

AS PASSED BY LOK SABHA ON
25TH FEBRUARY, 2009

Bill No. 98-C of 2007

THE REHABILITATION AND RESETTLEMENT
BILL, 2009

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title, extent and commencement.
2. Act to apply to all cases of land acquisition or other involuntary displacement of people.
3. Definitions.

CHAPTER II

SOCIAL IMPACT ASSESSMENT OF PROJECTS

4. Social impact assessment study in certain cases.
5. Independent multi-disciplinary expert group to examine the social impact assessment report.
6. Concurrent social impact assessment study in cases requiring environmental impact assessment study.
7. Social impact assessment clearance.
8. Exemption from Social impact assessment .

CHAPTER III

AUTHORITIES FOR REHABILITATION AND RESETTLEMENT

9. Administrator for Rehabilitation and Resettlement.
10. Powers and functions of Administrator.
11. Commissioner for Rehabilitation and Resettlement.
12. Rehabilitation and Resettlement Committee at project level.
13. Rehabilitation and Resettlement Committee at district level.
14. Ombudsman.
15. Inter-State projects.
16. National Monitoring Committee.
17. Disclosure of information.
18. Oversight Committee.
19. National Rehabilitation Commission.

CHAPTER IV

SCHEMES OR PLANS FOR REHABILITATION AND RESETTLEMENT

20. Declaration of affected areas.
21. Survey and census of affected families.

CLAUSES

22. Assessment of land available for rehabilitation and resettlement.
23. Draft schemes or plans for rehabilitation and resettlement.
24. Final publication of schemes and plans.

CHAPTER V

REHABILITATION AND RESETTLEMENT OF AFFECTED FAMILIES

25. Declaration of resettlement areas.
26. Affected families to be settled in groups.
27. Purchase or exchange of land for rehabilitation and resettlement.
28. Funds for rehabilitation and resettlement.
29. Compensation and rehabilitation and resettlement ahead of displacement.
30. Infrastructural facilities and amenities in resettlement areas.
31. Local self-government institutions in resettlement areas.
32. Special provisions for rehabilitation and resettlement in case of urgency.
33. Periphery development.

CHAPTER VI

REHABILITATION AND RESETTLEMENT BENEFITS FOR THE AFFECTED FAMILIES

34. Rehabilitation and resettlement benefits available to eligible affected families.
35. Housing benefits.
36. Allotment of agricultural land.
37. Registration, etc., of the land or other property allotted.
38. Financial assistance for cattle shed.
39. Transportation cost.
40. Financial assistance for working shed or shop.
41. Employment and skill development.
42. Rehabilitation grant and option for allotment of shares.
43. Land development projects.
44. Fishing rights.
45. Subsistence allowance.
46. Monthly pension to vulnerable affected persons.
47. Linear projects.
48. Option for a lump-sum payment in lieu of benefits.
49. Special provisions for rehabilitation and resettlement of members of the Scheduled Tribes and the Scheduled Castes.
50. Benefits to occupiers.

(iii)

CHAPTER VII

MISCELLANEOUS

CLAUSES

51. Indexation of rehabilitation grant and other monetary benefits.
52. Punishment for false information.
53. Duty to assist Administrator for Rehabilitation and Resettlement.
54. Bar of jurisdiction of civil courts.
55. Officers to be public servants.
56. Indemnity for acts done in good faith.
57. Power to remove difficulties.
58. Overriding effect of Act over all land related laws.
59. Power to make rules.
60. Savings.

AS PASSED BY LOK SABHA ON
25TH FEBRUARY, 2009

Bill No. 98-C of 2007

THE REHABILITATION AND RESETTLEMENT BILL, 2009

A

BILL

to provide for the rehabilitation and resettlement of families affected by the acquisition of land for projects of public purpose or involuntary displacement due to any other reason, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Rehabilitation and Resettlement Act, 2009.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.

Short title,
extent and
commencement.

Act to apply to all cases of land acquisition or other involuntary displacement of people.
Definitions.

2. The provisions of this Act shall apply to the rehabilitation and resettlement of families affected by acquisition of land under the Land Acquisition Act, 1894 or any other Act of the Union or a State for the time being in force; or permanent involuntary displacement of people due to natural calamities, or such other disaster as may be notified by the appropriate Government. 1 of 1894.

3. In this Act, unless the context otherwise requires,—

(a) “Administrator for Rehabilitation and Resettlement” means an officer appointed for the purpose of rehabilitation and resettlement of affected persons under sub-section (1) of section 9;

(b) “affected family” means—

(i) a family whose land or other immovable property has been acquired, or which is involuntarily and permanently is placed from their land or immovable property due to natural calamities or such other disaster as are notified under section 2;

(ii) a family which has been continuously residing (and not unauthorisedly) for a period of not less than three years in the affected area immediately preceding the date of notification of the affected area and who has been deprived of his primary source of livelihood due to involuntary and permanent displacement caused by land acquisition in such area or other displacement covered under section 2.

