



Valuation under Land Acquisition Act 2013

(Valuation with reference to **THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT 2013 – (The “RFCT LARR” Act 2013 as amended).**

Key Words: (The RFCT LARR Act 2013 (A30-2013) ► **1.0:** Preamble to the Act, **1.1:** Amendment to the Act 2013, **1.3:** The Institutional structure of the RFCT LARR Act 2013, **1.4:** The Modal Activity Map; **2.0:** Definition, **3.0:** Pith and substance the Act, **4.0, & 4.1:** Land acquisition process, **4.2:** Time Limit for Collector’s Award, **4.3:** Compensation packages, **4.4:** Appeal to High Court, **4.5:** Section 24 of the L.A. Act 1894 (A1- 1894) vis-à-vis L.A. Act 2013, **4.6:** Food security, **4.7:** Valuation as per the First Schedule, **4.8:** Limit of Land extent for R & R in case a private company purchases land for public purposes, **4.9:** Parameters to be considered by Collector in determination of Award, **4.9.1:** Valuation ► Collector’s Individual Award, **5.0:** Special powers to acquire land in urgency cases and Valuation, **6.0:** Award by Authority, **7.0:** Additional compensation in case of multiple displacement, **8.0:** Return of unutilised land and Difference in price of land when transferred for higher consideration to be shared & **9.0:** Conclusion).

1.0: Preamble to the statute 30 of 2013: An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.

The RTFCAT LARR Act 2013 is effective from 1st January, 2014, provides for land acquisition as well as rehabilitation and resettlement (R & R) and replaces the Land Acquisition Act 1894 (A1 of 1894).

1.1: Amendment (up to 31st July, 2023) the RFCT LARR Act 2013 (A 30-2013):

Date	Gazette Notification	Content
19-12-2013	S. O. 3729 (E)	Effective date of Commencement of the RFCT LARR Act 2013: 01/01/2014
08-08-2014	G.S.R. 574 (E)	RFCT LARR Rule-2014 , with reference to S.I.A. and consent.
18-12-2015	G.S.R. 985 (E)	Rule- 2015 , Compensation, R & R, Resettlement Act 2013; LA Award in Form IV & VI
09-02-2016	S. O. 425 (E)	Rural Area new Multiplication Factor is 2 (instead of sliding scale 1 to 2 in the Act 2013.
09-02-2016	S. O. 424 (E)	S. 46(1): R&R to be provided 20 or > 20 (twenty) hectares (urban area and 40 or > 40 (forty) hectares (rural areas).
12-05-2016	S. O. 1757 (E)	(S. 10). Multi-crop irrigated land acquired in a particular calendar year shall not exceed 30% of limit fixed for the five-year block.
12-05-2016	S. O. 1758 (E)	(S. 10). In aggregate for all project in a district shall not be more than 5% (Five percent) of the net sown Area in a district determined for the relevant block of 5 (five) years.

1.2: Section 4(1): Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.

1.3: The Institutional Structure of the RFCT in LARR Act 2013:

Central Government Level	
National LA & RR Dispute Settlement Authority. Section 51	Dispute resolution for central projects
National monitoring Committee S. 48	Oversight at Central Level
State Government Level	
State LA & RR Dispute settlement Authority. Section 51	Dispute resolution for states level
Appropriate Government.	Study and approve the Collector's report & appraisal report of experts group in SIA study, Determine the Legitimacy of 'public purpose'
State monitoring Committee u/s 50	Oversight at State Level
State Commissioner RR (S.44)	Overall administration of LA & RR in State
Project Level	
District Collector (S: 26).	Overall coordination & Implementation
Administrator – RR u/s 43	Administer project level RR
RR – Committee {(Section 45)}	Oversight (Elected Reps, Civil Society, Line Agencies)

1.4: MODAL Activity Map (Courtesy: 31st Report of Lok Sabha Secretariat dated May, 2012):

Central Government- Ministry of Environment & Forest	State Government	DPCs District Collector/Deputy Commissioner	Panchayati Raj Institutions*** (DP, IP & VP)	Gram Sabha
Setting of Policies & Design Standard. National Norms for Acquisition	State Norms			
Planning & Studies	Planning & Studies	Land acquisition plan within District Plan. Awareness creation and dissemination of information	Land acquisition plan for local government areas. Awareness creation and dissemination of information.	

