

**DRAFT RULES FOR THE RIGHT TO FAIR COMPENSATION AND
TRANSPARENCY IN LAND ACQUISITION AND REHABILITATION &
RESETTLEMENT ACT, 2013**

The Draft Rules for the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation & Resettlement Act, 2013, are now being put in the public domain. This is only a working draft. We are giving 45 days time for receiving suggestions.

2. A series of interactions are also being planned with State Governments, industry associations, civil society organizations, farmers' organizations and other stakeholders before the Rules are finalized and notified in the Official Gazette. Once the rules are published in the Official Gazette, another 45 days will be available for further comments.

3. In addition to the Rules, we are proposing to issue Guidelines for the implementation of the Act. These Guidelines would be in areas not covered by the Act and in areas where the Central Government does not have legislative jurisdiction. Issues like land use planning and land records, for instance, are entirely in the domain of State Governments. The Central Government has a view on such issues but we can only put them in the form of Guidelines.

4. Comments on this working draft can be sent in to the Director(LR), Department of Land Resources, Ministry of Rural Development, NBO Building, Nirman Bhavan, New Delhi – 110001 or can be emailed at landacquisitionrules@gmail.com.



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THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN REHABILITATION AND RESETTLEMENT RULES 2013		
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(TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i) OF DATED __ January, 2014)

GOVERNMENT OF INDIA

MINISTRY OF RURAL DEVELOPMENT

New Delhi, the 1st January, 2014

NOTIFICATION

G.S.R. _____(E).-- WHEREAS the draft Rules under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 were published, as required by sub-section (1) of section __ of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (__ of 2013) under the notification of the Government of India in the Ministry of Rural Development number G.S.R.__(E), dated the _____, 2013 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public;


AND WHEREAS copies of the said Gazette were made available to the public on __.__.2013;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section __ of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (__ of 2013), the Central Government hereby makes the following rules for ensuring the smooth implementation of the Act with regard to the consent process, the Social Impact Assessment process, the compensation mechanism and the rehabilitation and resettlement benefits enumerated under the Act, namely:-







	I. GENERAL	
1. Short title, extent and commencement.-	(1) These rules may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2013	
	(2) They shall extend to the whole of India except the State of Jammu and Kashmir	
	(3) They shall come into force on the date of their publication in the Official Gazette.	
2. Definitions.-	(1) In these rules, unless the context otherwise requires,-	
	(a) "Act" means Right to Fair Compensation and Transparency in	

	<p>Land Acquisition, Rehabilitation and Resettlement Act 2013</p> <p>(b) “Social Impact Assessment” shall be taken to mean the process laid out in Chapter ___ of the Act</p> <p>(c) “Social Impact Management Plan” means the plan that as to be prepared as part of the Social Impact Assessment Process defined in _____</p> <p>(d) “Gram Sabha” shall be taken to include Palli Sabhas and other local bodies that may exist in its place and are exercising the same functions.</p>	(__ of 2013)
	(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act	
	II. CONSENT	
3. Consent Requirements	<p>(1) The Collector shall be required to seek consent in the form given in Annexure I</p> <p>(2) For land proposed to be acquired in any area for public purpose as part of a public-private partnership project, the prior consent of 70 per cent of the affected land owners must be sought.</p> <p>(3) For land proposed to be acquired in any area for public purpose by a private company, prior consent of 80 per cent of the affected land owners must be sought</p> <p>(4) For the purposes of consent under the Act, land owners are defined as any person whose land or immovable property is to be acquired; and any person who has been assigned land by the State Government or Central Government under any of its schemes and such land is proposed for acquisition</p> <p>(5) In Scheduled V areas, Gram Sabha consent must be sought for all types of projects</p>	


4. Timing	(1) Consent will be taken in the pre-notification period, along with the Social Impact Assessment study to be carried out under the Act.	
	(2) Consent procedures must be completed within six months of the notification of the SIA	
	(3) For large projects where acquisition is spread across multiple locations, consent must be sought in all the affected areas at the same time, in all the proposed areas to be included in the Preliminary Notification under the Act	
	(4) For Public Private Partnership projects and projects by a private company in Schedule V areas, Gram Sabha consent must be sought prior to land owners consent	
	(5) The appropriate Government must take steps to resolve outstanding issues related to land rights, land titling and land records in the affected areas, so that  and owners can be correctly identified before initiating consent procedures	
	(6) To ensure adequate time for the enumeration of land owners and dissemination of all required information on the project, its social impacts, and the proposed terms of compensation and Rehabilitation & Resettlement benefits to the affected families and communities, the procedures for taking written consent should be initiated immediately after the public hearings for the SIA have been held in the affected areas	
	(7) After the public hearing/s have been held and all the relevant details of the project, land acquisition requirement, social impacts and mitigation plans have been shared, Gram Sabhas and/or land owners may raise requests for further information and clarifications on the terms and conditions of compensation and R&R, which must be immediately addressed and the required	

	information provided within 7 days by the designated district officials and the Requiring Body	
	(8) The consent taking exercise will be conducted by the appropriate Government, represented by the District Collector, who may appoint district officials to assist in the conduct of consent procedures as per the rules	
5. Gram Sabha consent	(1) The District Collector must in consultation with the representatives of Gram Panchayats or Autonomous District Councils notify the date, timing and venue for holding special Gram Sabhas in the affected area fifteen days in advance	
	(2) During the meeting, the names and signatures of all members of the Gram Sabha in attendance will be taken	
	(3) For the decision regarding consent to be considered valid, the quorum should be defined at 50 per cent of all members, of which at least one must be women and if the quorum is not met in the first instance, a second meeting shall be called.	
	(3) At the meeting, the negotiated terms and conditions for Rehabilitation & Resettlement and compensation, and mitigations measures committed to by the Requiring Body must be read out to all members present with print copies containing the same information being made available during the meeting.	
	(4) After deliberations, the Gram Sabha must pass a resolution giving or withholding consent for the proposed acquisition and the resolution should contain the negotiated terms and conditions for Rehabilitation & Resettlement, compensation, impact management and mitigation that the Requiring Body has committed to.	
	(5) A resolution must be passed by the Gram Sabha in order for consent procedures to be deemed valid	

