



EXECUTIVE SUMMARY OF NATIONAL CONFERENCE PROCEEDINGS

The two-day national conference on the 'Five Year Journey of The RFCTLARR Act, 2013: The Way Forward' organized by TERI at India Habitat Centre, New Delhi, on 25 and 26 October 2018 provided an opportunity to policy makers, Government agencies, industry, jurists, practitioners, academicians, researchers and civil society to deliberate on the experience of implementation of the new law and offer solutions to address the emergent challenges.

The talks and discussions, spanning over two days, focussed on a gamut of land issues – prevalent land use pattern in the country, centrality of land in urbanization, industrialization and infrastructure development, implications of the paradigmatic shift in the land acquisition regime, legislative action of states in pursuance of Article 254(2) of the Constitution, land revenue administration and capacities of agencies tasked with implementation of the Act.

The general consensus was that the new legislation has addressed the long-standing asymmetries of power between acquiring bodies and affected people by injecting transparency and fairness in land acquisition. The proponents of the Act pointed to its likely role in preventing land conflicts that, in the past, have bedevilled the Land Acquisition Act, 1894. Further, the justiciability of the state Amendment Acts that narrowed the scope of SIA and consent provision enshrined in The RFCTLARR

Act, 2013 was commented upon. However, there were few dissenting notes, as well. It was opined that the cost of acquisition has become prohibitive and the process has become cumbersome, which is adversely affecting the pace of economic development. A few speakers also alluded to the inordinate land price escalation and increase in the number of land transactions immediately after the issue of notification u/s 4 of the Act for the conduct of social impact assessment study. Further, attention was drawn to the duplication of activities mandated in the environment impact assessment and social impact assessment and it was suggested that a few steps, common to both, can be merged to shorten the time taken to acquire land.

Many speakers and participants dwelt on the need for land use policies at the national and state level that can provide roadmaps for sustainable application of land in consonance with the needs of industry, interests of communities, requirement of food security and Sustainable Development Goals. Repeated emphasis was placed on the need for updation and computerization of land records, it was felt that outdated and poorly managed land records create disputes and complicate the acquisition process. It was suggested that 'conclusive titling' in place of the existing regime of 'presumptive titling' would significantly reduce land-related litigation. The streamlining and strengthening of the revenue

administration was also recommended. It was stated by some speakers that the Act seeks to make the acquisition process deliberately difficult in order to encourage alternate options for land procurement – direct purchase, pooling and leasing. While these options are attracting attention, it was felt that, suitable policy and regulatory frameworks have to be created by enacting new laws and repealing or amending existing laws in states that work at cross-purposes. During the 2nd session the salient features of the Delhi Land Pooling Policy, 2018 were brought forth, issues related to leasing of land in the renewable energy sector were discussed and the procedure for diversion of forest land for non-forest purposes was explained.

Considerable attention was devoted to the provision of social impact assessment, which was characterized as the keystone of the Central Law. SIA was lauded as a valuable mechanism that guaranteed participation in and transparency of the land acquisition process, thereby, obviating the possibility of conflict at a later stage. However, the dilution of the SIA provision by the Amendment Acts of some states was regarded as a retrograde step. At the same time, the urgent need to build capacities of SIA Units, SIA agencies, district officials and acquiring bodies was underlined.

During the 4th session, the speakers conceded, and the participants concurred, that rehabilitation and resettlement of Project-Affected-Families has received insufficient attention over the years. According to Shri Hukum Singh Meena, Joint Secretary, Department of Land Resources, MoRD, approximately 85% of the involuntarily-displaced families under The Land Acquisition Act, 1894 were not properly rehabilitated or resettled. It was felt that, during the land acquisition process, attention is

largely focussed on obtaining land and handing it over to the project proponent, leaving the affected persons to their own fate. Dr. Parthapriya Ghosh, the Development Specialist from the World Bank informed the gathering that meaningful outcomes depended on making R&R activities a distinct part of the project plan with sufficient allocation of time and resources. Concern was also expressed about the largely non-productive pattern of cash compensation utilization. It was hoped that the exhaustive R&R provisions under The RFCTLARR Act, 2013 would have a beneficial impact. The need for skill development for livelihood regeneration of PAFs was emphasised. The conference also identified certain issues that need to be addressed for safeguarding the interests of various stakeholders. It was stressed that efforts were required to facilitate the exercise of women's right in land. The frequent absence of formal title in the name of tribals with respect to land over which they may have enjoyed customary rights was considered to be a major source of conflict that required a solution. It was felt that the demand for 'Right of Way' over land in linear projects cannot be dealt within the ambit of The RFCTLARR Act, 2013, an amendment to the existing legislation was required. It was strongly proposed that the unutilized land that was acquired in the years prior to the new enactment should either be returned to communities or be considered for use by industry, before opting for new acquisition.

The Q&A sessions witnessed animated discussions which was indicative of the inherently contentious nature of the topic of land expropriation. The experience-sharing by participants enriched the proceedings by providing useful insights.