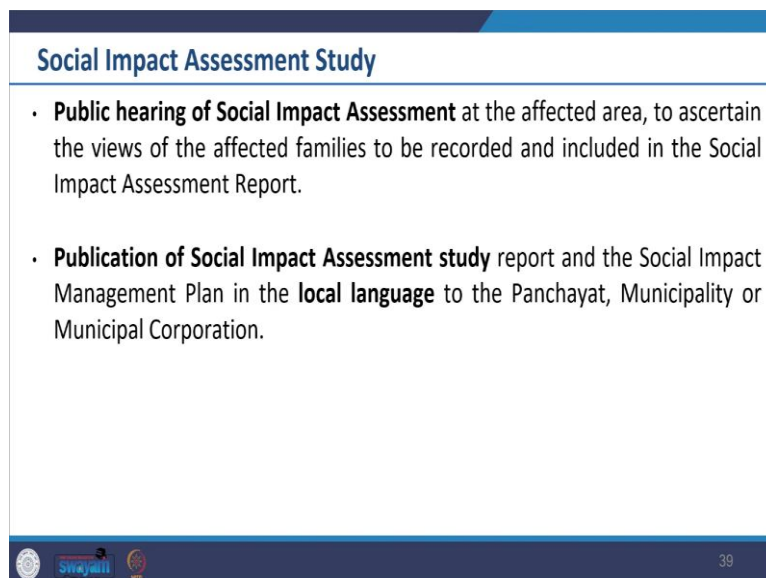


take care of the nature and cost of addressing them and the impact of these costs on the overall cost of the project and then the benefit of the project.

So, how expensive would that, be? So, that, all considerations have to be taken care of. And then also within that, social impact, the appropriate government will be required to conduct the social impact assessment study. Further, we see that the government will be required to prepare a social impact management plan.

So, they would undertake a social impact assessment and based on that, a social impact management plan also needs to be required. So, the government has to also ensure that, after undertaking a social impact assessment, a social impact management plan is also prepared. So, a social impact management plan is prepared to mitigate, to reduce the negative impact, which might happen with certain kinds of rehabilitation, relocation, and resettlement.

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**Social Impact Assessment Study**

- **Public hearing of Social Impact Assessment** at the affected area, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.
- **Publication of Social Impact Assessment study** report and the Social Impact Management Plan in the **local language** to the Panchayat, Municipality or Municipal Corporation.

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Further, we see that there is also a requirement for public hearings for social impact assessment in the affected areas. And one has to ensure that, the views of all the affected family members have been recorded and included in the social impact assessment report. Then also social impact assessment study is required to be published in the local language and has to be made available to Panchayats, Municipalities, or Municipal Corporations. So, that has to be done here. So, you can connect, how at the international level, what kind of suggestions are made. And at the national level, how we are taking care of it, through this act.

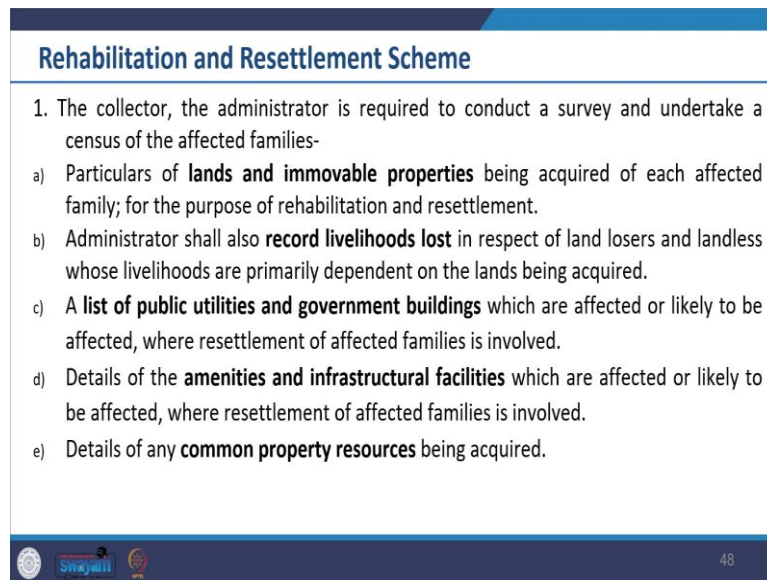
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## Safeguard for Food Security

- The act specifies that no irrigated multi-cropped land shall be acquired under this Act (only under exceptional circumstances).
- Equivalent area of culturable wasteland shall be developed if multi crop area is acquired for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.
- Acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State.
- Exception for linear projects (railways, highways, major district roads, irrigation canals, power lines).