			Identification of land		
Process acquisition:	of	Process acquisition:	of	Identification, surveying and measurement of land (** IP & VP only)	
				Issue of preliminary notification for acquisition (** DP, IP & VP)	
				Conduct of public hearings (**IP, VP & Gram Sabha)	
				Appeals and revisions (* DP only)	
				Issue of final notification (**DP, IP, and VP)	
				Designing benefit sharing framework	
				Reporting	
Monitoring, Evaluation & Studies	Monitoring		Display of Information (**DP,IP &VP)		
	Monitoring		Social audit Gram Sabha (VP & Gram Sabha only)		
	Independent evaluation (State Governments & District Collector)				
Studies (Central Government, State Government & District Collector)					

*** Panchayati raj institutions: District panchayat (DP), Intermediate panchayat (IP) and Village panchayat (VP).

2.0: Definition: U/S: 3(c) “Affected families”: (i) A family whose land or other immovable property has been acquired, (ii) a family which does not own any land but a member or members of such family may be agricultural laborers, tenants including any form of tenancy or holding of usufruct right, share-croppers to artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land, (iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land, (iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and

boatmen and such livelihood is affected due to acquisition of land, (v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition, and (vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.

Section 3 (i): Cost of acquisition includes: i) amount of compensation which includes solatium (i.e., extra compensation for the forcible nature of acquisition), any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court; ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition; iii) cost of acquisition of land and building for settlement of displaced or adversely affected families iv) cost of development of infrastructure and amenities at the resettlement areas.

Section 3 (u): “Market Value” means the value of land determined in accordance with Section 26.

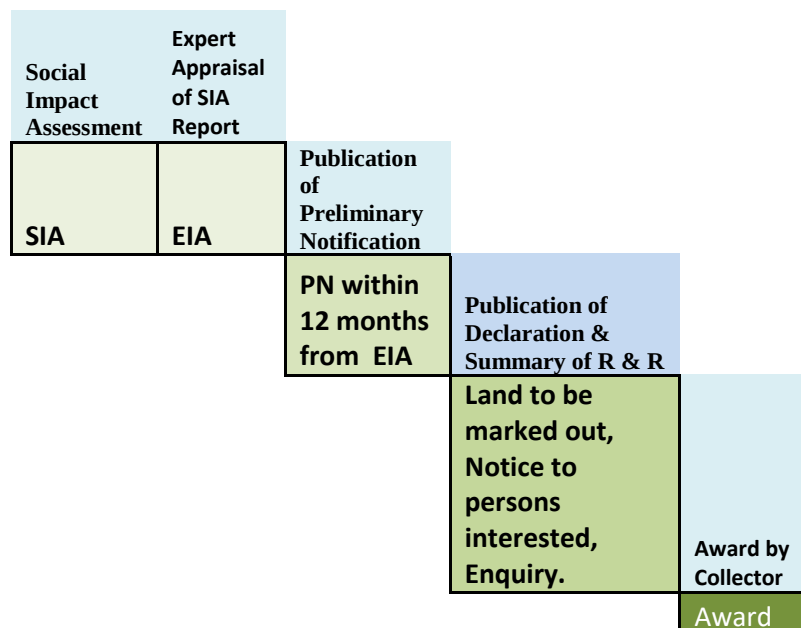
Section 3 (x): “person interested in AWARD” means —(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; (ii) Scheduled tribes and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers Recognition of Forest Rights Act, 2006; (iii) a person interested in an easement affecting the land; (iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and (v) any person whose primary source of livelihood is likely to be adversely affected.

3.0: Pith and substance of the Act: Application of the Act: S: 2 (1). The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following **purposes**, namely:-

When the appropriate government acquires land for public purposes defined u/s 3 (za) in accordance with section 2(1)	When the appropriate government acquires land for public purposes for PPP projects, Private companies	Where private companies purchase through private negotiation or appropriate government acquires for private companies a part of area. S: 2 (3).
LA, compensation, R&R shall apply. S: 2 (1).	LA, compensation, R&R shall apply. S: 2(2) (a) & (b).	R & R only shall be applicable
Public Purpose Activities: S: 3 (za) read with S: 2(1). (a) for strategic purposes, (b) (i) to (vi) for infrastructure projects & (vii) if any after parliament approval, (c) project for affected families, (d) project for housing for such income groups to be specified by the appropriate government, (e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential	(a) For public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined u/s 2(1).	(a) A private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government through private negotiations with the owner of the land in accordance with the provisions of section 46, (b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:

purposes for the weaker sections in rural and urban areas, and (f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.	(b) For private companies for public purpose as defined u/s 2 (1).	Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole.
No consent of people is required	S. 2 (2) (b) (i) & (ii): Consent of 70% for PPP / 80% for Private Companies of affected people is required. . It includes consent for amount of compensation vide section 26 (1) (c).	Not available (N/A)
R & R: Second and Third Schedules shall be applicable.	R&R: Second and Third Schedules shall be applicable.	R&R: Second Schedule for private purchase.
Affected families: S: 3 (c) I to vi.	Affected families S;3 (c) I and v.	Affected families: N/A
Appropriate Government: Section 3 (e) : (i) in relation to acquisition of land situated within the territory of a State, the State Government; (ii) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government; (iii) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union territory of Puducherry; (iv) in relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; and (v) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government: Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government.		
Social Impact Assessment (SIA) study is mandatory		SIA Study is not known.

4.0: Land Acquisition Process: ▼



4.1: **Land Acquisition Process ▼:** Where consent of people is involved, it shall be along with SIA Study. ◀

S: 4(1) Preparation of Social Impact Assessment Study (Preliminary Investigation for Determination Social Impact and Public Purpose) by the appropriate Government. The Act mandates a SIA of every project which must be completed within a period of six months. "SIA" is being done to assess the nature of public interest involved, study of socio-economic impact upon the families residing the adjoining area of land acquired, extent of lands, public and private, houses, settlements and other common properties likely to be affected, study of social impact from the project and the nature and cost of addressing them etc. Reports prepared under the SIA are to be shared with concerned individuals in their local language along with a summary.

S: 5 Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. **S: 6 (1)** The appropriate Government shall ensure that the SIA study report is prepared and published in the affected area, in such manner as may be prescribed, and uploaded on a website created especially for this purpose. **S: 6 (2)** Wherever Environment Impact Assessment (EIA) is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorized by the Central Government to carry out environmental impact assessment. The SIA process for irrigation projects shall be waived, if EIA has been already conducted by Central Government Agency, **S: 7** the appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary expert group, as may be constituted by the appropriate government. The Experts Group can accept or reject the SIA Study with recorded reasons. **S: 8** Examination of report of the Collector and appraisal report of experts group on SIA study by the appropriate government, including determining a legitimate and bona fides public purpose. The Government concerned can override the appraisal report but only if they have sufficient reason that is recorded in writing; and u/s S: 8, the decision is made public.

S: 11 (1) is Publication of Preliminary Notification (PN) and powers of officers thereupon. After issuance of notice u/s 11.(1), the Collector shall, before the issue of a declaration under section 19, undertake and complete the exercise of updating of land records as prescribed within a period of two months. As per S: 26(3) while determining the market value for award, the collector shall update and revise the land records before making compensation.

De novo SIA Report is mandated if PN u/s 11.1 is not issued within twelve months of appraisal report of Experts; As per S: 14. Hearing of objection shall be completed within sixty days from 11(1) PN. Administrator u/s 43 for R&R shall prepare R&R Scheme upon PN 11(1) and submit it to the Collector. Review with suggestion of R&R Scheme by the Collector is forwarded to the R&R Commissioner (Appointed u/s 44) for approval of the scheme. S: 19 (1) Publication of declaration & summary of RR under the hand and seal of a Secretary to the appropriate Government & S: 19 (2) the Collector's publication and S: 19 (4) publication on the Gazette process completed. S.20 deals with Land are to be marked out, measured and planned including marking of specific areas.

S.21—deals with Notice to persons interested. S.22 – deals with Power to require and enforce the making of statements as to names and interests and S.23 – Enquiry and land acquisition award by the Collector and the compensation as determined under section 27 – along with Rehabilitation and Resettlement award as determined under section 31– and which in his opinion should be allowed for the land. S: 38– Power to take possession only “after ensuring that” the compensation and R&R responsibilities have been discharged.

4.1.1: **Award by Collector:** Determination of market value of land by collector u/s 26: **The higher of** (a) the market value specified in Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell

as the case may be, in the area where the land is situated; or (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity (The market value shall be determined by the Collector based on one-half of the total number of sale deeds or the agreements to sell recorded in preceding 3 years where highest sale price have been mentioned); or (c) consented amount of compensation as agreed upon in case of acquisition for Public Private Participation (PPP) or private companies projects as defined in section 2(2).

