



SUBMISSIONS TO THE JOINT PARLIAMENTARY COMMITTEE ON THE RIGHT TO FAIR COMPENSATION, TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (AMENDMENT) BILL, 2015

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INTRODUCTION

The following submission to the Joint Parliamentary Committee (“the Committee”) has been prepared by Srijoni Sen and Alok Prasanna Kumar, Senior Resident Fellows of Vidhi Centre for Legal Policy, in respect of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015 (“Amendment Bill”) that seeks to amend the RFCTLARRA, 2013 (“2013 Act”).

Along with these written submissions, we would also like to submit a request to appear before the Committee to make our submissions with regard to the provisions of the Amendment Bill.

This submission has three parts to it: *first*, a clause by clause critique of the provisions of the Amendment Bill, *second*, a brief summary of the issues with the 2013 Act that remain unaddressed by the Amendment Bill, and *third*, proposed solutions to remedy the problems outlined in the first two parts.

The critique of the Amendment Bill and the 2013 Act are primarily focused on the legal and constitutional issues they raise. We do not wish to comment on the larger goals that the 2013 Act and Amendment Bill did, or did not seek to address, but merely examine whether the 2013 Act and the Amendment Bill, as drafted, meet the proclaimed goals in the Act and are within India’s legal and constitutional framework. We also do not wish to comment on larger economic and social implications of the provisions of the Amendment Bill.

I. Clause by clause analysis of the Amendment Bill

Clause No.	Text of Clause	Comment/Critique
1.	<p>(1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Act, 2015.</p> <p>(2) It shall be deemed to have come into force on the 31st day of December, 2014.</p>	None
2.	<p>In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), for the words "private company" wherever they occur, the words "private entity" shall be substituted</p>	None

3.	<p>In the principal Act, in sub-section (2) of section 2, after the second proviso, the following proviso shall be inserted, namely:</p> <p>– "Provided also that the acquisition of land for the projects listed in sub-section (1) of section 10A and the purposes specified therein shall be exempted from the provisions of the first proviso to this sub-section."</p>	<p>This clause is confusingly worded and does not conform to the structure of sub-section (2) of Section 2. The main obligation to obtain consent arises from the opening words of Section 2 and the first proviso merely indicates the extent to which the consent has to be obtained from the affected families.</p> <p>The effect of this amendment is to retain the obligation to obtain consent under Section 2(2), while removing only the proviso which details the limits of such content.</p> <p>A cleaner solution would be to specify that for the projects listed in section 10A, the provisions relating to consent in this section shall not apply.</p> <p>As for the projects listed in section 10A, the Amendment Bill carves out a certain class of PPP Projects, and where land is being acquired for a private party, for which consent is not required. It is not clear from the Statement of Objects and Reasons or surrounding circumstances as to what formed the basis for carving out this particular set of projects. From a plain reading, there is nothing that is obvious from the nature of the projects that makes them different from every other PPP or project where acquisition takes place for a private party. To that extent, the reasonable nexus with why consent should not be</p>
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		<p>taken in these cases is not clear. This leaves the present clause vulnerable to constitutional challenge.</p> <p>If however, there is a clear reason why the specific categories of project are chosen and that the reason has nexus with the requirement of consent being done away with, then the clause may be retained subject to amendments for clarity.</p>
4.	<p>In the principal Act, in section 3,—</p> <p>(i) in clause (j), in sub-clause (i), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;</p> <p>(ii) after clause (y), the following clause shall be inserted, namely:— '(yy) "private entity" means any entity other than a Government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organisations or other entity under any law for the time being in force;'</p>	<p>(i) Replacement of Companies Act, 1956 with Companies Act, 2013 is necessary and justified.</p> <p>(ii) The term "private entity" is not clearly drafted since it refers to "Government entity or undertaking" which is undefined in the Act and other laws. This does not clarify whether the term "Government entity or undertaking" refers to only the Government, statutory bodies, constitutional authorities, and Government Companies, or whether it also includes bodies substantially aided and assisted by the Government such as schools, trusts, NGOs et al.</p> <p>Further, this amendment substantially increases the scope of the <i>nature</i> of the entities for whom the Government can acquire land. While under the 2013 Act a 'company' included only a registered company and a registered</p>