So, we further see that one of the key features of this act is that, it is providing safeguards for food security. So, it also ensures food security. So, this act specifies that no irrigated multi-crop land shall be acquired under this act. Such land may be acquired subject to the condition that it is being done under exceptional circumstances. And there are instructions, if such kind of lands is taken, acquired, then what kind of compensation has to be done, what kind of rehabilitation has to be done, that, all guidance has been provided.

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**Rehabilitation and Resettlement Scheme**

1. The collector, the administrator is required to conduct a survey and undertake a census of the affected families-
  - a) Particulars of **lands and immovable properties** being acquired of each affected family; for the purpose of rehabilitation and resettlement.
  - b) Administrator shall also **record livelihoods lost** in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired.
  - c) A **list of public utilities and government buildings** which are affected or likely to be affected, where resettlement of affected families is involved.
  - d) Details of the **amenities and infrastructural facilities** which are affected or likely to be affected, where resettlement of affected families is involved.
  - e) Details of any **common property resources** being acquired.

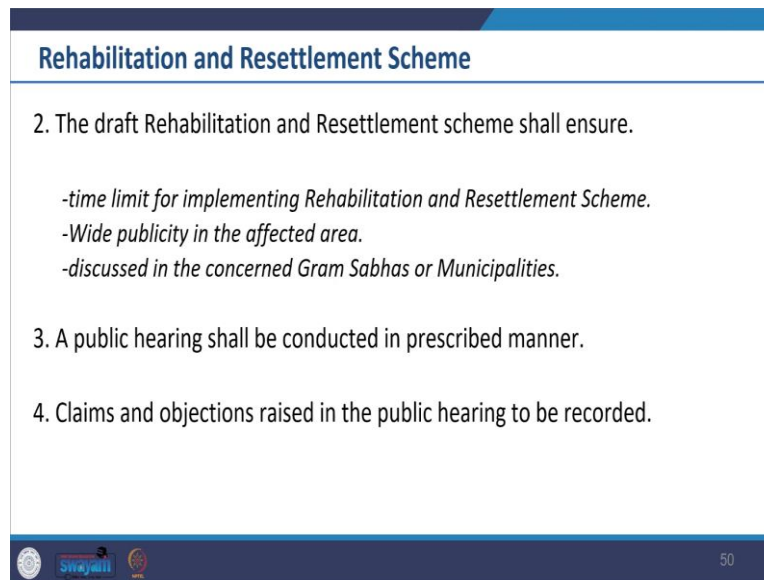
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Further, we see that the act provides instructions on the preparations of rehabilitation settlement schemes by the administrator. So, you see that rehabilitation and settlement scheme, how the administrator would prepare that, also instructions are given. So, you can reconnect with the rehabilitation, and resettlement plan. We talked about this in the previous class.

So, the Collector, the Collector, and the Administrator are required to conduct a survey and undertake a census of the affected families and it would record particulars of the land and immovable properties being acquired by each affected family. So, that has to be taken rigorously, for rehabilitation, and resettlement.

And administrator shall record livelihood lost, a list of public utilities and government buildings would also be made, details of amenities and infrastructure facilities have also to be recorded, and details of any common property resource being acquired also need to be recorded. So, you see the kind of loss we talked about and how this act is taking care of that.