(c) “affected area” means area of village or locality notified by the appropriate Government under sub-section (1) of section 20;

(d) “agricultural land” means lands being used for the purpose of—

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, sericulture, breeding of livestock or nursery growing medicinal herbs;

(iii) raising of crops, grass or garden produce; and

(iv) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;

(e) “appropriate Government” means—

(i) in relation to acquisition of land for the purposes of the Union, the Central Government;

(ii) in relation to a project which is executed by a Central Government agency or undertaking or by any other agency on the orders or directions of the Central Government, the Central Government;

(iii) in relation to acquisition of land for purposes other than (i) and (ii) above, the State Government; and

(iv) in relation to rehabilitation of persons displaced due to any other reason, the State Government;

(f) “below poverty line or BPL Family” means below poverty line families as defined by the Planning Commission of India, from time to time, and those included in a BPL list for the time-being in force;

(g) “Commissioner for Rehabilitation and Resettlement” means the Commissioner for Rehabilitation and Resettlement appointed by the State Government under sub-section (1) of section 11;

(h) "DDP block" means a block identified under the Desert Development Programme of the Government of India;

(i) "family" includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes "nuclear family" consisting of a person, his or her spouse and minor children;

(j) "holding" means the total land held by a person as an occupant or tenant or as both;

(k) "land acquisition" or "acquisition of land" means acquisition of land under the Land Acquisition Act, 1894, as amended from time to time, or any other Act of the Union or a State for the time being in force;

(l) "marginal farmer" means a cultivator with an unirrigated land holding up to one hectare or irrigated land holding up to half hectare;

(m) "notification" means a notification published in the Gazette of India, or as the case may be, the Gazette of a State;

(n) "occupier" means a member of a Scheduled Tribes community in possession of forest land prior to the 13th day of December, 2005;

(o) "Ombudsman" means the person appointed under section 14 for redressal of grievances;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "project" means a project involving involuntary displacement of people, irrespective of the number of persons affected;

(r) "requiring body" means a company, a body corporate, an institution, or any other organisation for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land in public interest to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land;

(s) "resettlement area" means an area so declared under section 25 by the appropriate Government;

(t) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

CHAPTER II

SOCIAL IMPACT ASSESSMENT OF PROJECTS

4. (1) Whenever, it is desired to undertake a new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families en masse in plain areas, or two hundred or more families en masse in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, the appropriate Government shall ensure that a social impact assessment study is carried out in the proposed affected areas in the manner as may be prescribed:

Social impact assessment study in certain cases.

Provided that in cases which involves involuntary displacement of less than 400 families en masse in plain areas, or less than 200 families en masse in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, the Rehabilitation and Rehabilitation Committee of the district concerned shall carry out the social impact assessment study in the affected areas in such manner as may be prescribed.

(2) While undertaking a social impact assessment under sub-section (1), the appropriate Government shall, *inter alia*, take into consideration the impact that the project will have on public and community properties, assets and infrastructure; particularly, roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities, such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children's park, places of worship, land for traditional tribal institutions, burial and cremation grounds.

(3) The appropriate Government may specify that the ameliorative measures, which will need to be undertaken for addressing the said impact for a specific component, may not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government.

Independent multi-disciplinary expert group to examine the social impact assessment report.

5. (1) The social impact assessment report shall be submitted to the appropriate Government for its examination by an independent multi-disciplinary expert group, as may be notified by the appropriate Government.

(2) The expert group shall consist of the following persons, namely:—

(a) two non-official social scientist and rehabilitation experts, to be nominated by the appropriate Government;

(b) the Secretary of the departments of the appropriate Government concerned with the welfare of women and children, the Scheduled Castes and the Scheduled Tribes or his nominee, *ex officio*;

(c) a representative of the requiring body, to be nominated by the appropriate Government; and

(d) a representative of the village panchayat or municipality to be nominated by the appropriate Government.

(3) The appropriate Government may nominate a person from amongst the member of the expert group as the Chairperson of the Group.

Concurrent social impact assessment study in cases requiring environmental impact assessment study.

6. (1) Wherever it is required, as per the provisions of any law, rules and guidelines issued thereunder, to undertake environmental impact assessment, the social impact assessment study shall be carried out simultaneously with the environmental impact assessment study.

(2) The public hearing undertaken in the project affected area for the environmental impact assessment shall also cover issues relating to social impact assessment.

(3) A copy of the social impact assessment report shall be made available to the Impact Assessment Agency authorised in respect of environmental impact assessment by the Central Government in the Ministry of Environment and Forests, and a copy of the environmental impact assessment report shall be shared with the expert group notified under section 5.

Social impact assessment clearance.

7. (1) The social impact assessment clearance shall be granted in such manner and within such time as may be prescribed.

(2) The conditions laid down in the social impact assessment clearance shall be followed by all concerned, including the Administrator for Rehabilitation and Resettlement while preparing and implementing the rehabilitation and resettlement plan.

(3) The concealment of any factual data or submission of false or misleading data or reports, may lead to the social impact assessment clearance being rejected and clearance, if any granted on the basis of data which subsequently found to be false, may be revoked.

8. The projects involving emergency acquisition of minimum area of land by the Central Government in for the purpose of defence or national security shall be exempted from the provisions of this Chapter, subject to such institutional safeguards as may be prescribed for protecting the interests of the affected families.

Exemption from social impact assessment.