	(6) All proceedings of taking Gram Sabha consent must be video recorded, documented in writing and made publicly available	
	(7) Members of the Social Impact Assessment team must be present as monitors in all such Gram Sabha meetings and submit a report on the conduct of the consent procedures to the appropriate Government.	
6. Land owners consent	(1) In Public Private Partnership projects and projects by private companies, the list of all affected land owners from whom consent must be sought will be drawn up by district officials after consulting the list prepared by the Social Impact Assessment team;	
	(2) The District Collector must in consultation with the representatives of Gram Panchayats/ Autonomous District Councils notify the date, timing and venue for holding land owners meetings at the village level fifteen days in advance	
	(3) For projects by private companies , a representative from the private company must be present at all meetings of land owners and respond to any questions or clarifications sought by the affected land owners	
	(4) At the meeting, the negotiated terms and conditions for Rehabilitation & Resettlement, compensation, and mitigations measures committed to by the Requiring Body must be read out to all land owners present and printed copies with the same information must be available during the meeting	
	(5) The terms and conditions initially offered by the Requiring Body may be negotiated upwards during this meeting	
	(6) At the end of the meeting, each individual land owner will be asked to indicate in a signed declaration whether he or she gives or withholds consent for the acquisition of land involved. Copy of this declaration must be given to the land holder concerned.	


	(7) The terms and conditions of Rehabilitation & Resettlement and compensation specified in the signed declaration cannot be reduced but only added to when the final Rehabilitation & Resettlement package is prepared.	
	(8) For those who are unable to attend the land owners meetings, arrangements must be made to enable signed declarations to be submitted to the designated district official  a designated public office within fifteen days of the land owners meeting.	
	(9) Consent procedures must conclude within the stipulated time and will only be determined on the basis of the signed, written declarations of land owners 	
	(10) Members of the Social Impact Assessment team must be present as monitors in all land owners  etings and submit a report on the conduct of the consent procedures to the Appropriate Government. 	
7. Roles and responsibilities of the Appropriate Government	(1) Notify and publish date, timing and venue of Gram Sabhas and  owners meetings for seeking consent	
	(2) The District Collector or an official appointed by the District Collector must attend the Gram Sabhas and  d owners meetings.	
	(3) Ensure all Social Impact Assessment documents and consent proceedings are made publicly available and all requests for information are fulfilled within seven days.	
8. Roles and responsibilities of the Requiring Body	The Requiring Body as defined in the Act shall appoint representatives that will be present for the duration of the pre-notification period to participate in the public hearings and meetings for seeking consent and for any requests for information and	

	clarifications.	
9. Roles and responsibilities of the SIA team	The Social Impact Assessment team constituted under the Act shall;- (1) Provide list of enumerated land owners that will be affected by the proposed acquisition.	
	(2) Monitor and document the consent seeking process and submit a report on the proceedings to the Appropriate Government.	
	III. SOCIAL IMPACT ASSESSMENT	
10. Timing and Applicability of Social Impact Assessment	(1) A Social Impact Assessment (SIA) is mandatory in all cases where the appropriate Government is considering the acquisition of land for a public purpose under the Act unless otherwise specified.	
	(2) The SIA must be conducted and appraised in the manner specified in these Rules before a decision can be taken by the appropriate Government on whether or not to issue a preliminary notification for the acquisition of lands	
	(3) <i>Exemption under urgency provision:</i> The only circumstance under which an exemption from conducting the SIA may be exercised is if land is acquired by the appropriate Government by invoking the urgency provision	
	(4) <i>Applicability in the case of irrigation projects</i> a. In the case of land acquisition for irrigation projects, where an Environmental Impact Assessment (EIA) has been carried out, a separate SIA will not be required b. In all such cases, the EIA must be conducted and publicly disclosed as per the requirements of the Act, including on the relevant website and must be made available in the local language	
11. Duration and validity of Social Impact Assessment	(1) The final Social Impact Assessment Report must be submitted within a maximum period of six months from its notification under rule ___ by the appropriate	



	Government	
	(2) The Expert Group constituted to appraise the SIA must submit its recommendation to the appropriate Government within two months of the submission of the final SIA Report	
	(3) The appropriate Government must review all reports and the outcome of the consent procedures, wherever required, and take a decision on whether or not to proceed with the acquisition within one month from the submission of the Expert Group's recommendation	
	(4) If the appropriate Government decides to proceed with land acquisition, a preliminary notification to this effect must be issued within 12 months of the Expert Group's recommendation, otherwise the SIA will be deemed to have lapsed and a fresh SIA will need to be undertaken prior to initiating further proceedings 	
	The appropriate Government may, if necessary, extend the period after which the SIA is deemed to have lapsed beyond 12 months, provided that the reasons for this extension are recorded in writing and made publicly available, both in the affected areas and by uploading the explanation on the relevant website	
12. Institutional support and facilitation for Social Impact Assessments	(1) No Social Impact Assessment will be commissioned by the Requiring Body.	
	(2) The State Government shall identify or establish an independent organisation (hereinafter referred to as the State SIA Unit), which will be responsible for ensuring that SIAs are commissioned and conducted as per the provisions for all cases of land acquisition under the Act	
	(7) The State SIA Unit shall undertake the following tasks: a. Build and continuously expand a State Database of Qualified SIA Resource Partners and Practitioners, which will serve as a network of individuals and institutions with the	