		society, this amendment now means a much larger set of entities, not exhaustively defined in the Act, can now approach Government to acquire land on their behalf.
5.	<p>In the principal Act, after Chapter III, the following Chapter shall be inserted, namely:–</p> <p>"CHAPTER IIIA PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO APPLY TO CERTAIN PROJECTS 10A. (1) The appropriate Government may, in the public interest, by notification, exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely: –</p> <p>(a) such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production;</p> <p>(b) rural infrastructure including</p>	<p>This provision empowers the “appropriate Government” to exempt the application of the provisions relating to “Social Impact Assessment” and “Food Security” for certain projects.</p> <p>This clause is flawed because:</p> <ol style="list-style-type: none"> 1. In the absence of the Social Impact Assessment, the Rehabilitation and Resettlement provisions of the 2013 Act become unworkable. The Social Impact Assessment is essential to ensure that adequate provision is made for <i>all</i> persons who are affected by land being acquired and not just the owners. 2. The Constitutional validity of the same is in doubt since it allows the appropriate government to adopt a “pick and choose” policy with no guidance as to how to exercise this power. This is contrary to the doctrine of reasonable classification as enunciated by the Supreme Court of India in <i>Anwar Ali Sarkar v State of West Bengal</i>¹ since discretion is vested

¹ AIR 1952 Cal 150

<p>electrification;</p> <p>(c) affordable housing and housing for the poor people;</p> <p>(d) industrial corridors set-up by the appropriate Government and its undertakings (in which case the land shall be acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor); and</p> <p>(e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government:</p> <p>Provided that the appropriate Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project.</p> <p>(2) The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the</p>	<p>here to pick and choose between similarly placed projects with no reasonable nexus to the objects of the Act.</p> <p>3. The term “public interest” is also of no guidance since by definition, all land acquisitions are to be taken in public interest.</p> <p>4. This provisions adds to yet another mode of exemption, where two already exist in the 2013 Act. Projects can be exempted from SIAs under the urgency clause in Section 40, or for acquisitions under the laws specified in the Fourth Schedule. To create another category of exemptions with no rational nexus to the objects of the Act runs the risk of a constitutional challenge.</p> <p>5. The scope of the term ‘Infrastructure projects’, as defined under Section 2 of the Act, (which in turn refers to a 2012 government notification) is quite vast, including a range of projects from industrial parks and telecommunication services to large convention centres and hotels ‘with project cost of more than Rs. 200 crores’. Items may be added to this list through notification. This wide scope adds to the confusion in understanding when a project may be validly exempted under the proposed</p>
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	appropriate Government.	<p>section 10A.</p> <p>6. In the absence of an obligation to avoid irrigated land, maintenance of details of arid land will serve no purpose.</p>
6.	<p>In the principal Act, in section 24, in sub-section (2), after the proviso, the following proviso shall be inserted, namely:</p> <p>"Provided further that in computing the period referred to in this sub-section, any period or periods during which the proceedings for acquisition of the land were 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 shall be excluded."</p>	None.
7.	In the principal Act, in section 31, in sub-	This amendment causes confusion when read with Item 4

