

DRAFT LAND ACQUISITION BILL 2011

Multi-cropped, irrigated land can't be acquired

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Multi-cropped irrigated land will not be acquired for public purposes in the future if the government's proposed draft Land Acquisition and Rehabilitation and Resettlement (LARR) Bill 2011 becomes an Act.

Also barring acquisition of land by the government for its own use and hold, all other acquisition (including that by private companies for public purpose) would happen only when 80 per cent of the project-affected families give their consent for the same.

The draft bill, which the Minister of Rural Development Jairam Ramesh placed in the public domain today to enable stakeholders to comment till August 31, specifies a compensation award that is expected to satisfy the affected families. It fixes the award amount in the case of acquisition at not less than twice the market value of the land determined in the urban area and not less than six times the determined value if the said land is in rural areas.

Anyone who loses his land or livelihood consequent upon acquisition would be entitled to the following - Rs 3000 monthly subsistence allowance per family for a year; Rs 2000 monthly per family as annuity for 20 years (inflation adjusted) and Rs 50,000 transportation cost. The Bill also says that upon every transfer of acquired land within 10 years of the date of acquisition, 20 pc of the appreciated value will be shared by the acquired land's original owner. Also, one member per affected family would have to be either employed or given Rs 2 lakh.

Being unveiled at a time when the farmers of UP are up in arms against the BSP Government which doled out land to private players at the cost of the poor, the new draft specifies that under no circumstances would the government acquire multi-cropped irrigated land for public purpose or land for private companies for private purpose.

It also considerably bars the use of urgency clause which UP used indiscriminately to give land even for residential colonies. The first to addresses issues of resettlement and rehabilitation (R&R) of the affected families, the draft LARR Bill 2011 explains that the urgency clause can only be invoked in the rarest of rare cases - for national defence and security purposes and for R&R in the event of natural calamities; not otherwise.

The bill will be applied in three cases - when the government acquires land for its own use, hold and control; when it acquires land for transferring it ultimately for use by private companies for the stated public purpose, including PPP projects (sans national highways); and when it acquires land for immediate and declared use by private companies for public purpose.

COMPENSATION

- Not less than 6 times of market value in rural areas
- Not less than twice the cost in urban
- Rs 3,000 monthly subsistence per family for a year
- Rs 2,000 monthly per family as annuity for 20 years
- One acre land for each family in command area, if land taken for irrigation project

In the latter two categories, the Bill clarifies, "land acquisition won't be possible unless 80 pc affected families consent to it".

The law lists the categories of "public purpose" as follows - strategic (land needed for armed forces, national security); infrastructure and industry for the benefit of people; R&R purposes; village and urban sites and planned development; land for private companies for public purposes and need arising from natural calamities.

The affected have been defined as land owners and also those whose livelihoods depended on the land being acquired. If a house is lost, a house of 150 sq metres plinth area in rural areas and 50 sq metre in urban areas would have to be given to each affected family.

<http://www.tribuneindia.com/2011/20110730/main3.htm>