While determining the market value under this section and the average sale price referred to *ut supra*, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration. *Further*, while determining the market value under this section and the average sale price referred to in 4.1.1 (b) *ut supra*, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

Section 29 (1): The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him. S 29 (2): The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him. S 29 (3): The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition may utilize the services of experienced persons in the field of agriculture as considered necessary by him.

S. 30 (1) In addition to the market value of the land as above provided, the collector shall in every case award a solatium (i.e., extra compensation for the forcible nature of acquisition) of one hundred per cent over the total compensation amount.

4.2: Time Limit for Collector's award assuming No Extension:

Period in months					
Section (S). 4: SIA Study: Social Impact Assessment Study. 4(2)	EA-SIA: Expert Appraisal of Social Impact Assessment (S.7)	Section. 11 Preliminary .Notice (PN). from EIA	S. 19 Declaration from S. 11	S. 30 Collector's Award from S.19	Section 38 Collector's Taking Possession from Award date
	2 months	12 months	12 months	12 months	18 months
6 months	2 months	12 months			
► SIA to EIA 8 m ◀			12 months		
◀ S.4 to S. 11 (20 months) ►				12 months	
► PN to Declr (12 m) ◀					18 months
► S.19 to Award 12m ◀					
► 18 months ◀					
Award to Possession					

● **Power to take Possession by Collector:** Section 38 (1): *The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30. The components of the Rehabilitation and Resettlement Package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award* ◀

4.3: **Compensation package** - The appropriate Government shall constitute multi-member land pricing commission or authority to finalize cost of land acquisition/compensation State-wise/area-wise as determined under Section 30(2) read with Schedule I of the Act. The final award by the collector shall be in accordance with section 28, 29 & 30 of the Act. The Second Schedule lists eleven (11) elements of Rehabilitation and Resettlement entitlements in addition to those provided in the First Schedule.

PROVISION OF INFRASTRUCTURAL AMENITIES (The Third Schedule): Third Schedule enumerates twenty five (25) infrastructural amenities to be provided for resettlement to the affected families. For resettlement of populations, the infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

The Fourth Schedule lists thirteen (13) Central legislations, which are included for compensation, rehabilitation and resettlement entitlements as per the LARR ACT 2013 (** as amended 2015).

No lower civil court, u/s 63 shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the collector or the authority is empowered and no injunction shall be granted by any court in respect of any such matter. If aggrieved by the Award of the Collector by person interested in compensation and any reference is made to Authority u/s 64 by the Collector, the final Award by Authority shall be in accordance with S. 69.

4.4: **Appeal to High Court:** The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award; provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days as per S. 74. **A period of six months is the time limit for disposal of case.**

4.5: ● **Section 24:** Land acquisition process under Act No. 1 of 1984 shall be deemed to have lapsed in certain cases: Section 24(1): (a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or (b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

● **Section 24 (2):** in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of the Act (A30 of 2013) but the physical possession of the land has not been taken or the compensation has not been paid, the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act; Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the

notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act (A30 of 2013). ●

♥ **Section 24(1) of the RFCTLARR Act 2013** is a non-obstante clause. It contains the provision with an overriding status over other provisions. Accordingly, in terms of section 24 (1), section 114 of the RFCTLARR 2013 Act as well as section 6 of the General Clauses Act will not apply to the extent hindered by section 24 (1) of the 2013 Act. ♥

- Section 25 of the 2013 Act would apply to the awards made and published u/s 24 (1) of the 2013 Act.
- The limitation period for passing / making of an award u/s 24 (1) (a) in terms of section 25 of the 2013 Act would commence from the 1st January, 2014. ▲

4.5.1 U/s: 46. Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons: When private companies intends to purchase land through private negotiation, shall file an application to the Collector stating their (a) intention to purchase, (b) purpose for which such purchase is being made, (c) particulars of lands to be purchased. It shall be the duty of the Collector to refer the matter to the Commissioner of R&R for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlement. Based upon the Rehabilitation and Resettlement Scheme approved by the Commissioner, the Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements. **No land use change** shall be permitted if R&R is not complied with in full.