	<p>section (2), in clause (h), after the words "affected families", the words "including compulsory employment to at least one member of such affected family of a farm labourer" shall be inserted.</p>	<p>of Schedule II of the 2013 Act, which</p> <p>a) offers the choice of employment or an annuity</p> <p>b) does not limit this provision to families of farm labourers, but applies it to all affected families.</p> <p>If the amendment is passed as is, it will be unclear whether employment is mandatory or an annuity can be offered instead, and whether this beneficial provision applies to all affected families, or only families of farm labourers.</p> <p>Additionally, since the term "mandatory employment" is used in the earlier part of the clause, the same term should be used in the second part indicating that the obligation rests on the Government acquiring property to provide employment to the affected family.</p>
8.	<p>In the principal Act, in section 46, in subsection (6), in the Explanation, in clause (b), the words "any person other than" shall be omitted</p>	None
9.	<p>In the principal Act, after section 67, the following section shall be inserted, namely:– "67A. The Authority shall, after</p>	<p>No specific comment on this section, however see Point 4 in Part II of this submission on the problem with Chapter VIII as a whole.</p>

	receiving reference under section 64 and after giving notice of such reference to all parties concerned, hold the hearing in the district where the land acquisition takes place for settlement of the objections raised in the reference.".	
10.	<p>10. In the principal Act, for section 87, the following section shall be substituted, namely:—</p> <p>"87. Where an offence under this Act has been committed by any person who is or was employed in the Central Government or the State Government, as the case may be, at the time of commission of such alleged offence, the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is followed."</p>	None
11.	In the principal Act, in section 101, for the words "a period of five years", the words "a period specified for setting-up of any project or for five years, whichever is	The amendment greatly weakens the requirement of "public purpose" that informs land acquisition, especially in cases where the land is being acquired for a private party. This clause, applying only where the land remains

	later," shall be substituted.	“unutilised” cannot be used to create permanent rights in favour of land for the Government or a private party when the ostensible public purpose is not forthcoming.
12.	In the principal Act, in section 105,— (i) for sub-section (3), the following sub-section shall be substituted, namely:— "(3) The provisions of this Act relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to the enactments relating to land acquisition specified in the Fourth Schedule with effect from 1st January, 2015."; (ii) sub-section (4) shall be omitted.	None
13.	13. In the principal Act, in section 109, in sub-section (2), after clause (d), the following clause shall be inserted, namely:— "(dd) the manner of undertaking a survey of waste land including arid land and	None

	maintenance of the record containing the details of arid land under sub-section (2) of section 10A;"	
14.	<p>14. In the principal Act, in section 113, in sub-section (1),– (i) for the words "the provisions of this Part", the words "the provisions of this Act" shall be substituted;</p> <p>(ii) in the proviso, for the words "a period of two years", the words "a period of five years" shall be substituted.</p>	None
15.	<p>(1) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.</p>	None

II. Key defects in the 2013 Act

This Part will focus on those problems with the 2013 Act which the Amendment Bill has not addressed. Given the scope of the Amendment Bill, we are focussing only on the parts and concepts of the 2013 Act which the Amendment Bill tries to deal with.

1. Lack of clarity on the procedure for obtaining consent (Section 2(2) and Chapter II)

Under the 2013 Act, although the provisions relating to consent apply to the two categories of projects mentioned in sub-section (2) of Section 2, it is not clear as to *who* may give consent and *what* they are giving consent to. As per sub-section (2) of Section 2, eighty or seventy per cent of affected families are required to give consent for land acquired for PPP Projects or Private Entities but the procedure does not make it clear *who* the affected families are. Affected families are identified only once the social impact assessment is complete, and subject to this, the notification is issued crystallizing the rights of the affected families. Only after this are affected families even going to be aware of what they are going to get under the rehabilitation and resettlement scheme prepared in accordance with the Act. The “consent”, given during the time of the Social Impact Assessment is therefore entirely inconsequential, and in the absence of adequate information about rehabilitation and resettlement, cannot possibly be “consent” in the eyes of law. Consent of affected families therefore needs to be taken at an appropriate time once the final notification is published indicating the lands to be acquired.