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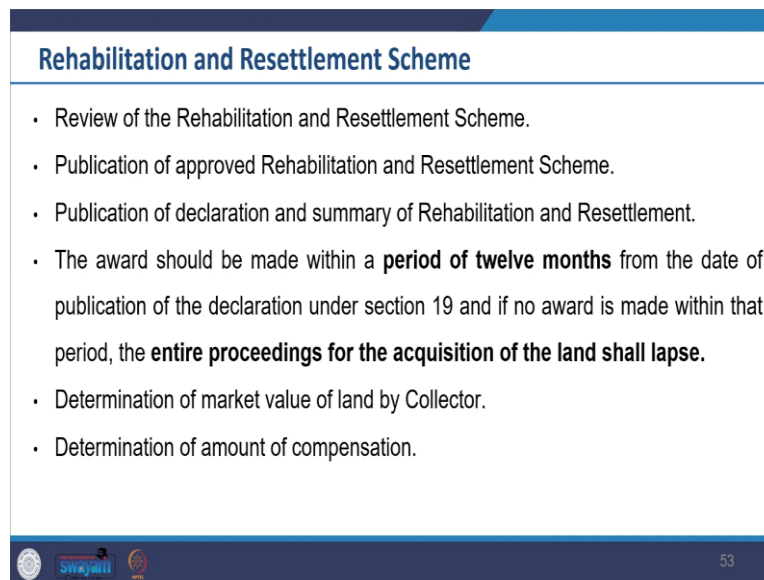
**Rehabilitation and Resettlement Scheme**

2. The draft Rehabilitation and Resettlement scheme shall ensure.
  - time limit for implementing Rehabilitation and Resettlement Scheme.
  - Wide publicity in the affected area.
  - discussed in the concerned Gram Sabhas or Municipalities.
3. A public hearing shall be conducted in prescribed manner.
4. Claims and objections raised in the public hearing to be recorded.

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So, the draft rehabilitation and resettlement scheme shall also include a time limit for implementing rehabilitation and resettlement schemes. So, cut off time, we talked about that. So, it is also going to have a time limit here and then it should also be, the information should be made locally available and it has to be widely publicized. And then public hearings also need to be conducted. So, you look at the participatory part as well, how the act is taken care of.

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**Rehabilitation and Resettlement Scheme**

- Review of the Rehabilitation and Resettlement Scheme.
- Publication of approved Rehabilitation and Resettlement Scheme.
- Publication of declaration and summary of Rehabilitation and Resettlement.
- The award should be made within a **period of twelve months** from the date of publication of the declaration under section 19 and if no award is made within that period, the **entire proceedings for the acquisition of the land shall lapse.**
- Determination of market value of land by Collector.
- Determination of amount of compensation.

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Further, it also gives you, how, what kind of procedure has to be followed, such as, there will be a review of the rehabilitation and resettlement scheme and then there will be this approved rehabilitation and resettlement scheme has to be made public and publication of the declaration and summary of the rehabilitation and resettlement has to be made.

So, here we see that the act also makes, specifically mentions, the award and when the award has to be made, like it specifies that, the award should be made within 12 months from the date of publication of the

declaration as per the section. And if no award is made within that, period, the entire proceeding of the acquisition of land shall lapse. So, there is again a timeline which is given here.

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Parameter for Calculation
1. Market value
2. Damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof.
3. Damage sustained by the person interested, by reason of severing such land from his other land.
4. Damage sustained by the person interested, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings.
5. Compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.
6. decrease of the profits of the land .
7. Any other ground which may be in the interest of equity, justice and beneficial to the affected families.

So, the act also provides a formula to determine the market value of the land. So, earlier there was no formula given. But now, it is given the formula, of how one calculates the value of the land which is to be acquired. So, the act provides instructions on calculations to determine the amount of compensation.

So, there is the calculation, all the parameters, which have to be considered have been provided in the act. I will not get into the details of that. So, just to broadly cover that, it takes care of determining the market value, it looks at the damage sustained by the person interested.

Then it also looks at the damage sustained by the person interested for the reason of serving such land from his other land. And then also all kinds of damages are taken care of. And then what is the decrease in the profit of the land and then any other ground which may be of interest of equity, justice, and beneficial to the affected families?