CHAPTER III

AUTHORITIES FOR REHABILITATION AND RESETTLEMENT

9. (1) Where the appropriate Government is satisfied that there is likely to be involuntary displacement of large number of persons due to acquisition of land for any project or due to any other reason, and where there is likely to be displacement of—

Administrator for Rehabilitation and Resettlement.

(a) four hundred or more families *en masse* in plain areas; or

(b) two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution,

then, the State Government shall, by notification, appoint in respect of that project, an officer not below the rank of District Collector to be the Administrator for Rehabilitation and Resettlement:

Provided that if the appropriate Government in respect of such project is the Central Government, the appointment shall be made in consultation with the Central Government:

Provided further that in case of projects involving displacement of less than four hundred families *en masse* in plain areas, or less than two hundred families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, the State Government may, by notification, appoint in respect of that project, an officer not below the rank of Deputy Collector or Sub-Divisional Officer to be the Administrator for Rehabilitation and Resettlement.

(2) The Administrator for Rehabilitation and Resettlement shall, with a view to enable him to function efficiently and to meet the special time frame, be provided with such office infrastructure and be assisted by such officer and employees as the State Government may decided.

10. (1) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the Administrator for Rehabilitation and Resettlement shall take all measures for the rehabilitation and resettlement of the affected families and in this regard shall have the following powers, namely:—

Powers and functions of Administrator.

(i) to enter the affected areas and resettlement areas and to mark out, measure and make plans in these areas;

(ii) to make enquiries and take decisions relating to rehabilitation and resettlement plan and to serve notice on affected families;

(iii) to require and enforce the making of statements as to names and interest of the affected families;

(iv) to take possession of land in declared resettlement areas; and

(v) any other power as may be conferred on the Administrator by the appropriate Government from time to time.

(2) The formulation, execution and monitoring of the rehabilitation and resettlement plan shall vest in the Administrator for Rehabilitation and Resettlement.

(3) Subject to any general or special order of the appropriate Government, the Administrator for Rehabilitation and Resettlement shall perform the following functions, namely:—

(i) hold consultation with the affected persons while formulating a rehabilitation and resettlement scheme or plan;

(ii) ensure that the interests of the adversely affected persons of the Scheduled Tribes and weaker sections are protected while formulating the rehabilitation and resettlement scheme or plan;

(iii) prepare a scheme or plan of rehabilitation and resettlement as required under Chapter V;

(iv) prepare a budget including estimated expenditure of various components of acquisition of land, rehabilitation and resettlement activities or programmes in consultation with representatives of the affected families and the requiring body;

(v) arrange land for rehabilitation and resettlement of the affected families;

(vi) allot land and ensure providing of benefits to the affected families; and

(vii) perform such other functions as the appropriate Government may, from time to time, by order in writing, assign.

(4) The Administrator for Rehabilitation and Resettlement may, by order in writing, delegate such of the functions conferred on him by or under this Act to any officer not below the rank of *Tehsildar* or equivalent as he may consider appropriate for smooth implementation of the rehabilitation and resettlement scheme or plan.

(5) All officers and staff appointed by the State Government under this Chapter to assist the Administrator for Rehabilitation and Resettlement shall be subordinate to him.

Commissioner
for
Rehabilitation
and
Resettlement.

11. (1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the village panchayat in rural areas and municipality in urban areas.

Rehabilitation
and
Resettlement
Committee at
project level.

12. (1) For each project which involves involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, the appropriate Government shall constitute a Committee under the chairpersonship of the Commissioner for Rehabilitation and Resettlement, to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of scheme or plan of rehabilitation and resettlement of the affected families, and to carry out post-implementation in consultation with the village Panchayat in rural areas and municipality in urban areas.

(2) The Rehabilitation and Resettlement Committee constituted under sub-section (1) shall include, apart from officers of the appropriate Government, the following members, namely:—

(i) a representative of women residing in the affected area;

(ii) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;

(iii) a representative of a voluntary organisation working in the area;

(iv) a representative of a nationalised bank;

(v) the Land Acquisition Officer of the project;

(vi) the Chairpersons of the *panchayats* or municipalities located in the affected area, or their nominees;

(vii) the Member of Parliament and Member of the Legislative Assembly of the concerned area;

(viii) a representative of the requiring body; and

(ix) Administrator for Rehabilitation and Resettlement as the Member-Convenor.

(3) The procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto shall be such as may be prescribed.

13. (1) The State Government shall in every district constitute a standing Rehabilitation and Resettlement Committee under the chairpersonship of the District Collector or, as the case may be, Deputy Commissioner of the district, to monitor and review the progress of rehabilitation and resettlement of the affected families in the district excluding those covered by the Rehabilitation and Resettlement Committee at the project level as specified in section 12.

Rehabilitation and Resettlement Committee at district level.

(2) The composition, powers, functions and other matters relating to the functioning of the Rehabilitation and Resettlement Committee at the district level shall be such as may be prescribed by the State Government.

14. (1) **The Land Acquisition Compensation Dispute Settlement Authority for the Centre, or as the case may be, the Land Acquisition Compensation dispute Settlement Authority, constituted under section 17L and section 17A of the Land Acquisition Act, 1894, shall have the powers to dispose of the grievances arising out of the matters covered under this Act.**

1 of 1894.