2. Time taken to complete acquisition proceedings.

Under the 2013 Act as per the timelines given in the provisions, the process of acquisition would take at least a period of 50 months if the timelines were adhered to by the concerned authorities. From start of Social Impact Assessment to taking over possession of land, the process will, if statutory limits are followed, take fifty months in total. While the

removal of the requirement of the Social Impact Assessment for certain kinds of acquisitions reduces the time frame by twenty months, the overall time line is extremely long since no possession of acquired land can be taken of land until all the compensation is paid and the rehabilitation and resettlement of the affected families is completed. Even with the removal of the Social Impact Assessment provisions, the land acquisition proceedings will still take 30 months to complete. Since prices remain frozen in this time period, with only a limited accounting of any increase, lengthy acquisition procedures benefit neither the landowner nor the acquirer.

3. Clarity on compensation and rehabilitation and resettlement (Sections 26-31 and First Schedule)

The provisions relating to compensation for land acquisition are confusingly drafted making it unclear as to how the compensation for land acquisition will actually be calculated in the course of proceedings. The terms “market value”, “compensation”, “solatium”, “award” etc. are used interchangeably not making it clear exactly what the person whose land is being acquired will be getting at the end of the day and what the multiple will actually be based on. The method of calculating “market value”, is confusing and it is not clear exactly how the Collector will determine market value.

4. Authority set up under the Act is unconstitutional (Chapter VIII)

Whereas under the Land Acquisition Act, 1894 the Reference Court was the District Court which had jurisdiction to decide any challenge to the amount of compensation, the 2013 Act sets up an “Authority” (technically a tribunal) called the Land Acquisition, Rehabilitation and Resettlement Authority presided over by a person who is qualified to be or has been a District Judge. While this Act was passed, the Supreme Court had yet to pass judgment in the *Madras Bar Association v Union of India* laying down parameters for what is a constitutionally valid tribunal. The Supreme Court has struck down the provisions of the National Tax Tribunal Act, 2005 for being unconstitutional, since the High Courts were being replaced by a Tribunal which did not enjoy the features of a High Court. This principle and standard will have to be applied in determining the constitutional validity of all Tribunals including the LARR Authority. Applying the

Supreme Court's judgment in the National Tax Tribunals case, it is evident that the LARR Authority would be struck down as unconstitutional since it does not enjoy the same level of independence and efficacy as the District Courts which it is supposed to replace. The manner of appointment and removal, the terms and conditions of service of the LARR Authority being within the purview of the Government, as opposed to the High Court in the case of District Courts, the LARR Authority may not withstand constitutional scrutiny.

Furthermore, the definition of "Appropriate Government" contained in sub-section (e) of Section 3 suggests that State and Central governments can create different authorities for different land acquisition proceedings. It even leads to the absurd result that in certain cases, a District Collector can create an "authority" for a specific purposes of a land acquisition for which he is the "appropriate government".

4. Six of the thirteen laws listed in Schedule IV do not deal with acquisition

Schedule IV of the 2013 Act contains 13 Acts such as the Land Acquisition (Mines) Act, 1885, the Metro Railways (Construction of Works) Act, 1978 and the Electricity Act, 2003. These have been exempted on the understanding that projects of national importance for which land is acquired under these Acts, need to be treated differently.

However, on close scrutiny, it emerges that no acquisition of land takes place at all for at least 5 of the Acts, whereas another 1 is obsolete dealing with property during Partition. The exemptions in Schedule IV are supposed to work as follows - the listed Acts are supposed to prescribe a simpler process of acquisition, for various purposes such as atomic energy, railways, electricity and mines. For these purposes, the more onerous provisions of the 2013 Act are not supposed to apply.

