

Standing Committee Report Summary

The Land Acquisition (Amendment) Bill, 2007

- The Standing Committee on Rural Development (Chairperson: Shri Kalyan Singh) submitted its 39th report on the Land Acquisition (Amendment) Bill, 2007.
- The Bill seeks to amend the Land Acquisition Act, 1894. The Committee suggests that the 1894 Act be repealed and a new comprehensive legislation be brought in Parliament. It states that the legislation should be enacted expeditiously.
- The Committee notes that the use of the word ‘may’ dilutes specific provisions and provides undue discretion to the implementing agency. It recommends that ‘may’ should be replaced by ‘shall’ in all clauses except ones where the intent is to provide flexibility.
- In order to protect agricultural land from getting acquired, the Committee states that the Bill should include a provision that makes it mandatory for the Collector to submit a report stating that wasteland or barren land was not available for a particular project. Also, the government should make a list of unutilised land.
- The Committee also makes several suggestions for development of wasteland. It also recommends that the government should do long term planning regarding the total area of agricultural land required to meet food grain requirements. Also, a strong law is required to protect prime agricultural land in similar manner as forest land. There should also be measures to guard against excessive acquisition of land which is at time more than the land required for the project.
- The Committee recommends that in cases where award of compensation is pending, solatium and the rehabilitation and resettlement package should be provided retrospectively.
- The Committee recommends that all the benefits provided under the Land Acquisition and Rehabilitation and Resettlement legislation should be doubled at every stage in case of second and subsequent displacement of a family/person.
- The Bill would apply to Nagaland only when decided by a resolution of the Nagaland Legislative Assembly. This should be provided for in the Bill.
- As per the Act, 30 days time period from the date of publication of the notification has been provided for the affected person to object to the acquisition of land. The Committee feels that the period is not sufficient and recommends that it be increased to 60 days.
- The Committee is of the opinion that fixing some percentage of the land to be acquired by the appropriate government and private body for a particular project of public purpose is very contradictory and impractical. Also, the definition of “public purpose” as per the 1894 Act should be retained.
- There should be discretion in deciding whether a Social Impact Study is necessary if the number of families is below the threshold level.
- The Committee recommends that the highest price of sale deed as indicated in the sale deeds of the last three years plus 50 per cent of the highest price should be the criteria for assessing and determining the market value of the land. For tribal areas, the Committee recommends that the highest price of a sale deed of the adjoining non-tribal blocks/village for the last three years plus 50 per cent should be the criteria.
- The Committee is against the provision that allows the Collector, before determining the market value of the land, to ascertain the intended land use category.
- The Committee states that issue of shares and debentures as part of the compensation is not practical. Therefore, issue of shares and debentures should be over and above the admissible compensation. Further, it should be left to the acquiring body to issue shares and debentures over and above the admissible compensation to the affected person/family whose land is acquired.
- The Committee pointed out certain contradictions in the Land Acquisition Bill and the Rehabilitation and Resettlement Bill with regard to compensation with shares and debentures.
- The Committee recommends that emergency powers of the government may be restricted to acquisition of minimum area of land for the purpose of defence or national security or in case of natural calamities.
- The Committee suggests that the Acquisition Compensation Disputes Settlement Authority should consist of at least three members, including the Chairperson. Also, the retirement age should be reduced to 65 years from 67 years.
- The Committee proposes that the rate of interest should be increased from nine per cent to 15 per cent per annum and compound interest should be paid wherever applicable.

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