Authority for redressal of grievances.

(2) **Any affected person, if aggrieved, for not being offered the benefits admissible, may move a petition for redressal of his grievances to the Authority referred to in sub-section (1).**

(3) **The form and manner in which and the time within which petitions under sub-section (2) may be made to the Authority and be disposed of in such manner as may be prescribed.**

(4) **The authority shall have the power to consider and dispose of all petitions relating to resettlement and rehabilitation against the decision of the Administrator for Rehabilitation and Resettlement or the Rehabilitation and Resettlement Committee and issue such directions to the requiring body, the Administrator for Rehabilitation and Resettlement, the district Collector or Deputy Commissioner of the districts as it may consider necessary for redressal of such grievances.**

15. (1) **In case a project covers an area in more than one State or Union territory where the project affected families are or had been residing, or proposed to be resettled, the Central Government shall, in consultation with the concerned States and Union territories, appoint the Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement, a common Rehabilitation and Resettlement Committee, and the Ombudsman for the purposes of this Act.**

Inter-State projects.

(2) **The method of implementation of the schemes or plans for rehabilitation and resettlement shall be discussed by the State Governments and the Union territory Administrations, and a common scheme or plan agreed to by them shall be notified by the Administrator for Rehabilitation and Resettlement in the States or Union territories in accordance with the procedure laid down in this Act.**

(3) **If any difficulty arises in the implementation of the schemes or plans, the matter shall be referred to the Central Government for its decision.**

16. (1) **The Central Government shall constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.**

National Monitoring Committee.

(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.**

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed.

(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

Disclosure of
informaton.

17. 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.

Oversight
Committee.

18. (1) For every major project covered under this Act, there shall be an Oversight Committee for Rehabilitation and Resettlement in the Ministry or the Department of the appropriate Government.

(2) The composition, functions and procedures of the Committee referred to in sub-section (1) shall be such as may be prescribed.

National
Rehabilitation
Commission.

19. (1) A National Rehabilitation Commission shall be set up by the Central Government with the power to supervise and exercise general oversight over rehabilitation and resettlement of the affected families covered under this Act.

(2) The terms and conditions of appointment of the Chairperson and Members and the composition, powers and the procedure for transaction of business of the National Rehabilitation Commission shall be such as may be prescribed.

CHAPTER IV

SCHEMES OR PLANS FOR REHABILITATION AND RESETTLEMENT

Declaration of
affected areas.

20. (1) Where the appropriate Government is of the opinion that there is likely to be, or there is, permanent in voluntary displacement of people from an area due to acquisition of land for any project or due to any other reason covered under section 2, it shall, declare, by notification in the Official Gazette, such are to be an affected area.

(2) Every declaration made under sub-section (1) shall be published in at least three daily newspapers, two of which shall be in the local vernacular, having circulation in villages or areas which are likely to be affected, and also by affixing a copy of the notification on the notice board of the concerned gram panchayats or municipalities and other prominent place or places in the affected area as well as the resettlement area, or by any other method as may be prescribed in this regard by the appropriate Government.

Survey and
census of
affected
families.

21. (1) Upon publication of a declaration under sub-section (1) of section 20, the Administrator for Rehabilitation and Resettlement shall undertake a baseline survey and census for identification of the persons and families likely to be affected.

(2) Every survey under sub-section (1) shall contain the following village-wise information of the affected families, namely:—

(i) members of the family who are permanently residing, engaged in any trade, business, occupation or vocation in the affected areas;

(ii) families who are likely to lose, or have lost, their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade, business, occupation or vocation;

(iii) families belonging to the Scheduled Caste or Scheduled Tribe categories;

(iv) vulnerable persons such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above fifty years of age, who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family;

(v) families that are landless (not having homestead land, agricultural land, or either homestead or agricultural land) and below poverty line, but residing continuously for a period of not less than three years in the affected area preceding the date of declaration of the affected area; and

(vi) the Scheduled Tribes families who are or were in possession of forest lands in the affected area prior to the 13th day of December, 2005.

(3) Every survey undertaken under sub-section (1) shall be completed within a period of ninety days from the date of declaration made under sub-section (1) of section 20.

(4) On completion of the survey under sub-section (3), or on expiry of a period of ninety days, whichever is earlier, the Administrator for Rehabilitation and Resettlement shall, by notification, publish a draft containing details of the findings of the survey conducted under sub-section (1), in such manner as may be prescribed, and invite objections and suggestions from all persons likely to be affected thereby.

(5) On the expiry of a period of thirty days from the date of publication of the draft containing details of survey and after considering the objections and suggestions received under sub-section (4), the Administrator for Rehabilitation and Resettlement shall submit his recommendations thereon along with the details of the survey to the appropriate Government.

(6) Within a period of forty-five days from the date of receipt of the details of the survey and recommendations of the Administrator for Rehabilitation and Resettlement, the appropriate Government shall publish the final details of survey in the Official Gazette.

22. (1) The Administrator for Rehabilitation and Resettlement shall draw up a list of lands that may be available for rehabilitation and resettlement of the affected families.

Assessment of land available for rehabilitation and resettlement.