But the Acts relating to acquisition for purposes of atomic energy, tramways, electricity, for the Damodar Valley Corporation and for the protection of ancient monuments do not establish a land acquisition procedure of their own at all. They refer instead to the Land Acquisition Act of 1894, and seek to add to or modify its provisions in certain circumstances. The Damodar Valley Corporation Act, for example, merely ensures that acquisition for the purposes of the Corporation is deemed a public purpose. This is also true of the Ancient Monuments and Archaeological Sites and

Remains Act. These Acts continue to depend on the general land acquisition law, rather than establishing one of their own. Similarly, the Electricity Act and the Tramways Act also rely completely on the general land acquisition law, making only minor modifications through one section. The Tramways Act allows acquisition on behalf of a person as well as a company, which was not allowed under the 1894 Act, while the Electricity Act includes ‘electricity supplied’ as a ‘work’ under the 1894 Act. Even more puzzling is the inclusion of the Atomic Energy Act and the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, since neither of them deal with acquisition of land at all.

The 1894 Act, which all these Acts relied upon, has now been repealed by the 2013 Act. It is an established legal principle that a repealed Act cannot apply to future acquisition proceedings. At the same time, the 2013 Act cannot apply to these Acts because Section 105(1) says so in clear terms. As a consequence it is entirely unclear how land acquisition for the significant public interest purposes contained in such acts, like atomic power plants or electricity transformers will take place. The logically correct inference, as absurd as it may sound, is that land acquisitions for these purposes is now impossible till the law is amended.

III. Suggested changes to the Amendment Bill and 2013 Act

In the Amendment Bill, we propose the following changes to the clauses as they stand to address the criticism:

Clause	Existing Provision	Suggested Amendment
3.	In the principal Act, in sub-section (2) of section 2, after the second proviso, the following proviso shall be inserted, namely: –	While we are of the view that consent should be required in all cases of PPP or where land is being acquired for a private party, we offer two possible

	<p>"Provided also that the acquisition of land for the projects listed in sub-section (1) of section 10A and the purposes specified therein shall be exempted from the provisions of the first proviso to this sub-section."</p>	<p>solutions depending on the position the Committee wishes to take:</p> <p><i>A. Where requirement of consent is restored, such consent should be obtained only after SIA is complete</i></p> <p>The second proviso to Section 2(2) of the 2013 Act should specify that consent is to be obtained after the SIA is complete, and the proviso to Section 8(3), and the SIA rules, should be modified accordingly. The process for obtaining consent should instead be introduced in Section 19, once the SIA and the R&R surveys are complete.</p> <p><i>B. Where requirement of consent is sought to be done away with for the five categories of projects:</i></p> <p>"In the principal Act, in sub-section (2) of Section 2, after the second proviso, the follow proviso shall be inserted, namely:</p> <p><i>"Provided also that the provisions relating to consent in this section shall not apply when the appropriate Government acquires land for the projects listed in sub-section (1) of Section 10A and the purposes</i></p>
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		specified therein.”
4.	<p>In the principal Act, in section 3,—</p> <p>(i) in clause (j), in sub-clause (i), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;</p> <p>(ii) after clause (y), the following clause shall be inserted, namely:— '(yy) "private entity" means any entity other than a Government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organisations or other entity under any law for the time being in force;’.</p>	<p>“In the principal Act, in section 3,—</p> <p>(i) ...</p> <p>(ii) after clause (y), the following clause shall be inserted, namely:— '(yy) "private entity" means any entity other than the State or Central Government, local authority, a body created by the Constitution, a body created by a law made by the competent legislature, a Government Company and any entity that is substantially financed and controlled by the State or Central Government, and includes a proprietorship, partnership, company, corporation, non-profit organisations” or other entity under any law for the time being in force;’.”</p>
5.	<p>In the principal Act, after Chapter III, the following Chapter shall be inserted, namely:—</p> <p>"CHAPTER IIIA PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO APPLY TO CERTAIN PROJECTS 10A. (1) The appropriate Government may, in the public interest, by notification,</p>	<p><i>A. If the exemptions are done away with, then this clause may be deleted and replaced with the following provision:-</i></p> <p>“In the principal Act, in sub-section (2) of Section 19 the following proviso shall be inserted after the third proviso:</p>