	<p>required skills and capacities to conduct SIAs for land acquisition and R&R</p> <ul style="list-style-type: none"> b. Respond immediately to the State Government’s request for an SIA to be conducted by preparing a project-specific Terms of Reference (ToR) and budget, as detailed in rule 13. c. Conduct training and capacity building programmes for the SIA team and community surveyors (as required) and make available manuals, tools, comparative case studies and other materials needed in the field and for the analysis d. Provide ongoing support, troubleshooting and corrective action, as required during the SIA process e. Ensure that the transaction based web-based workflow for SIAs and MIS for land acquisition and R&R as specified in rule 21 is maintained and that all relevant documents are publicly disclosed as per the provisions of the Act f. Archive and catalogue all SIAs and associated primary material safely, enabling ease of retrieval when required g. Continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the state 	
<p>13. Project-specific Terms of Reference (ToR) and Processing Fee for the SIA</p>	<p>(1) The appropriate Government shall send the proposal for land acquisition, along with available project reports to the State SIA Unit, which will within a period of two weeks:</p> <ul style="list-style-type: none"> a. Prepare a detailed project-specific ToR for each proposed case of land acquisition, listing all the activities that must be carried out, indicate the appropriate team size and profile, and stipulate the schedule and deadlines for key deliverables for the SIA. b. Estimate SIA fee based on the ToR with a clear break-up of costs for each item/activity and submit this to the appropriate Government along with the ToR. 	

	<p>c. The Requiring Body will deposit the SIA fee into a dedicated bank account set up for the purpose of the SIA [Prepare guidance and schedule for Tor + budget + processing fees for SIA]</p>	
14. Notification of the Social Impact Assessment	(1) Once the fee has been credited in the SIA account, the appropriate Government shall notify the SIA, which will be published as per the provisions of the Act	
	(2) Publication of the notification of the SIA to be made in the local language to the (i) Panchayat, Municipality or Municipal Corporation and the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil; (ii) published in the affected areas; and (iii) uploaded on the website of the appropriate Government	
15. Selection and constitution of the SIA team	(1) The Requiring Body will not be involved in any way in appointing or overseeing the team that will carry out the SIA.	
	(2) The State SIA Unit will be responsible for selecting the SIA team for each project from the individuals and institutions registered/empanelled in the State Database of Qualified SIA Resource Partners and Practitioners.	
	(3) The size and selection criteria for the SIA team will be determined by the project-specific ToR developed by the State SIA Unit	
	(4) The SIA team may be constituted by appointing individuals or an organisation with training and experience in conducting SIAs or related field-based assessments: <ul style="list-style-type: none"> a. The team could include a combination of independent practitioners, qualified social activists, academics, technical experts and public functionaries on deputation for the duration of the SIA b. Public functionaries could be drawn from Departments of Rural Development, Revenue and other government agencies who are not in any way connected to the requiring 	

	<p>body, and could include field-level workers, social auditors and community mobilisers, who are oriented and trained to conduct the SIA as per the ToR</p> <p>c. A Lead Practitioner/SIA Coordinator will be appointed and will liase with the State SIA Unit throughout the assessment period. The Lead Practitioner along with members of the State SIA Unit will be responsible for capacity building of the SIA team</p> <p>d. The selection process must ensure that there are no conflicts of interest involving the team members appointed to assess the concerned project</p>	
16. Process of conducting the Social Impact Assessment	<p>(1) The SIA team must collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report. </p>	
	<p>(2) All relevant project reports and feasibility studies must be made available to the SIA team from the inception and throughout the SIA process, as required</p>	
	<p>(3) The first step in the SIA will involve building up a detailed understanding of the proposed project and reviewing its stated public purpose</p>	
	<p>(4)The project should be screened to ensure that it adheres to the list of project types specified as meeting “public purpose” under the Act</p>	
	<p>(5) A detailed land assessment, based on a thorough analysis of all relevant land records and data, field verification, and review and comparison with similar projects must be conducted by the SIA team. The land assessment must determine the following:</p> <p>a. Area of impact under the proposed project</p> <p>b. Total land requirement for the project. Quantity and location</p>	

	<p>of land proposed to be acquired for the project</p> <ul style="list-style-type: none"> c. Is the land proposed for acquisition the bare minimum required? d. Whether land acquisition at an alternate place has been considered and found not feasible e. If, in a Scheduled V Area, the land proposed for acquisition is a demonstrable last resort <i>[Specific criteria for demonstrable last resort to be prepared]</i> f. Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project g. Present use of any public, unutilised land in the vicinity of the project area h. Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns i. Whether the special provisions with the respect to food security have been adhered to in the proposed land acquisition j. Size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets k. Land prices and recent changes in ownership, transfer and use of lands over the last 3 years 	
	<p>(6) Based on the land assessment, land records and field verification, the SIA must provide an accurate estimate of the number of affected families as defined in the Act and the number of displaced families among them</p> <ul style="list-style-type: none"> a. As far as possible, the SIA team should enumerate all affected (land and livelihood affected) and displaced families b. For Public Private 	