So, all those aspects have to be covered here. So, another term that we see is the solatium the Collector having determined the total compensation to be paid, shall to arrive at a final award impose a solatium amount, which is equivalent to 100 percent of the compensation amount. So, again solatium is also paid in addition to the compensation.

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## Special Provisions for Scheduled Castes and Scheduled Tribes

- (1) **As far as possible, no acquisition of land shall be made in the Scheduled Areas.**
- (2) **Done only if demonstrated last resort .**
- (3) **Prior consent of the concerned Gram Sabha** or the Panchayats or the autonomous District Councils.
- (4) In case of involuntary displacement, a Development Plan shall be prepared,
  - laying down the **details of procedure** for settling land rights due
  - Or else special drive together with land acquisition.

Further, we see there is a special provision for scheduled castes and scheduled tribes. So, like in the previous lecture, we talked about taking care of the indigenous people. So, here we see how, in this act that, provision is made. So, there is a special provision for scheduled castes and scheduled tribes.


And it is adverse, it is stated that, as far as possible, no acquisition of land shall be made in the scheduled areas, where such acquisition does take place, it shall be done only as a demonstrable last resort. So, when they do not find any other way to do it, only in that, situation it has to be done.

In case of acquisition or alienation of any land in the scheduled areas, the prior consent has to be taken from the concerned Gram Sabha or whichever body is there like Panchayats or autonomous District Council. So, that has to be done. So, in case of a project, where the involuntary displacement takes place then a detailed development plan has to be prepared. So, putting out all kinds of, how the rights are settled, everything has to be taken care of.

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### Special Provisions for Scheduled Castes and Scheduled Tribes

- (5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.
- (6) In case of land being acquired from members of 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 instalment and the rest shall be paid after taking over of the possession of the land.
- (7) 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.


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So, this development plan would also provide the program for the development of alternative fuel, fodder, and non-timber forest produce resources, and how that, has been compensated. And then it would take care of all the compensation amount, how the families are paid and it has to be done in a similar area. As far as possible the resettlement should be done in the same scheduled area and a compact block.

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#### THE FIRST SCHEDULE

(See section 30(2))

Compensation on acquisition

The following component shall constitute the minimum compensation package to be given to those whose land is acquired and to whom 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	Measure 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 24.	
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, to 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)	
4.	Value of assets attached to land or building	To be determined as provided under section 25.	
5.	Schemes	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 mentioned against serial number 4.	
6.	First 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 schemes mentioned against serial number 5 under column (2).	
7.	First 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 schemes mentioned against serial number 5 under column (2).	
8.	Other component, if any, to be included		


NOTE:—The dates on which values mentioned under column (4) are determined should be indicated under column (4) against each serial number.

#### THE SECOND SCHEDULE

(See sections 31(1), 36(2) and 105(2))

ELIGIBILITY OF ACQUISITION AND APPROPRIATE INTERPRETATIONS FOR ALL THE AFFECTED FAMILIES AND FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN RESPECT OF POSSESSION OF LAND ACQUIRED IN ADDITION TO THE LAND PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Essence of Substantive and Procedural Provisions	Essential provisions	Whether provided or not (If provided, date to be filled)
(1)	(2)	(3)	(4)
1.	Provision of housing units in case of displacement	(1) If a house or land in rural areas, a connected house shall be provided as per the Indian Awar. Tripartite notification. If a house or land in urban areas, a connected house shall be provided, which will be as per the Indian Tripartite provisions. (2) The benefits/land shall also be extended to any affected family which is without allocated land and which has been residing in the area mentioned for a period of not less than three years preceding the date of notification of the affected area and which has been lawfully displaced from such area. Provided that any such family in urban areas which opts not to take the house offered, shall get a reasonable financial assistance for house construction, which shall not be less than one half the amount offered. Provided further that if any affected family in rural areas prefers, the equivalent cost of the house may be offered in lieu of the connected house. Provided also that no family affected by acquisition shall be given more than one house under the provision of this Act.	
2.	Land for land	Explanation:—The houses in urban areas may, if necessary, be provided in residential building complexes. In the case of irrigation projects or for any possible land in lieu of compensation to be paid for land acquired, each affected family having acquisition land in the affected area and whose land has been acquired or lost, shall be, as a consequence of the acquisition or loss of land, been referred to the names of a marginal farmer or landless, shall be directed, in the name of each person included in the records of rights with regard to the affected family, a measure of one acre of land in the command area of the project for which the land is acquired. Provided that in every project there persons having land and belonging to the Scheduled Caste or the Scheduled Tribes will be provided land equivalent to land acquired or lost and such and such, whichever is lower.	