(2) The list of lands drawn up under sub-section (1) shall consist of—

(a) land available or acquired for the project and earmarked for the purpose;

(b) Government wastelands and any other Government land available for allotment to the affected families;

(c) lands that may be available for purchase or acquisition for the purposes of rehabilitation and resettlement scheme or plan; or

(d) a combination of one or more of the above.

23. (1) After completion of baseline survey and census of the affected families under section 21, and assessment of the requirement of land for resettlement under section 22, the Administrator for Rehabilitation and Resettlement shall prepare a draft scheme or plan for the rehabilitation and resettlement of the affected families after consultation with the representatives of the affected families including women and the representative of the requiring body.

Draft schemes or plans for rehabilitation and resettlement.

(2) The draft rehabilitation and resettlement scheme or plan shall be made known locally by wide publicity in the affected area and the resettlement area in such manner as may be prescribed by the appropriate Government which shall also be discussed in the concerned gram sabhas and in public hearings in urban and rural areas where gram sabhas do not exist:

Provided that the consultation with the Gram Sabha or the Panchayats at the appropriate level in Scheduled Areas under the Vth Schedule shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996:

40 of 1996.

Provided further that, in cases of involuntary displacement of two hundred or more Scheduled Tribes families from the Scheduled Areas, the concerned Tribes Advisory Councils shall also be consulted.

(3) The draft rehabilitation and resettlement scheme or plan shall contain the following particulars, namely:—

(a) the extent of land to be acquired for the project or lost otherwise and the names of the affected villages;

(b) a village-wise list of the affected persons, family-wise, the extent and nature of land and immovable property owned or held in their possession in the affected area, and the extent and nature of such land and immovable property which they are likely to lose or have lost, indicating the survey numbers thereof;

(c) a list of agricultural labourers in such area and the names of such persons whose livelihood depends on agricultural activities;

(d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been or likely to be alienated wholly or substantially from their main sources of trade, business, occupation or vocation consequent to the acquisition of land for the project or involuntary displacement due to any other cause;

(e) a list of non-agricultural labourers, including artisans in such area;

(f) a list of affected landless families, including those without homestead land and below poverty line families;

(g) a list of vulnerable affected persons, as specified in clause (v) of sub-section (2) of section 21;

(h) a list of occupiers, if any;

(i) a list of public utilities and government buildings which are affected or likely to be affected;

(j) details of public and community properties, assets and infrastructure;

(k) a list of benefits and packages which are to be provided to the affected families;

(l) details of the extent of land available in the resettlement area for resettling and for allotment of land to the affected families;

(m) details of the amenities and infrastructural facilities which are to be provided for resettlement;

(n) the time schedule for shifting and resettling the displaced families in the resettlement area; and

(o) such other particulars as the Administrator for Rehabilitation and Resettlement may consider necessary.

(4) While preparing a draft scheme or plan in case of a project involving land acquisition on behalf of a requiring body, the Administrator for Rehabilitation and Resettlement shall ensure that the entire estimated cost of rehabilitation and resettlement scheme or plan is included in the cost of the project for which the land is being acquired on behalf of the requiring body; and the entire expenditure of rehabilitation and resettlement benefits including the expenditure incurred on rehabilitation and resettlement of the affected families are borne by the requiring body.

(5) The Administrator for Rehabilitation and Resettlement shall communicate to the requiring body for incorporation in the project cost, the entire cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families.

24. (1) The Administrator for Rehabilitation and Resettlement shall submit the draft scheme or plan for rehabilitation and resettlement to the appropriate Government for its approval.

(2) In case of a project involving land acquisition on behalf of a requiring body, it shall be the responsibility of the appropriate Government to obtain the consent of the requiring body, to ensure that the necessary approvals as required under this Act have been obtained, and to make sure that the requiring body has agreed to bear the entire cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families as communicated by the Administrator for Rehabilitation and Resettlement, before approving it.

(3) The approved scheme or plan for rehabilitation and resettlement shall be published in the Official Gazette by the appropriate Government.

(4) On the final publication of notification of the rehabilitation and resettlement scheme or plan, it shall come into force.

