

LARR (Amendment) Bill, 2015 as passed by Lok Sabha

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015 was introduced in the Lok Sabha on February 24, 2015 and passed by Lok Sabha on March 10, 2015. The Bill is pending in the Rajya Sabha. The table below compares the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, with the Bill as: (i) introduced in Lok Sabha, and (ii) passed by Lok Sabha.

Table 1: Key changes made by the LARR (Amendment) Bill, 2015 as passed by Lok Sabha to LARR Act, 2013

LARR Act, 2013	Ordinance/LARR (Amendment) Bill, 2015 (as introduced)	Bill as passed by Lok Sabha
Consent (Proviso to Section 2(2))*		
The consent of 80% land owners required for private projects. The consent of 70% land owners required for Public-Private Partnership projects. No consent is required for government projects.	The Bill exempts five types of projects from this provision. These categories are: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure and social infrastructure including PPP projects where the government owns the land.	Removes social infrastructure from the 5 exempted projects. Specifies the definition of industrial corridors as those set up by the government/government undertakings, up to 1 km on either side of the road/railway of the corridor.
Social Impact Assessment (Chapter II)		
SIA is mandatory for all projects except: (i) in cases of urgency as outlined in Section 40 or (ii) for irrigation projects where an Environmental Impact Assessment is required.	The Bill allows the government to exempt projects falling under the five categories mentioned above from this provision, through a notification. Therefore, an SIA need not be conducted if the government issues a notification stating this (on a project to project basis).	Adds that before issuing the notification, the government must ensure that the extent of land being acquired is in keeping with the minimum land required.
Irrigated multi-cropped land (Chapter III)		
Irrigated multi-cropped land cannot be acquired beyond a limit specified by the government. The acquisition of agricultural land for all projects in a district/state must not exceed the total net sown area of the district/state.	The Bill allows the government to exempt projects falling under the five categories mentioned above from this provision, through a notification. Therefore, this limit need not be adhered to if the government issues a notification stating this (on a project to project basis).	Adds that before issuing the notification, the government must ensure that the extent of land being acquired is in keeping with the minimum land required.
Compensation & rehabilitation and resettlement (R&R) provisions of 13 other laws which govern land acquisition (Fourth Schedule)		
The Act exempted 13 laws (such as the National Highways Act, 1956 and the Railways Act, 1989) from its ambit. These laws also govern the process of acquisition of land for specific sectors. However, the Act required that compensation and R&R provisions of these laws be brought in consonance with it by January 1, 2015.	The Bill seeks to do this, that is, to bring the compensation and R&R provisions of 13 other laws in consonance with the Act.	No change.
Return of unutilised land (Section 101)		
If land acquired under the Act remains unutilised for five years from taking possession, it must be returned to the original owners or a land bank.	The Bill changes this to state that the period after which unutilised land will need to be returned to the later of: (i) five years, or (ii) any period specified at the time of setting up the project.	No change.
Retrospective application (Section 24(2))		
The Land Acquisition Act, 1894 will continue to apply in certain cases, when an award has been made under it. The LARR Act, 2013 will apply in case an award has been	The Bill states that in calculating the time period for retrospective application, any period during which the proceedings were held up: (i) due to a stay order of a court, or (ii) for a period specified in the award of	Changes 'account' to 'designated account'.

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made five years or more prior to the commencement of the LARR Act, 2013 but the physical possession of the land has not been taken or compensation has not been paid.	a Tribunal, or (iii) for any period where possession was taken but the compensation is lying deposited in a court or any account, will not be counted.	
R&R award (Section 31, Second Schedule)		
The Act provides the option of employment to one member of an affected family as part of the R&R award.	No change.	Adds that employment to 'one member of such affected family of farm labour' must be given.
Change from private 'company' to private 'entity' (Section 3(j))		
The provisions of the Act are also applicable when land is acquired for public purpose for private companies. A company was one included in the Companies Act, 1956, or under the Societies Registration Act, 1860.	The Bill changes the term 'private company' to 'private entity'. A 'private entity' is an entity other than a government entity, and includes a proprietorship, partnership, company, corporation, non-profit organisation, or other entity. The Bill changes the Companies Act, 1956 to the Companies Act, 2013.	No change.
Change to hearing by Land Acquisition, Rehabilitation and Resettlement Authority (Chapter VIII)		
The Act provides for the establishment of a Land Acquisition, Rehabilitation and Resettlement (LARR) Authority which may be approached in case a person is not satisfied with an award under the Act.	No change.	Adds that the LARR Authority must hold its hearing in the district where the land acquisition is taking place, after receiving a reference from the Collector and giving notice of this reference to all concerned parties.
Offences by the government (Section 87)		
If an offence is committed by a government department, the head of the department will be deemed guilty unless he can show that he had exercised due diligence to prevent the commission of the offence.	The Bill deletes this provision.	No change.
	The Bill adds a provision to state that if an offence is committed by a government employee he cannot be prosecuted without the prior sanction of the government, as provided under Section 197 of the Code of Criminal Procedure, 1973.	Replaces this to state that a government employee can be prosecuted as provided for in Section 197 of the Code of Criminal Procedure, 1973.
Survey of wasteland (No provision)		
No provision.	No change.	Adds a provision that the government must conduct a survey of its wasteland including arid land, and maintain a record with details of this land, as may be prescribed by the government.
Acquisition of land for private hospitals and private educational institutions (Section 2(1)(b)(i))		
Excluded the acquisition of land for private hospitals and private educational institutions.	The Bill allows the acquisition of land for private hospitals and educational institutions.	Removes this provision. Thus, the acquisition of land for private hospitals & private educational institutions is excluded.

Sources: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015 as passed by Lok Sabha; PRS.

Note: * Indicates the relevant Section/Schedule/Chapter in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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