U/s 2 (3) (a) & 46 (6), Original land owner specified date is 5/9/2011. If any land has been purchased through private negotiations by a person other than specified person on or after the 5th day of September, 2011, which is **more than such limits** as may be notified by the appropriate Government as per Section 46(1) and If the same land were acquired within three years from the date of commencement of this Act (01/01/2014), then, forty per cent of the compensation paid for such land acquired shall be shared with the original land owners. Any purchase of land by a person other than specified persons without complying with the provisions of Rehabilitation and Resettlement Scheme shall be void ab initio; provided that the appropriate government may provide for R & R provisions on sale and purchase of land in its state and shall fix the limits or ceiling for the said purpose. (Application of the Act).

4.6: Section: 10. Food Security: (a) The collector has to make sure that no other unutilised land is available before he moves to acquire farm land. (b) Restrictions/threshold on limit of irrigated multi-crop land and net sown area per district or state available for acquisition is left to the discretion of state governments. (c) If acquired, the state government has to cultivate an equivalent area of land elsewhere as agricultural land. If they cannot do this, then they must deposit an amount equivalent to its value in an account to be used for the purposes of enhancing food security.

Section: 10A ():** The appropriate Government may exempt the following projects from Social Impact Assessment procedures, public purposes and special provision to safeguard food security (Chapter II & III of the Principal Act):

- a). Such projects vital to national security or defence of India,
- b). Rural infrastructure including electrification,
- c). Affordable housing and housing for poor people,
- d) Industrial corridors set up by the appropriate Government and its undertakings (the land shall be acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor) and
- e). Infrastructure projects under public-private partnership where the ownership of land continues to vest with the Government. (** As amended Second Ordinance in 2015, Number 5 of 2015 dated 30th May, 2015 / *Jyaistha 9, 1937 (Saka)*).

4.7: Valuation as per the First Schedule: The land value (Say “P”) thus calculated shall be multiplied by a factor 1 for urban area and regarding rural area a factor of 2. Market value of land (S. 26) “MVL” thus calculated is added with assets attached to land (S. 29) say “B” (The buildings and other immovable Property + trees and plants + standing crops). Market value of acquired property “MVAP” is MVL + B.

Add a solatium say “S” of 100% of MVAP. The Award is MVAP+S and The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum ((S. 30 (3)) on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under section 4(2), in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

4.7.1: The Second Schedule: Elements of R & R Entitlements for all the affected families (Both Land owners and the families whose livelihood is primarily dependent on land acquired). In addition to those provided in the First Schedule:

SL. No	Rehabilitation & Resettlement Award-The Second schedule to be read with S. 31(1), 38(1), and 105 (3).
1	<i>Provision of Housing units in case of displacement.</i> In urban area not less than 50 sqm area constructed house and in the rural areas a constructed house as per Indira Awas Yojana specification; If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.
2	Land for Land: In case of rural irrigation projects, in lieu of compensation a minimum of one acre of land in the command area of the project for which land is acquired is offered to a marginal farmer (1 ha (Dry land) / 0.5 ha (Wet land)) or landless. In case of SC/STs, it is equivalent to land acquired or 2 ^{1/2} acres whichever less is.
3	Developed Land: If land is acquired for urbanization, twenty percent of the developed land will be reserved and offered to land owning project affected families in proportion to the area of their land acquired and if they avail this offer, compensation package payable will be at a price equal to the cost of acquisition and the cost of development.
4	Choice of annuity or employment: a) Employment opportunity to at least one member per affected family, b) One-time payment of five lakh rupees per affected family, or c) Annuity policies of INR 2,000/M/20 Years with the benefit of CPI inflation index for agricultural-laborers.
5	Subsistence grant for displaced families: INR 3,000/M/12 Months from the date of award. In case of SC/STs, an addition of INR 50,000 will be given. In case of displacement from Scheduled areas, relocation to a similar ecological zone will be considered.
6	Transportation Cost: One-time payment of INR 50,000/=
7	Cattle Shed/Petty Shop Cost: Each affected family will be provided a minimum of INR 25,000/= for construction of Cattle Shed/Petty Shop.
8	Artisan, Small Traders and Certain Others: (Non-Agricultural Land) A one-time grant of Minimum INR 25,000/=.
9	Fishing Rights: For Hydel or Irrigation projects, the affected families may be allowed fishing rights in the reservoir.
10	One-time Resettlement Allowance: A one-time of resettlement allowance of INR 50,000/= can be granted to each affected family.
11	Stamp duty/Registration Fee: No stamp Duty and Registration fee shall be payable, the property shall be free from encumbrance and shall be registered jointly on the spouses names.