	<p>Partnerships and private projects, where consent is required, the SIA team must enumerate all affected land owners</p> 	
	<p>(7) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations.</p> <p>a. In projects where resettlement is required, the identified resettlement site/s must be visited and a brief socio-economic profile of the land and its currently resident population must be included</p>	
	<p>(8) Building on the data collected in the steps listed above and in consultation with the affected communities and key stakeholders, the SIA must identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition</p> 	
	<p>(9) The SIA process includes the preparation of a Social Impact Management Plan (SIMP), which will present the ameliorative measures that may be undertaken to address the full range of social impacts identified in the course of the assessment. The SIA team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities. The SIMP should include:</p> <ol style="list-style-type: none"> a. Measures that have been specified in the terms of R&R and compensation as outlined in the Act b. Measures that the Requiring Body has stated it will introduce in the project proposal and other relevant project documents c. Additional measures that may be required to address the full extent and intensity of impacts across various groups, as identified during the SIA process d. The stated position of the Requiring Body on each mitigation measure must be taken in writing and included in the final report 	

	<p>(10) The SIA must provide a conclusive assessment of the balance and distribution of the adverse social impacts, social costs and benefits of the proposed project and land acquisition and provide an assessment as to whether:</p> <ul style="list-style-type: none"> a. For the majority of the affected families, the benefits from the proposed project exceed the social costs and adverse social impacts that they are likely to experience a. Any affected family remains at risk of being economically or socially worse off as a result of land acquisition and resettlement 	
17. SIA Report and Social Impact Management Plan	<p>(1) The SIA Report and Social Impact Management Plan (SIMP) are the formal outputs of the SIA process. They will be publicly disclosed, formally appraised, and widely read and reviewed before a decision is taken on whether or not to proceed with the proposed acquisition</p>	
	<p>(2) The SIA Report and SIMP must be well-structured, bringing together all the relevant information and analysis in a single document and written in a manner that is clear, concise and accessible, especially to members of the affected communities. The documents must be available in the local language.</p>	
	<p>(3) A process of public review and feedback is mandatory before the finalisation of the SIA Report and SIMP</p>	
18. Process for conducting public hearings	<p>(1) Formal public hearing/s must be held in the affected areas with the specific purpose of presenting the main findings of the SIA, seeking feedback on its contents, and making sure that any omissions or additional information and views are incorporated into the final documents</p>	
	<p>(2) Public hearings will be conducted in all Gram Panchayats where at least 25 per cent of the members are directly affected by the acquisition.</p>	
	<p>(3) If the SIA team finds that there are villages that are substantially impacted by the acquisition, even though their lands are not</p>	

	being acquired, they may approach the concerned District Collector and request that a public hearing be held in such Gram Panchayats as well	
	(4) The date and venue of the public hearing must be announced and publicised 15 days in advance through public notifications, advertisements in local newspapers, radio, and through direct communication with Gram Panchayat or Municipal Ward representatives	
	(5) The draft SIA report and SIMP will be published in the local language and distributed to all affected GPs/municipal offices 7 days prior to the public hearing. One copy should be made given to the District Collector's office. The Requiring Body must also receive a copy of the draft report. Adequate copies of the report should be made available on the day of the public hearing.	
	(6) A member of the SIA team can facilitate the public hearing but the event must be organised through the local administration and the designated government officers at that level. Gram Panchayat or Municipal Ward representatives should be included in all decisions regarding the arrangements for the public hearings in their areas	
	(7) All proceedings must be held in the local language with effective and credible translators identified beforehand, if required	
	(8) Representatives from the Requiring Body and designated land acquisition and R&R functionaries must attend the public hearing and address the questions and concerns raised by the affected communities	
	(9) Political representatives, local NGOs/CBOs and media persons shall also be invited to attend	
	(10) The proceedings of the public hearing must be video recorded and transcribed. This recording and transcript will be submitted along with the final SIA report and SIMP	
	(11) After the required public hearing/s have been conducted, the SIA team must review all the feedback and information gathered, incorporate this into their analysis, and revise the SIA report accordingly	

<p>19. Submission of SIA Report</p>	<p>(1) The final SIA Report and SIMP must be published in the local language and made available to (i) Panchayat, Municipality or Municipal Corporation and the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil; (ii) published in the affected areas; and (iii) uploaded on the website of the appropriate Government</p>	
<p>20. Appraisal of the SIA and Recommendation by the Expert Group</p>	<p>(1) Every Social Impact Assessment (SIA) conducted must be formally appraised by an Expert Group constituted as per the provisions of the Act, which will then make a written recommendation to the appropriate Government on whether or not the proposed land acquisition should proceed</p>	
	<p>(2) The appropriate Government shall authorise the Commissioner, R&R to appoint the members of the Expert Group</p>	
	<p>(3) The names and qualifications of all members of the Expert Group appointed for every project must be publicly disclosed and the selection process must ensure that there are no conflicts of interest in the selection</p>	
	<p>(4) After carefully reviewing the SIA and all other relevant available data, the Expert Group must evaluate the project's public purpose and weigh its potential benefits against the likely social costs and adverse impacts, before providing a clear, written recommendation on whether or not the appropriate Government should proceed with the acquisition</p>	
	<p>(5) The Expert Group must complete its deliberations and deliver its recommendation in writing to the appropriate Government within two months of the submission of the SIA.</p>	
	<p>(6) The Expert Group's recommendation must be made available in the local language to the</p>	