<p>exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely: –</p> <p>(a) such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production;</p> <p>(b) rural infrastructure including electrification;</p> <p>(c) affordable housing and housing for the poor people;</p> <p>(d) industrial corridors set-up by the appropriate Government and its undertakings (in which case the land shall be acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor); and</p> <p>(e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government:</p> <p>Provided that the appropriate Government</p>	<p><i>Provided also</i> that no declaration shall be issued in respect of land sought to be acquired for the purposes prescribed in sub-section (2) of Section 2 unless consent has been obtained, in writing from the affected families, to the extent prescribed in the areas in respect of which the declaration is intended to be issued.”</p> <p><i>B. If the exemptions are to remain:-</i></p> <p>"PROVISIONS RELATING TO CONSENT NOT TO APPLY TO CERTAIN PROJECTS 10A. (1) The provisions concerning the requirement of consent under sub-section (2) of this Act shall not apply to following classes of projects, namely: –</p> <p>(a) such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production;</p> <p>(b) rural infrastructure including electrification;</p> <p>(c) affordable housing and housing for the poor people;</p> <p>(d) industrial corridors set-up by the appropriate Government and its undertakings (in which case the</p>
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	<p>shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project.</p> <p>(2) The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the appropriate Government.</p>	<p>land shall be acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor); and</p> <p>(e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government:</p> <p>Provided that the appropriate Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project.</p> <p>(2) The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the appropriate Government.”</p> <p>Further, section 2(1)(b)(vii) of the 2013 Act, that allows the addition of items to the term ‘infrastructure’ by notification should be deleted, since all infrastructure projects can now be exempted from SIA.</p>
7.	<p>In the principal Act, in section 31, in sub-section (2), in clause (h), after the words "affected families", the words "including compulsory employment to at least one</p>	<p>In the principal Act, in section 31, in sub-section (2), in clause (h), after the words "affected families", the words "including mandatory employment to at least one member of such affected family of a farm labourer"</p>

	member of such affected family of a farm labourer" shall be inserted.	shall be inserted. Item 4 in Schedule II should be amended to be compliant with the amended section 21(2)(h).
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Furthermore, in light of the issues with the 2013 Act highlighted above, that have not been addressed by the Amendment Bill, we suggest further amendments to the 2013 Act be considered, which address the following:

1. Reduction of Timelines: Currently, the timeline of 50 months occurs due to two reasons - (i) multiple layers of authorities that duplicate the review function, and (ii) processes that occur sequentially, when they could be occurring in parallel. To address these issues, and to potentially bring down timelines to 24 months instead of the current 30 months, the following steps are suggested:

- The Social Impact Assessment and the Rehabilitation and Resettlement Survey should occur simultaneously, instead of sequentially
- Requirements like the Expert Group assessment of the SIA Report should be done away with, as the SIA itself is being conducted by independent experts
- All discretionary extensions of time periods should be done away with, and the only extensions allowed should be due to stays ordered by a competent court.

2. Clarity on Compensation and Rehabilitation and Resettlement: Since various terms such as 'market value', 'compensation', 'solatium' and 'award' have been used in a confusing manner in the Act, a single formulae should be explicitly adopted, and used uniformly through the Act. We recommend the following approach:

Market Value * Factor = Multiplied Market Value

Multiplied Market Value + Value of Assets Attached to Land = Compensation

Compensation + Solatium = Total Compensation Package

Total Compensation Package + Interest = Award

What is finally paid out should be named the Award, along with the Rehabilitation and Resettlement Package

3. Issues with Schedule IV laws: The laws that do not establish their own land acquisition procedures should be deleted from the Schedule, and the procedure under the 2013 Act should apply to acquisitions taking place under those laws.

The Vidhi Centre for Legal Policy is an independent legal policy advisory group whose mission is to achieve good governance in India through impacting legislative and regulatory design.

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