CHAPTER V

REHABILITATION AND RESETTLEMENT OF AFFECTED FAMILIES

- 25.** The appropriate Government may, by notification, declare any area or areas as a resettlement area or areas for the purposes of rehabilitation and resettlement of the affected families. Declaration of resettlement areas.
- 26.** (1) The affected families may, wherever possible, be settled in a group or groups. Affected families to be settled in group.
- (2) In case the entire population of the village or area to be shifted belongs to a particular community, such population or the families may, wherever possible, be resettled *en masse* in the resettlement area.
- (3) In the case of resettlement of the Scheduled Castes affected families, such families may, wherever possible, be resettled in the areas close to the villages.
- 27.** The Administrator for Rehabilitation and Resettlement may, on behalf of the appropriate Government, and subject to such rules as may be prescribed, enter into an agreement with any person for the purchase or exchange of any land required for the purposes of the rehabilitation and resettlement scheme or plan. Purchase or exchange of land for rehabilitation and resettlement.
- 28.** (1) In case of a project involving land acquisition on behalf of a requiring body, it shall be the responsibility of the requiring body to provide requisite funds to the administrator for Rehabilitation and Resettlement for proper implementation of the rehabilitation and resettlement scheme or plan for the affected families. Funds for rehabilitation and resettlement.
- (2) In case of a project involving land acquisition on behalf of a requiring body, as soon as the rehabilitation and resettlement scheme or plan is finalised, the requiring body shall deposit one-third cost of the rehabilitation and resettlement scheme or plan with the Administrator for Rehabilitation and Resettlement.
- (3) The Administrator for Rehabilitation and Resettlement shall keep proper books of accounts and maintain records of the funds placed at his disposal, in such manner as may be prescribed, and submit periodical returns to the appropriate Government in this behalf.
- 29.** In case of a project involving land acquisition on behalf of a requiring body, the compensation award, full payment of compensation, and adequate progress such as making of provisions for rehabilitation and resettlement shall precede the actual displacement of the affected families. Compensation and rehabilitation and resettlement ahead of displacement.
- 30.** (1) In case of involuntary displacement of four hundred families or more *en masse* in plain areas, or two hundred families or more *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, comprehensive infrastructural facilities and amenities notified by the appropriate Government shall be provided in the resettlement area. Infrastructural facilities and amenities in resettlement areas.
- (2) If relocation takes place in an existing settlement area, the same infrastructure shall also be extended to the host community.
- (3) In case of involuntary displacement of less than four hundred families *en masse* in plain areas, or less than two hundred families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Fifth Schedule or Sixth Schedule to the Constitution, all affected families shall be provided basic infrastructural facilities and amenities at the resettlement area as per the norms specified by the appropriate Government.
- 31.** The appropriate Government shall ensure that the resettlement area forms part of a panchayat or a municipality. Local self-government institutions in resettlement areas.

Special provisions for rehabilitation and resettlement in case of urgency.

32. If land is acquired in cases of urgency, under the Land Acquisition Act, 1894, as amended from time to time, or any other Act of the Union or a State for the time being in force or when involuntary displacement is due to any other disaster covered under section 2 each affected family shall be provided with transit and temporary accommodation, pending rehabilitation and resettlement scheme or plan, in addition to the payment of monthly subsistence allowance and other rehabilitation and resettlement benefits due to them under this Act.

Periphery development.

33. In case of a project involving land acquisition on behalf of a requiring body—

(i) the requiring body shall contribute to the socio-economic development of such geographic area on the periphery of the project site as may be defined by the appropriate Government;

(ii) the requiring body shall earmark a percentage of its net profit or, in case no profit is declared by the requiring body in a particular year, for that year, such minimum alternative amount as may be determined by the appropriate Government after consultation with the requiring body, to be spent for the purpose and within the area referred to in sub-section (1); and

(3) the requiring body shall coordinate with the Commissioner for Rehabilitation and Resettlement while carrying out the developmental activity under this section.

CHAPTER VI

REHABILITATION AND RESETTLEMENT BENEFITS FOR THE AFFECTED FAMILIES

Rehabilitation and resettlement benefits available to eligible affected families.

34. The rehabilitation and resettlement benefits shall be extended to the affected families who are eligible as affected families on the date of publication of the declaration under sub-section (1) of section 20, and any division of assets in the family after the said date shall not be taken into account.

Housing benefits.

35. (1) Any affected family owning house and whose house has been acquired or lost, shall be allotted land for house, without requiring him to pay the price for such land, to the extent of two hundred and fifty square metre of land in rural areas or, as the case may be, one hundred and fifty square metre of land in urban areas to each nuclear family within the affected family, subject to the actual area acquired or lost:

Provided that, in urban areas, a house of up to one hundred square metre carpet area may be provided in lieu thereof.

(2) Each below poverty line affected family which is without homestead land and which has been residing in the affected area continuously for a period of not less than three years preceding the date of declaration of the affected area and which has been involuntarily displaced from such area, shall be provided with a house having at least one hundred square metre carpet area in rural areas or, as the case may be, fifty square metre carpet area in urban areas, in the resettlement area:

Provided that any such family which opts not to take the house offered, shall get a one-time financial assistance for house construction, and the amount shall not be less than what is given under any programme of house construction by the Government of India.

Explanation.—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.

Allotment of agricultural land.

36. (1) Each affected family owning agricultural land in the affected area and whose entire land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, agricultural land or cultivable wasteland to the extent of actual land loss by the affected family subject to a ceiling of one hectare of irrigated land or two hectares of un-irrigated land or cultivable wasteland, if Government land is available in the resettlement area.

(2) In the case of irrigation or hydel projects, the affected families shall be given preference in allotment of land-for-land in the command area of the project:

Provided that such lands may be consolidated and plots of suitable sizes allotted to the affected families, who could be settled there in groups:

Provided further that, in case an affected family cannot be given land in the command area of the project or the family opts not to take land there, such a family may be given monetary compensation as per the existing law applicable to the lands acquired.

(3) In case of allotment of agricultural land in lieu of the acquired land, each person whose name is included in the records of rights with regard to the affected family shall be given a one-time financial assistance of such amount as may be prescribed by the appropriate Government subject to a minimum of ten thousand rupees.

(4) In case of allotment of wasteland in lieu of the acquired land, each person whose name is included in the records of rights with regard to the affected family shall be given a one-time financial assistance of such amount as may be prescribed by the appropriate Government subject to a minimum of fifteen thousand rupees per hectare of land allotted.