Provided that in case of the matters specified above (1 to 10) are not applicable to any affected family, the same shall be indicated as “Not Applicable”.▲

4.8: LARR Rule 2015: Rule 15 ► **The provisions relating to rehabilitation and resettlement u/s 2 (3):** *The provision relating to R & R shall apply in the case where (a) a private company purchases land, equal to or more than such limits in rural and urban areas through private negotiations with owner of the land in accordance with provisions of Section 46 (Provisions relating to R & R to apply in case of certain persons other than specified persons). Limits of extent of land under sub-section (3) of section 2. – The limits of extent of land referred to in clause (a) of sub-section (3) of section 2 shall be twenty hectares in urban areas and forty hectares in rural areas.*

4.9: Section 28: **Parameters to be considered by Collector in determination of award.**—In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration:

Reference	Particulars of Compensation
Section -28	(A) The market value as determined under section 26 and the award amount in accordance with the First Schedule & (B) the Second Schedule
Firstly	
Secondly	Damage to crops or any standing trees
Thirdly	The depreciation in the value of the claimant’s retained interest arising from the severing of the land acquired from the original whole.
Fourthly	Injurious affection to the retained land may arise as a result of the execution and use of the works; the depreciating effect is to be related to the new works to be situated on the land taken and elsewhere.
Fifthly	In consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.
Sixthly	The damage (if any) <i>bona fide</i> resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector’s taking possession of the land.
Seventhly	Any other ground which may be in the interest of equity, justice and beneficial to the affected families.

4.9.1: **Valuation: See Section 30 (2) r/w the First Schedule: (Collector’s Individual Award**

(a): URBAN AREA: The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government:

Section of the Act	Description	Amount Indian ₹
	The Final Award by Collector	
S. 26, 27,29 and 30 (1) & The First Schedule	The value of land (S.26): Extent of land 35,000 sf @ ₹ 7,000 / sq.ft. (Say “P”)	24,50,00,000
	Multiplier 1 (P x 1): Market value of land “MVL”	24,50,00,000
	Market value of land. Say “MVL”	24,50,00,000
	S. 29: Assets attached to land Say “B”	0
	Market value of acquired property Say “MVAP” (MVL+B)	24,50,00,000
	Add (S. 30) Solatium @ 100% of MVAP. Say “S”	24,50,00,000

	Compensation MVAP + S	49,00,00,000
(INR Forty Nine Crores only)		

(b): Rural AREA:

Section of the Act	Description	Amount Indian ₹
	The Final Award by Collector	
S. 26, 27,29 and 30 (1) & The First Schedule	The value of land (S. 26): Extent of land 35,000 sf @ INR 7,000 / sf (Say “P”) The value of land: Extent of land 35,000 sf @ ₹ 7,000 / sf (Say “P”)	24,50,00,000
	** Multiplier Say 2 (P x 2): Market value of land “MVL”	49,00,00,000
	Market value of land. Say “MVL”	49,00,00,000
	S. 29: Assets attached to land Say “B”	0
	Market value of acquired property Say “MVAP” (MVL+B)	49,00,00,000
	Add Solatium @ 100% of MVAP. Say “S”	49,00,00,000
	Compensation MVAP + S	98,00,00,000
(INR Ninety Eight Crores only)		

(Please note: The land value in rural area is not like urban area; the above is only for illustration). **Rural area compensation is @ 200 percentages increase of land value assessed (P) or 2.00 times.**

- ** the 9th February, 2016 S.O. 425(E). column 3 of serial no. 2 of the First Schedule r/w section 30(2): the Central Government, hereby, notifies that **in case of rural areas, the factor by which the market value is to be multiplied shall be 2.00 (two).** [F. No. 13011/04/2015-LRD] **.

4.9.2: S. 30. (3) In addition to the market value of the land, as above provided, the collector shall in every case award an amount calculated at the rate of twelve percent per annum on such market value for the period from 4(2) SIA study publication to the date of award of the Collector or the date of taking possession of the land, whichever is earlier.