	<p>(i) Panchayat, Municipality or Municipal Corporation and the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil;</p> <p>(ii) published in the affected areas; and</p> <p>(iii) uploaded on the website of the appropriate Government</p>	
<p>21. Web-based Work Flow and MIS for Land Acquisition and R&R</p>	<p>The State Government must create a dedicated, user-friendly website that will serve as a public platform on which the entire work flow of each acquisition case will be hosted, beginning with the notification of the SIA and tracking each step of decision-making, implementation and audit.</p>	
<p>22. Additional Norms with regard to the Social Impact Assessment Process</p>	<p>Additional parameters including a table of contents for the Social Impact Assessment Study and the Social Impact Management Plan are given in Annexure IV.</p>	
	<p>IV. RETROSPECTIVE OPERATION</p>	
<p>23. Retrospective operation</p>	<p>(1) The retrospective operation of the Act as prescribed in Section 24 of the Act will be deemed to have come into operation on and from the date on which the new law is notified in the Official Gazette.</p>	
	<p>(2) Where acquisitions have been initiated under the Land Acquisition Act 1894 and the parties under acquisition have either not accepted compensation or have not released the physical possession of the land but do not qualify for the benefits of the Act as given in sub-section 2 of section 24 due to the fact that they have remained pending for a period less than five years then the new law shall apply only if the situation of pendency continues unchanged for a period that equals to or exceeds five years;</p>	<p>(1 of 1894)</p>
	<p>(3) Where the possession has not been taken due to the fact that the acquisition process has been challenged in a court of law then the period spent under litigation shall also be counted for the purpose of determining</p>	

	whether the period of five years has been crossed or not;	
	(3) The Land Acquisition, Rehabilitation and Resettlement Authority shall be competent to hear disputes which relate to the payment of compensation and application of the section 24 of the Act.	
	V. LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY	
24. Establishment of LARR Authority	(1) The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.	
	(2) The Central Government shall establish a national Land Acquisition and Rehabilitation and Resettlement Authority to hear disputes arising out of projects where land acquisition has been initiated by the Central Government or its agencies.	
	(3) The terms and conditions of service for such establishment have been provided in Chapter VIII of the Act	
	VI. COMPENSATION	
25. Compensation	(1) The compensation shall be paid to all parties as prescribed in the first recital to Schedule I of the Act.	
	(2) where the words “in the vicinity” have been used in Explanation I of section 26 they shall be taken to mean the land holdings immediately contiguous to the land where the acquisition in question is taking place.	
26. Base Rate	For an acquisition process that takes place in phases and where land is acquired sequentially, the base rate as calculated under section 26 of the Act shall be taken to be the effective rate for all affected families to be	

	compensated across the entire area to be acquired for the said acquisition.	
	VII. REHABILITATION AND RESETTLEMENT BENEFITS	
27. Provision of Rehabilitation and Resettlement Benefits	(1) The appropriate Government shall ensure that the Administrator for Rehabilitation and Resettlement commences the Rehabilitation and Resettlement process with the conduct of survey and census of the affected families as per Section 17(1), taking into consideration the affected families identified by SIA team.	
	(2) The draft Rehabilitation and Resettlement scheme prepared by the Administrator as per Section 17(2) of the Act, shall be based on the Social Impact Management Plan prepared by the SIA team and shall be developed in consultation with the Gram Sabha or Municipality by holding public hearings as provided under Section 17 (5) of the Act	
	(3) The Administrator shall maintain a record of objections and claims filed in the public hearing and submit the draft Rehabilitation and Resettlement scheme along with his/her report on the claims and objections to the Collector within 2 weeks after completion of public hearing.	
	(4) On receipt of the draft Rehabilitation and scheme, within 4 weeks, the Collector shall convene a meeting with the Rehabilitation and Resettlement committee at project level, discuss the scheme and submit the scheme to Commissioner Rehabilitation and Resettlement along with his suggestions.	
	(5) The Commissioner Rehabilitation and Resettlement shall, after scrutinizing the scheme submitted by the Collector accord approval to the scheme and make it available in public domain, as provided in Section 19 of the Act, within 4 weeks.	
	(6) The summary of the scheme approved by the Commissioner shall be notified in declaration for acquisition of land under	

	Section 20 of the Act.	
	(7) The Collector shall pass the Awards for each affected family in accordance with the Schedule 2 of the Act or as per the negotiated agreement reached with the affected families where consent is involved and hand over the family wise Awards for Rehabilitation and Resettlement to each affected family, in the Form_____.	
	(8) Collector shall also issue orders for provision of infrastructure facilities to be provided for every resettlement area, in the Form_____.	
	(9) The Commissioner Rehabilitation and Resettlement shall closely monitor the implementation of Rehabilitation and Resettlement Scheme	
	VIII. MONITORING AUTHORITIES	
28. National Monitoring Committee for rehabilitation and resettlement	<p>(1) The Central Government may, where necessary, for national or inter-state projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.</p> <p>(2) The Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.</p> <p>(3) The Committee shall review the processes listed and provide assistance to all the affected families to ensure that the Rehabilitation and Resettlement benefits are provided in keeping with the provisions of the law.</p> <p>(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.</p>	
29. Reporting requirements	The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular	

	and timely manner, and also as and when required.	
	IX. NATIONAL RESOURCE CENTRE/CELL FOR LAND ACQUISITION, REHABILITATION AND RESETTLEMENT	
30. National Centre	(1) The Central Government shall set up a national Resource Centre for Land Acquisition and R&R	
	(2) The National Centre will serve as a platform for guidelines and toolkit development and a hub for capacity building, knowledge-sharing, continuous evaluation and learning from the implementation of the Act across states and sectors	
	(3) The National Centre will also provide resource support to State Governments and to State SIA Units to guide the implementation of SIAs, the conduct of consent procedures, and other key processes in land acquisition and R&R	
	(4) The National Centre will ensure that SIAs are commissioned and carried out for proposed national and/or multi-state projects involving land acquisition under the Act	
	X. MISCELLANEOUS	
31. Deadline for Return of Unutilised Land	(1) The land shall be deemed to have been acquired when the physical possession of the entire area under acquisition has been handed over in total to the acquiring authority of the appropriate government. (2) The date of taking physical possession as defined in (1) shall be the date from which the five year period defined under section 101 of the Act shall begin to accrue.	
32. Rules to be framed exclusively by the State	State governments shall frame Rules on the following subjects to ensure the smooth implementation of the Act:	