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(1)	(2)	(3)	(4)
3.	<b>Offer for Developed Land</b>	In case the land is acquired for urbanisation purposes, money per cent of the developed land will be reserved and allotted 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.	<b>Choice of Family or Employment</b>	The appropriate Government shall ensure that the affected families are provided with the following options:  (a) when jobs are created through the project, after providing suitable training and skill development in the project field, make provision for employment in case the owner does not have the minimum wage provided for in any other law for the time being in force for at least one member per affected family in the project or arrange for a job in each other project as may be required; or  (b) one time payment of five lakhs rupees per affected family; or  (c) weekly payment that shall not be less than two thousand rupees per month per family for twenty years, with appropriate adjustment in the Consumer Price Index for Agricultural Labourers.	
5.	<b>Subsidies grant for displaced families</b>	Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to their thousand rupees per month for a period of one year from the date of eviction. In addition to this amount, the Scheduled Caste 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.	<b>Compensation cost for displaced families</b>	Each affected family which is displaced shall get one tier financial assistance of fifty thousand rupees as compensation cost for shifting of the family, building materials, transportation and cattle.	
7.	<b>Cattle shed/They sleep cost</b>	Each affected family having cattle or having a petty shop shall get one tier financial assistance of such amount as the appropriate Government may, by notification, specify subject to a maximum of twenty five thousand rupees for construction of cattle shed or petty shop as the case may be.	
8.	<b>One-time grant to affected, small traders and contractors</b>	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land of commercial, industrial or institutional character 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 maximum of twenty-five thousand rupees.	
9.	<b>Fishing rights</b>	In case of irrigation or hydro projects the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.	
10.	<b>One-time Reimbursement Allowance</b>	Each affected family shall be given a one-time "Reimbursement Allowance" of fifty thousand rupees only.	
11.	<b>Shanty stay and reparation fee</b>	(1) The shanty stay and other fees payable for requisition of the land and house allotted to the affected family shall be borne by the Requesting Body.  (2) The land to be house allotted to the affected families shall be free from all encumbrances.  (3) The land or house allotted may be at the joint names of wife and husband of the affected family.	

THE THIRD SCHEDULE			
[See sections 33, 33(A) and 103(A)]			
PROVISION OF INFRASTRUCTURAL AMENITIES			
For rehabilitation of population, the following infrastructural facilities and basic minimum amenities are to be provided in the event of the Requisitioning Authority to ensure that the evicted population in the case villages 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 amenities, in 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)	(4)
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/bee 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 of land under column (3).			

So, moving forward we see that the act also provides a format for compensation calculation as seen in the image. So, you see that, it is very clear, distinct, how the calculations have to be done.



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**Key Features**

- Various types of “public purpose” projects.
- Prior-consent required in the case of public-private partnership projects. This also includes consent to the amount of compensation that shall be paid.
- Payment of compensations.
- Links land acquisition act and the accompanying obligations for resettlement and rehabilitation.
- Addresses historical injustice where no land acquisition award has been made.
- Return of unutilized land.
- Increased share in the sale of acquired land.
- Income-tax exemption.
- Strict restrictions on the multi-crop acquisition.
- Acquisition only if necessary.
- Share in developed land.
- Fishing rights.
- Time-bound social impact assessment.
- Appraisal of social impact assessment report by an expert group.

(Jatinverma, 2019)

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So, now, looking at the main features of the right to compensation this act of 2013. The act defines various types of public purpose. So, it is defining what are the different kinds of public purpose. And then it is also making provision for the prior consent in this case. And then it also proposes to make payments of compensation that, are up to four times the market value in rural areas and twice the market value in urban areas.