37. (1) In case of a project involving land acquisition on behalf of a requiring body, the stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the requiring body.

Registration, etc., of land or other property allotted.

(2) The land or house allotted to the affected families shall be free from all encumbrances.

(3) The land or house allotted may be in the joint names of wife and husband of the affected family.

38. Each displaced affected family having cattle shall get one-time financial assistance of such amount as the appropriate Government may prescribe subject to a minimum of fifteen thousand rupees for construction of cattle shed.

Financial assistance for cattle shed.

39. Each affected family which is displaced shall get one-time financial assistance of such amount as the appropriate Government may prescribe subject to a minimum of ten thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.

Transportation cost.

40. Each affected person who is a rural artisan, small trader or self-employed person and who has been displaced shall get one-time financial assistance of such amount as the appropriate Government may prescribe subject to a minimum of twenty-five thousand rupees for construction of working shed or shop.

Financial assistance for working shed or shop.

41. In case of a project involving land acquisition on behalf of a requiring body—

Employment and skill development.

(i) the requiring body shall give preference to the affected families in providing employment in the project, at least one person per nuclear family, subject to the availability of vacancies and suitability of the affected person for the employment;

(ii) wherever necessary, the requiring body shall arrange for training of the affected persons, so as to enable such persons to take on suitable jobs;

(iii) the requiring body shall give preference to the affected persons or their groups or cooperatives in the allotment of outsourced contracts, shops or other economic opportunities coming up in or around the project site;

(iv) the requiring body shall give preference to willing landless labourers and unemployed affected persons while engaging labour in the project during the construction phase;

(v) the requiring body shall offer the affected persons the necessary training facilities for development of entrepreneurship, technical and professional skills for self-employment;

(vi) the requiring body shall offer scholarships and other skill development opportunities to eligible persons from the affected families, as per such criteria as may be fixed by the appropriate Government.

Rehabilitation grant and option for allotment of shares.

42. In case of a project involving land acquisition on behalf of a requiring body, the affected families which have not been provided agricultural land or employment and skill development opportunities, as provided in section 41, shall be entitled to rehabilitation grant not below the amount equal to seven hundred fifty days minimum wages as per the Minimum Wages Act, 1948, or such other higher amount as may be prescribed by the appropriate Government:

11 of 1948.

Provided that if the requiring body is a company authorised to issue shares and debentures, then, it shall give an option to the affected families of taking up to fifty per cent., but in any case not less than twenty per cent., of their rehabilitation grant amount in the form of shares or debentures, in such manner as may be prescribed.

Land development projects.

43. In cases involving land acquisition for land development projects, in lieu of land-for-land or employment, the affected families shall be given developed land or built-up space within the development project, in proportion to the land acquired, but subject to limits as may be prescribed.

Fishing rights.

44. In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.

Subsistence allowance.

45. In case of a project involving land acquisition on behalf of a requiring body, each affected family which is involuntarily displaced shall get a monthly subsistence allowance equivalent to twenty-five days minimum agricultural wages per month for a period of one year from the date of displacement.

Monthly pension to vulnerable affected persons.

46. The project authorities shall, at their cost, arrange for annuity policies that will pay a pension for life to the vulnerable affected persons as specified in clause (v) of sub-section (2) of section 21, of such amount as may be prescribed by the appropriate Government subject to a minimum of five hundred rupees per month.

Linear projects.

47. In case of linear acquisitions, in projects relating to railway lines, highways, transmission lines, laying of pipelines and such other projects wherein only a narrow stretch of land is acquired for the purpose of the project or is utilised for right of way, each person whose name is included in the records of rights with regard to the affected family shall be offered by the requiring body an *ex-gratia* grant of such amount as may be prescribed by the appropriate Government subject to a minimum of twenty thousand rupees, in addition to the compensation and any other benefits due under the Act or programme or scheme under which the land, house or other property is acquired:

Provided that, if as a result of such land acquisition, the land-holder becomes landless or is reduced to the status of a small or marginal farmer, other rehabilitation and resettlement benefits available under this Act shall also be extended to such affected family.

Option for a lump-sum payment in lieu of benefits.

48. The affected families shall have the option to take a lump-sum amount, in lieu of one or more of the benefits specified in sections 35 to 47 (both inclusive), as may be determined by the appropriate Government in consultation with the requiring body.

Special provisions for rehabilitation and resettlement of members of the Scheduled Tribes and the Scheduled Castes.

49. (1) In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition.

(2) The Tribal Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a

period of five years sufficient to meet the requirements of tribal communities who are denied access to forests.

1 of 1894. (3) The concerned Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas under the Fifth Schedule or, as the case may be, Councils in the Sixth Schedule Areas shall be consulted in all cases of land acquisition in such areas, including acquisition under the urgency clause, before issue of a notification under the Land Acquisition Act, 1894, as amended from time to time, or any other Act of the Union or a State for the time being in force as per the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and other relevant laws.

40 of 1996.

(4) Each affected family of Scheduled Tribe followed by Scheduled Caste categories shall be given preference in allotment of land-for-land, if Government land is available in the resettlement area.