<p>Governments</p>	<p>(1) Limits on the acquisition of multi-crop land as required under section 10(2) of the Act. </p> <p>(2) Limits on the acquisition of agricultural land as required under section 10(4) of the Act.</p> <p>(3) Thresholds for private purchase upon the crossing of which the purchasing party shall have to carry out such rehabilitation and resettlement activities as are stated under section 46 of the Act</p> <p>(4) The multiplier to be used for the calculation of compensation in rural areas and listed in Schedule I of the Act</p>	
<p>33. Offices and bodies to be established by the State Government</p>	<p>State Governments shall take immediate steps to create and establish the following offices to carry out the functions listed under the Act:</p> <p>(1) The State Social Impact Assessment Unit</p> <p>(2) The office of the Commissioner Rehabilitation & Resettlement given under section 44 of the Act</p> <p>(3) The State Level Monitoring Committee to be established under section 50 of the Act</p> <p>For each project, the following bodies shall be constituted in a timely manner:</p> <p>(1) The Expert Group to appraise the SIA as prescribed under section 7 of the Act</p> <p>(2) The office of the Administrator Rehabilitation & Resettlement given under section 43 of the Act</p> <p>(3) Project Level Committees as prescribed under section 45 of the Act</p>	<p>Note:</p> <p><i>Permanent Bodies at the State Level</i></p> <p>1. The State SIA Unit</p> <p>2. Office of the Commissioner, R&R</p> <p>3. LARR Authority</p> <p>4. State Monitoring Committee</p> <p><i>Project-level Bodies</i></p> <p>1. Expert Group</p> <p>2. Administrator, R&R</p> <p>3. Project-level R&R Committee</p>

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and
Resettlement Rules, 2013
Government of India
Ministry of Rural Development


ANNEXURE - I

[See rule 3(1)]

FORM – A

A. PRIOR WRITTEN CONSENT/DECLARATION FORM

S. No.	Details of Person Concerned	
1.	Name of the person(s) in whose name the land is registered:	
2.	Name of the spouse:	
3.	Name of father/ mother:	
4.	Address:	
5.	Village:	
6.	Gram Panchayat:	
7.	Tehsil/ Taluka:	
8.	District:	
9.	(a) Scheduled Tribe : Yes/ No (Attach authenticated copy of Certificate) (b) Other Traditional Forest Dweller: Yes/ No If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)	
10.	Name of other members in the family with age: (including children and adult dependents)	
11.	Extent of land owned: a) for habitation b) for self-cultivation or farming, if any:	
12.	Disputed lands if any	

13.	Pattas/ leases/ grants, if any	
14.	Any other right, including tenancy, if any	
15.	Evidence in support:	
16.	Any other information:	
	Whether the terms of the acquisition have been read out and explained to the person(s) and they have been understood by them to the best of their knowledge.	
	Signature/ Thumb Impression of the affected family(s): 	



B. FORMAT FOR GRAM SABHA RESOLUTION

A template/format for the Gram Sabha Resolution on the proposed land acquisition is to be developed

The negotiated terms of compensation and R&R must be attached to the declaration

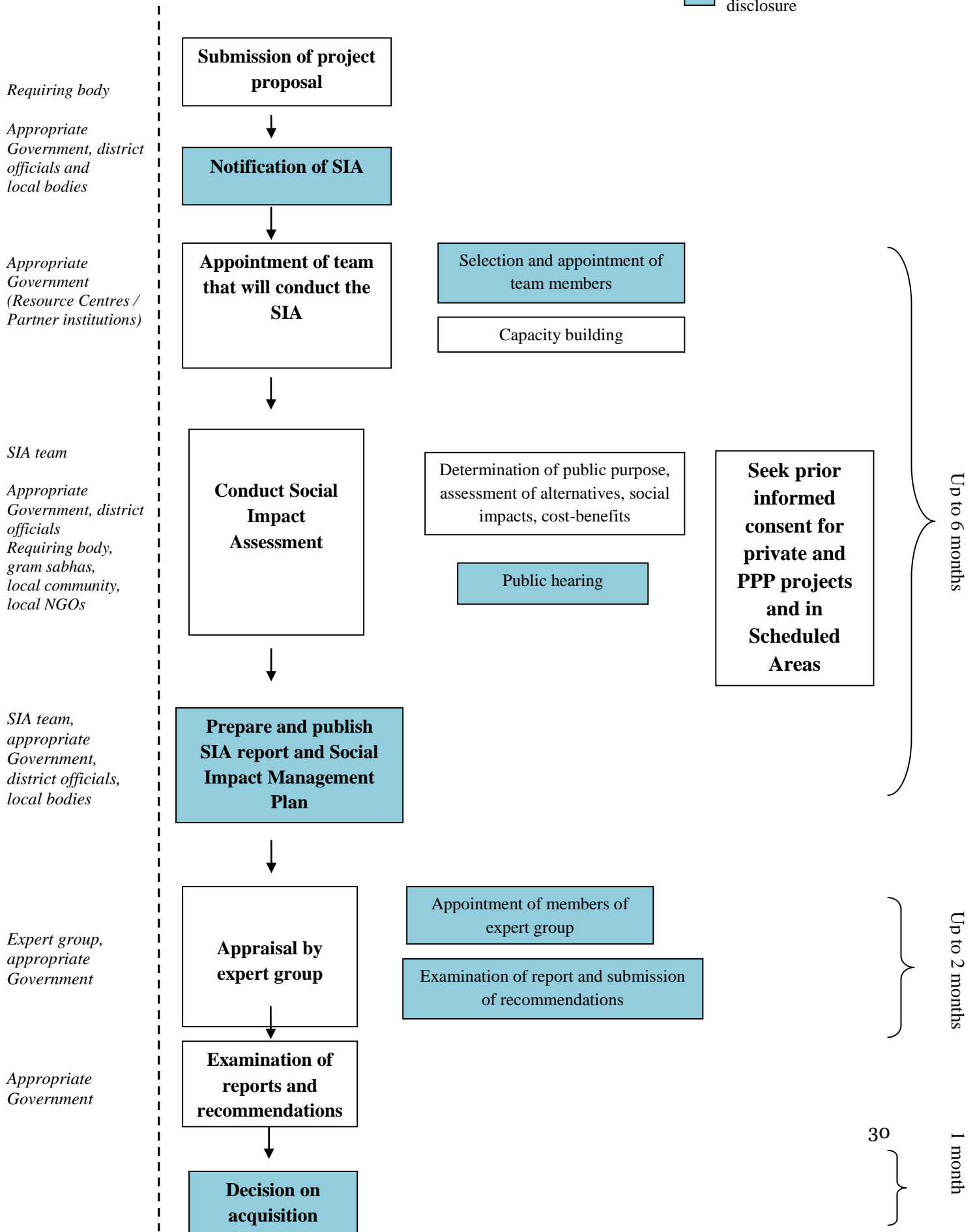
ANNEXURE- II:

CONSENT REQUIREMENTS ACROSS PROJECT TYPES AND SITES

Project Type + Area	Land Owners & Tenants	Gram Sabha / Panchayat/ Autonomous District Council
Public + Non-Scheduled Area	N	N 
Public + Scheduled Area	N	Y
PPP + Non- Scheduled Area	Y(70 percent)	N 
PPP + Scheduled Area	Y (70 percent)	Y
Private + Non-Scheduled Area	Y (80 percent)	N
Private + Scheduled Area	Y (80 percent)	Y

ANNEXURE-III: FLOW OF SOCIAL IMPACT ASSESSMENT PROCESS

= mandatory public disclosure



ANNEXURE - IV

A. Terms of Reference, Budget and Processing Fee for the SIA

The State SIA Unit will review the proposal for land acquisition sent by the State Government and produce a project-specific Terms of Reference (ToR) and budget. Based on the ToR and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the notification of the SIA can be issued.

The ToR shall include the following information:

- A brief description of the project, project area and the extent of lands proposed for acquisition
- The objectives of the SIA and all the activities that must be carried out by the SIA team
- Sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and/or land owners is required to be sought.
- The appropriate size and profile of the SIA team required (including field surveyors if needed) to conduct the SIA for the specific project
- A project-specific budget based on the ToR, with a clear break-up of costs for each item/activity
- The schedule for the disbursement of funds to the SIA team tied to clearly-defined deliverables in the SIA process

The processing fee will be determined based on the ToR and budget developed for each specific project and will be based on the type, size, location, and sensitivity of the project and the land proposed for acquisition

- Information regarding the processing fee bands and the cost for separate components/line items must be made consistent and easily accessible, so that the Requiring Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time
- A fixed proportion of the fee will go towards meeting the costs of the State SIA Unit














B. Notification of the SIA

A template/format for the Notification of the SIA is to be developed

The Notification of the SIA must include:





- Name of project developer, a brief description of the proposed project and the extent of the lands proposed for acquisitionThe project area and the affected areas to be covered by the SIA
- The main objectives of the SIA and key activities including (a) consultations (b) survey (c) public hearing/s
- If consent of Gram Sabhas and/or land owners is required, the notification must state this
- The timeline for the SIA and the final deliverables (SIA Report and SIMP) along with the manner of their disclosure must be specified
- Contact information of the State SIA Unit

C. List of socio-economic and cultural parameters to be covered by the SIA

- Demographic details of the population in the project area
 - Age, sex, caste, religion
 - Literacy, health and nutritional status 
- Poverty levels
- Vulnerable groups 
 - Women, children, the elderly, women-headed households, the differently abled
- Kinship patterns and social and cultural organisation
- Administrative organisation
- Political organisation
- Civil society organisations and social movements
- Land use and livelihood 
 - Agricultural and non-agricultural use 
 - Quality of land – soil, water, trees etc.
 - Livestock
 - Formal and informal work and employment 
 - Household  division of labour and women's work
 - Migration 
 - Household income levels 
 - Livelihood preferences 
 - Food security
- Local economic activities
 - Formal and informal, local industries 
 - Access to credit
 - Wage rates 
- Factors that contribute to local livelihoods 
 - Access to natural resources
 - Common property resources
 - Private assets
 - Roads, transportation
 - Irrigation facilities
 - Access to markets
 - Tourist sites
 - Livelihood promotion programmes
 - Co-operatives and other livelihood-related associations
- Quality of the living environment
 - Perceptions, aesthetic qualities, attachments and aspirations 
 - Settlement patterns
 - Houses
 - Community and civic spaces
 - Sites of religious and cultural meaning
 - Physical infrastructure (including water supply, sewage systems etc.)
 - Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system)
 - Safety, crime, violence

D. Key impact areas

Impacts on land, livelihoods and income

- Level and type of employment 
- Intra-household employment patterns
- Income levels
- Food security
- Standard of living
- Access and control over productive resources 
- Economic dependency or vulnerability 
- Disruption of local economy
- Impoverishment risks 

Impacts on physical resources

- Impacts on natural resources, soil, air, water, forests
- Pressures on land and common property natural resources for livelihoods


Impacts on private assets, public services and utilities

- Capacity of existing health and education facilities
- Capacity of housing facilities
- Pressure on supply of local services
- Adequacy of electrical and water supply, roads, sanitation and waste management system
- Impact on private assets such as bore wells, temporary sheds etc.