We also see that this is the first law that, links the Land Acquisition Act and it is just not about acquiring the land but also linked with the obligation of resettlement and rehabilitation. So, it brings the two together. It also makes provision for a retrospective operation that, which means to address historical injustice; the bill applies retrospectively to cases, where no land acquisition award has been made. So, it also facilitates that.

And then it also makes provision for the return of unutilized land. So, if the land after acquisition is not utilized then the land has to be returned to the users, the owners. Then it also makes provision for a share in the sale of the acquired land, if the land increases in price. So, that has to be taken care of.

And then also looks at income tax exemption, all amounts accumulating under this act have been exempted from income tax and stamp duty. So, we have seen that it has a strict restriction on multi-crop acquisition then also acquisition only if it is necessary. So, all those kinds of. Then you see that, it also provides a share in the developed land, like in case, the land is acquired for urbanization purposes, the twenty percent of the developed land will be reserved and offered to these farmers in proportion to the area of their land acquired. And then we also see that they have fishing rights in case of irrigation or hydel projects.

Affected families may be allowed fishing rights in the reservoirs. And then it also makes provision for time-bound social impact assessment. And then the bill mandates a social impact assessment of every project, which must be completed within six months. So, it also ensures that the social impact assessment is undertaken. An appraisal of the social impact assessment report has to be done by an expert group. So, we

will be learning about social impact assessment separately as well. So, these were the key features of this act.

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**Summary**

① **Synthesize Indian Context –**

- **Right to Property**
- **The Right to Fair Compensation and Transparency in Land Acquisition**
- **Rehabilitation and Resettlement Act, 2013**

Swajee 91

So, summarizing, what we learned from this particular section, we learned about the Indian context and then before that, we had seen different concepts, we had seen the international institutions' guidance, what kind of guidance they are giving and what is the general pattern at the global level.

Then we looked at what are the key documents that are required to be prepared and what are the issues and concerns of social impact in this particular land acquisition and rehabilitation, resettlement. So, today in this session, we saw about this act and how this act takes care of all those provisions. So, we saw how those are being translated through the legislation aspect. So, that was all for today.

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### References

- 1 Therivel, R., & Wood, G. (2018). Methods of Environmental and Social Impact Assessment. <https://lccn.loc.gov/2017010184>
- 2 Detailed analysis of Land Acquisition Act, Verma, 2019; <https://www.jatinverma.org/detailed-analysis-of-land-acquisition-act>

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So, these were the references, which were used for this particular session.

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### Suggested Watch and Read

INTRODUCTION TO URBAN PLANNING  
Lecture - 35  
Land Acquisition Act  
[https://www.youtube.com/watch?v=ZnCnFdbLHg&ab\\_channel=IITRoorkeeJuly2018](https://www.youtube.com/watch?v=ZnCnFdbLHg&ab_channel=IITRoorkeeJuly2018)



Resettlement and Impact Assessment - points of intersection  
[https://www.youtube.com/watch?v=dGICHGPYZHA&ab\\_channel=IIAchannel](https://www.youtube.com/watch?v=dGICHGPYZHA&ab_channel=IIAchannel)

Emerging Lessons Series No. 1: Involuntary Resettlement  
THE WORLD BANK  
[https://www.youtube.com/watch?v=D4Ewnz4JcVE&ab\\_channel=TheWorldBankInspectionPanel](https://www.youtube.com/watch?v=D4Ewnz4JcVE&ab_channel=TheWorldBankInspectionPanel)

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These are the suggested watch and read for this segment.



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 Please feel free to ask Questions. 

Let us know about any Concerns you have .

Do share your Opinions, Experiences and Suggestions.

Looking forward to Interacting and  Co-learning with you while exploring EIA.

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Please feel free to ask questions. Let us know about any concerns you have. Do share your opinions, experiences, and suggestions. Looking forward to interacting and co-learning with you while exploring EIA. Thank you.