(5) In case of land being acquired from members of the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families at the outset as first instalment and the rest at the time of taking over the possession of the land.

(6) In case of a project involving land acquisition on behalf of a requiring body, each Scheduled Tribes affected family shall get an additional one-time financial assistance equivalent to five hundred days minimum agricultural wages for loss of customary rights or usages of forest produce.

(7) The Scheduled Tribes affected families shall be resettled preferably in the same Schedule Area in a compact block, so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government, free of cost for community and social gatherings.

(9) In case of a project involving land acquisition on behalf of a requiring body, the Scheduled Tribes affected families resettled out of the district will get twenty-five per cent. higher rehabilitation and resettlement benefits in monetary terms in respect of the benefits specified in sub-sections (3) and (4) of section 36, sections 38, 39 and 40.

(10) Any alienation of tribal lands in disregard of the laws and regulations for the time being in force shall be treated as null and void; and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be available to the original tribal land-owners.

(11) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes families having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(12) All benefits including the reservation benefits available to the Scheduled Tribes and Scheduled Castes available to the affected families in the affected areas, shall continue in the resettlement area.

50. The affected Scheduled Tribes families, who were in possession of forest lands in the affected area prior to the 13th day of December, 2005, shall be eligible for the benefits of rehabilitation and resettlement under this Act.

Benefits to occupiers.

CHAPTER VII

MISCELLANEOUS

- Indexation of rehabilitation grant and other monetary benefits. 51. The rehabilitation grant and other benefits expressed in monetary terms in this Act shall be indexed to the Consumer Price Index with reference to the date to be notified, and the same shall also be revised by the appropriate Government from time to time.
- Punishment for false information. 52. If a person, in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five lakh rupees, or with both.
- Duty to assist Administrator for Rehabilitation and Resettlement. 53. The officers of the Central Government, State Governments or Union territory Administrations and the officers or staff of the local bodies or other statutory authorities shall assist the Administrator for Rehabilitation and Resettlement or any other officer duly authorised under this Act, as and when required, for carrying out the purposes of this Act.
- Bar of jurisdiction of civil courts. 54. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement, or the Ombudsman is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
- Officers to be public servants. 55. The Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement and the Ombudsman, appointed under this Act shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.
- Indemnity for acts done in good faith. 56. No Suit, prosecution or other legal proceedings shall lie against the appropriate Government, local body or authority or any officer of the appropriate Government or local body or authority acting under this Act for anything which is in good faith done or purported to be done under this Act or the rules, scheme or plan made thereunder.
- Overriding effects of Act over all land related laws. 57. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force [except the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996] or in any instrument having effect by virtue of any law other than this Act. 40 of 1996.
- Power to make rules. 58. (1) The appropriate Government may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
(a) the manner in which social impact assessment study is to be carried out under sub-section (1) or section 4;
(b) the manner of granting social impact assessment clearance under sub-section (1) of section 7;
(c) emergency acquisition of land for the purpose of defence or national security, and its institutional safeguards under section 8;
(d) rules of procedure regulating the business of the Rehabilitation and Resettlement Committee under sub-section (3) of section 12; and composition, powers and functions relating to the Rehabilitation and Resettlement Committee under sub-section (2) of section 13;
(e) the manner of appointment of ombudsman, form and manner in which complaints may be made to, and disposed of by the ombudsman under sub-sections (1) and (3) of section 14;

(f) procedures to be followed by the National Monitoring Committee under sub-section (3) of section 16; and composition powers and procedure of transaction of business of the National Rehabilitation Commission under sub-section (2) of section 19;

(g) the method of notifying affected areas under sub-section (2) of section 20;

(h) the manner in which the Administrator for Rehabilitation and Resettlement shall publish a draft details of findings of the survey conducted under sub-section (4) of section 21; and the manner of giving publicity to draft rehabilitation and resettlement scheme or plan under sub-section (2) of section 23;

(i) the method of entering into an agreement with any persons under rehabilitation and resettlement scheme or plan under section 27;

(j) the manner of keeping books of accounts and records of the funds for rehabilitation and resettlement by the Administrator under sub-section (3) of section 28;

(k) specify assistant to affected family under sub-section (3) and (4) of section 36;

(l) rules for giving financial assistance to construct cattle shed under section 38; transportation cost for shifting of the family under section 39; construction of working shed for shop under section 40 and the manner in which rehabilitation grant shall be provided under section 42;

(m) the manner of providing fishing rights of the reservoirs to the affected families under section 44;

(n) the amount of pension payable to vulnerable persons under section 46; and the determination of *ex-gratia* amount under section 47, the necessary forms for the purposes specified in section 49; and

(o) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by the rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses or where such State legislature consists of one House, before that House.

59. Notwithstanding anything contained in this Act, a scheme or plan for rehabilitation or resettlement of affected persons or families formulated by the requiring body, may provide for benefits higher than the extent and the amount of benefit laid down under this Act.

Savings.

60. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary, for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

LOK SABHA

A
BILL

to provide for the rehabilitation and resettlement of persons affected by the acquisition of land for projects of public purpose or involuntary displacement due to any other reason, and for matters connected therewith or incidental thereto.

(As passed by Lok Sabha)