

**GOVERNMENT OF INDIA  
RURAL DEVELOPMENT  
LOK SABHA**

UNSTARRED QUESTION NO:6862

ANSWERED ON:07.05.2015

FARMER'S INTERESTS IN LAND ACQUISITION LAW

Kateel Shri Nalin Kumar;Rajoria Dr. Manoj;Sreeramulu Shri B.

**Will the Minister of RURAL DEVELOPMENT be pleased to state:**

- (a) whether the Government has relaxed the rules/norms of taking consent of farmers/land owners under the land acquisition law, if so, the details thereof;
- (b) the details of the provisions made for and against the interests of the farmers/ land owners in the said law;
- (c) whether the Government has promulgated the Ordinance to clear the bottlenecks for implementation of infrastructure projects and taken steps to protect the interests of the farmers while bringing changes in the said law, if so, the details thereof;
- (d) whether the Government has consulted various political parties, civil society organisations/stakeholders to arrive at a consensus on the proposed law, if so, the details thereof and if not, the reasons therefor; and
- (e) the steps taken by the Government to soften the resistance expressed by various stakeholders to the proposed amendments to land acquisition law?

**Answer**

MINISTER OF STATE FOR RURAL DEVELOPMENT (SHRI SUDARSHAN BHAGAT)

(a) to (e). The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 came into force on 01.01.2014. It was reported by many State Governments and Government of India agencies that some provisions of the Act were making the implementation of the Act difficult and it was necessary to make changes in the Act, while safeguarding the interest of the farmers and affected families in cases of land acquisition. There are also many editorial and minor mistakes in the Act which needed correction. Accordingly, a Conference of State Revenue Ministers was organized in VigyanBhavan on 27th June, 2014. The suggestions received from the State Governments, Union Territories, Ministries/Departments and other stakeholders were considered. Further, consultation with Secretaries and officers of concerned Ministries administering the Acts mentioned in the Fourth Schedule of the Act was held on 21.10.2014. Based on these discussions and deliberations, some amendments were proposed in the Act. As the Parliament was not in session and immediate action was required to be taken by the Central Government to make applicable the provisions relating to compensation, rehabilitation and resettlement of the said Act to the thirteen Acts mentioned in the Fourth Schedule and to expedite the process of land acquisition, the President was pleased to promulgate the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 (No. 9 of 2014) on 31st December, 2014. A Replacement Bill was taken up for consideration and passed by the Lok Sabha on 10.03.2015 incorporating some official amendments to the Bill. However, the Bill could not be taken up for consideration in the Rajya Sabha. Section 105 of the Act of 2013 as amended by the RFCTLARR (Amendment) Ordinance, 2014 provided to extend the benefit of enhanced compensation, rehabilitation and resettlement in case of land acquisitions done under the 13 Acts listed in the Fourth Schedule of the Act. With a view to give continuity to the provisions of the said Ordinance, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement (RFCTLARR) (Amendment) Ordinance, 2015 was promulgated on 03.04.2015 and consequential steps as required are being taken as mandated in the Constitution of India.

The important changes brought about by the amendment are as follows:

- (i) Compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules of the Act are extended to the thirteen Acts mentioned in the Fourth Schedule of the RFCTLARR Act, 2013.
- (ii) Appropriate governments are empowered to take steps for exemption from 'Social Impact Assessment' and 'Special Provisions for Safeguarding Food Security' for national security or defence of India including preparation for defence and defence production; rural infrastructure including electrification; affordable housing and housing for poor people; industrial corridors set up by the appropriate government and its undertakings (in which case the land shall be acquired upto 1 km on both sides of the designated railway line or roads for such industrial corridors); infrastructure projects including projects under public private partnership where the ownership of the land continues to vest with the Government. In addition acquisition for such projects is exempted from the first proviso to sub-section (2) of section 2.
- (iii) In place of the term 'private company', the term 'private entity' has been substituted .
- (iv) The definition of 'Company' in Chapter I is amended to include the recent substitution of 'Companies Act, 1956' by 'Companies

Act, 2013'.

(v) In cases where land acquisition process under Land Acquisition Act, 1894 had been initiated and the Award was passed, but either possession of land was not taken or compensation was not paid, there is provision of lapsing of such proceedings after five years of passing of Award. It is amended to exclude all such period, that is the period during which the proceedings for acquisition of the land have been held up on account of any stay or injunction issued by any court, or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in any designated account maintained for this purpose, in calculation of five years period as specified in sub-section (2) of section 24 of the RFCTLARR Act, 2013.

(vi) The Rehabilitation and Resettlement award under section 31 now also includes 'compulsory employment to at least one member of such affected family of a farm laborer' under the 'details of mandatory employment to be provided to the members of the affected families.'

(vii) Section 46 of the Act was amended to clarify that provisions relating to rehabilitation and resettlement in case of land purchased through private negotiations is applicable in cases when land is purchased by persons other than the Government, Government Company and Trust or Society aided or controlled by the Government.

(viii) A new Section 67 A has been introduced to facilitate the process of hearing of objections of the land losers by the Land Acquisition, Rehabilitation and Resettlement Authority, constituted for this purpose, within the district where the land has been acquired.

(ix) When an offence under this Act is committed by any person who is employed in the Central or State Government at the time of commission of such an alleged offence, the court will take cognizance of offences under this Act provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is followed.

(x) Section 101 which deals with return of unutilised land has been amended to change the period after which unutilised land will be reverted back to land owner or to Land Bank from 'five years' at present to 'a period specified for setting up of any project or for five years whichever is later'.

(xi) The provision of "Removal of Difficulties" has been made applicable to the entire Act rather than 'Part' as the word 'part' was used in the Act inadvertently. Further, the time period to remove the difficulties has been extended from two years at present to five years.