5.0: Section: 40 (1), Urgency Clause ► Special powers in case of urgency to acquire land in certain cases.–

As directed by appropriate government, the collector, though no such award has been made on expiration of thirty days from publication of the notice mentioned in Section 21 (Notice to persons interested) is empowered to take possession of a property under acquisition, S. 40 (2) for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament, within 48 hours’ notice. S. 40(3) Before taking possession, the Collector shall tender payment of eighty percent (80%) of the compensation.

S. 40 (4) The appropriate Government may direct that any or all of the provisions of Chapter II to Chapter VI (Determination of Social Impact and Public Purpose, Special provisions to safeguard food security, and notification and acquisition) shall not apply, and, if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under section 11 (1).

S. 40 (5) An additional compensation of seventy-five per cent. of the total compensation as determined under section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under section 40 (1):

5.1: Valuation:

Valuation- Urgency Clause: Section 40.	market value of Land S.26	Multiplier	Land Value ₹	Assets attached to land ₹	Total Value (Land +Assets attached) ₹ Say "A"	Solatium at 100% of "A" Say "B"	Minimum Final Award by Collector Say "C" ("A + B") ₹	Additional compensation @ 75% of "C" Say "D"	Urgency Case Compen- sation "C + D") ₹
Urban Area	45,00,000	1	45,00,000	1,00,000	46,00,000	46,00,000	92,00,000	69,00,000	1,61,00,000
Rural Area	45,00,000	2	90,00,000	1,00,000	91,00,000	91,00,000	1,82,00,000	1,36,50,000	3,18,50,000

6.0: The RFCT LARR Authority:

Section .64 (1): Reference to Authority ► Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

6.1: Award by Authority under Section 69: Parameters to be considered by Authority in determination of award (Final Award Format):

The date of valuation is section 11 notification; provided that any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration and any price paid which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

Section: 69 If aggrieved by the Award of the Collector by person interested in compensation and any reference is made to Authority u/s 64 by the Collector, the final Award by Authority shall be in accordance with S. 69.

S. 69(1): Authority.—(1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 30 and the provisions under Chapter V of this Act (Rehabilitation and Resettlement).

S 69 (3): In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve percent per annum on such market value for the period from S. 11 PN to the date of award of the Collector or the date of taking possession of the land, whichever is earlier.

Reference	Particulars of Compensation	Amount INR
Section -28 Firstly	(A) The market value as determined under section 26 and the award amount in accordance with the First Schedule & (B) the Second Schedule	A+B = say “C”
Secondly	Damage to crops or any standing trees	D
Thirdly	The depreciation in the value of the claimant’s retained interest arising from the severing of the land acquired from the original whole.	E
Fourthly	Injurious affection to the retained land may arise as a result of the execution and use of the works; the depreciating effect is to be related to the new works to be situated on the land taken and elsewhere.	F
Fifthly	In consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change.	G
Sixthly	The damage (if any) <i>bona fide</i> resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector’s taking possession of the land.	H
Seventhly	Any other ground which may be in the interest of equity, justice and beneficial to the affected families.	J
Section 29	Present value of building or any attachment to the land	K
Section 30 (3)	12 % interest payable on “A” Say “N” from S. 11 Preliminary Notice notification till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.	L
	Total Compensation Say “M”	C+D+E+F+G+H+J+K+L
Section 30 (1)	Solatium Amount @ 100 percent of “M” Say “S”	S
	Authority’s Total AWARD	M+S

Section 70: **Form of award.** – (1) Every award under Chapter VIII (Establishment of LA & RR Authority) shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts. (2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908 (5 of 1908). The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award. Refer [4.4](#) *ut supra*.

7.0: S 39 ► Additional compensation in case of multiple displacements.–The Collector shall, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

8.0: Return of unutilized land, etc.:

▶ Section 101: ▼	▶ Section 102: ▼
Return of unutilised land	Difference in price of land when transferred for higher consideration to be shared
<i>When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.</i>	<i>Whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken place on such land, forty per cent. of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition: Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.</i>

9.0: Conclusion: ▼

The State Governments are allowed to pay higher compensation and more beneficial R & R Provisions than Act 30 of 2013.

(Option to affected families to avail higher compensation and more beneficial rehabilitation and resettlement). ▼

Section 108 provides option to affected families to avail higher compensation and more beneficial rehabilitation and resettlement (R & R), where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, and more beneficial R & R provisions, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State. ▲

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