Health impacts

- Health impacts due to in-migration
- Health impacts due to project activities

Impacts on culture and social cohesion

- Transformation of local political structures
- Demographic changes
- Shifts in the economy-ecology balance
- Impacts on the norms, beliefs, values and cultural life
- Crime and illicit activities
- Stress of dislocation
- Impact of separation of family cohesion 

Impacts at different stages of the project cycle

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts

Pre-construction phase

- Interruption in the delivery of services
- Drop in productive investment
- Land speculation
- Stress of uncertainty

Construction phase

- Displacement and relocation
- Influx of migrant construction workforce
- Health impacts on those who continue to live close to the construction site

Operation phase

- Reduction in employment opportunities compared to the construction phase
- Economic benefits of the project
- Benefits on new infrastructure
- New patterns of social organisation

De-commissioning phase

- Loss of economic opportunities
- Environmental degradation and its impact on livelihoods

Direct and indirect impacts

- “Direct impacts” will include all impacts that are likely to be experienced by the *affected families*
- “Indirect impacts” will include all impacts that may be experienced by those not directly affected by the acquisition of land (ie. Direct land and livelihood losers), but those living in the project area


Differential impacts

- Impact on women, children, the elderly and the different abled
- Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping




Cumulative impacts

- Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question.
- Impact on those not directly in the project area but based locally or even regionally

E. Table of Contents for SIA Report and Social Impact Management Plan

Chapter	Contents
Executive Summary	<ul style="list-style-type: none"> - Project and public purpose - Location - Size and attributes of land acquisition - Alternatives considered - Social Impacts - Mitigation measures
Detailed Project Description	<ul style="list-style-type: none"> - Background of the project, including developers background and governance/management structure - Rationale for project including how the project fits the public purpose criteria listed in the LARR Bill - Details of project size, location, capacity, outputs, production targets, cost, risks - Examination of alternatives - Phases of project construction - Core design features and size and type of facilities - Need for ancillary infrastructural facilities - Work force requirements (temporary and permanent) - Details of SIA/EIA if already conducted and any technical feasibility reports - Applicable legislations and policies
Team composition, approach, methodology and schedule of the SIA	<ul style="list-style-type: none"> - List of all team members with qualifications  - Description and rationale for the methodology and tools used to collect information for the SIA - Sampling methodology used - Overview of information/data sources used. Detailed reference must be included separately in the annexures - Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the annexures
Land Assessment	<ul style="list-style-type: none"> - Describe with the help of the maps, information from land inventories and primary sources

	<ul style="list-style-type: none"> - Entire area of impact under the influence of the project (not limited to land area for acquisition) - Total land requirement for the project - Present use of any public, unutilised land in the vicinity of the project area - Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project - Quantity and location of land proposed to be acquired for the project - Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns - Size of holdings, ownership patterns, land distribution, and number of residential houses - Land prices and recent changes in ownership, transfer and use of lands over the last 3 years
<p>Estimation and enumeration (where required) of affected families and assets</p>	<ul style="list-style-type: none"> - Estimation of the following types of families that are <ul style="list-style-type: none"> a) Directly affected (own land that is proposed to be acquired): <ul style="list-style-type: none"> - Are tenants/occupy the land proposed to be acquired - The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights - Depend on common property resources which will be affected due to acquisition of land for their livelihood - Have been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition; - Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land - Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition b) Indirectly impacted by the project (not affected directly by the acquisition of own lands) c) Inventory of productive assets and significant lands
<p>Socio-economic and cultural profile (affected area and resettlement site)</p>	<ul style="list-style-type: none"> - Demographic details of the population in the project area - Income and poverty levels - Vulnerable groups - Land use and livelihood - Local economic activities - Factors that contribute to local livelihoods - Kinship patterns and social and cultural organisation

	<ul style="list-style-type: none"> - Administrative organisation - Political organisation - Community-based and civil society organisations - Regional dynamics and historical change processes - Quality of the living environment
Social impacts	<ul style="list-style-type: none"> - Framework and approach to identifying impacts - Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct/indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts - Indicative list of impacts areas include: impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion 
Social Impact Management Plan	<ul style="list-style-type: none"> - Approach to mitigation - Measures to avoid, mitigate and compensate impact  - Measures that have are included in the terms of R&R and compensation as outlined in the LARR Bill, 2011 - Measures that the Requiring Body has stated it will introduce in the Project Proposal - Alterations to project design and additional measures that may be required to the address the full extent and intensity of impacts across various groups  identified and expressed during the SIA process - Detailed mitigation plan must include: detailed activities to be carried out for each mitigation strategy, timelines for each mitigation strategy - The SIMP must clearly indicate which measures the Requiring Body has committed to and those that have been proposed, but not committed to
SIMP Institutional framework	<ul style="list-style-type: none"> - Description of institutional structures and key person responsible for each mitigation measure - Specify role of NGOs/CBOs, if involved - Indicate capacities required and capacity building plan, including technical assistance if any - Timelines for each activity
SIMP Budget and financing of mitigation plan	<ul style="list-style-type: none"> - Costs of all resettlement and rehabilitation costs - Annual budget and plan of action - Funding sources with break up
SIMP Monitoring and evaluation	<ul style="list-style-type: none"> - Key M&E indicators

	<ul style="list-style-type: none">- Reporting mechanisms and monitoring roles- Plan for independent evaluation
Analysis of costs and benefits and recommendation on acquisition	<ul style="list-style-type: none">- Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, and viable mitigation measures and the extent to which mitigation measures will address costs- The above analysis will use the equity principle as a framework of analysis for present a final recommendation on whether the acquisition should go through or not.
References and Annexures	For reference and further information