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12 Years of RFCTLARR in India: What Has Changed (and has not Changed) for the Stakeholders

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Abstract

The colonial era act," Land Acquisition Act, 1894" was replaced with "Right for Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement, 2013.". The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (RFCTLARR Act, 2013) was enacted to ensure fair compensation and rehabilitation for those affected by land acquisitions. In 2019, Chhattisgarh became the first state to return land acquired for industrial purposes back to farmers. Approximately 1,765 hectares across 10 villages in the Bastar district, initially acquired a decade earlier for a Tata Steel project, were returned to over 1,700 farmers. This decision was based on provisions in the RFCTLARR Act, particularly Section 101, which allows for land to be returned to original owners if it remains unused for five years from the date of possession. However, comprehensive all-India data assessing the direct impact of the RFCTLARR Act on the livelihoods of land-losing communities is limited. While the Act aims to improve compensation and support mechanisms, the actual outcomes can vary based on implementation at state and local levels, the specific contexts of land acquisitions, and the effectiveness of rehabilitation programs. Some criticisms of the Act include concerns about increased project costs and potential delays in land acquisition processes. This article provides a summary of the act and its objectives.

Keywords: social impact assessment, public hearing, land acquisition process, compensation, solatium, multi-crop land and award

1.0 Introduction

The RFCTLARR Act, 2013, or the Rehabilitation and Resettlement Act, 2013, aims to improve the social and economic conditions of displaced families after land acquisition. The Act came into force on January 1, 2014. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR) has brought about significant changes for various stakeholders involved in land acquisition in India. The RFCTLARR has been a landmark legislation, aiming to balance the needs of development with the rights of landowners and displaced communities. While it has led to increased compensation and transparency, it has also made land acquisition a more complex and costly process. The Act's effectiveness in achieving its objectives depends on its proper implementation and the willingness of all stakeholders to engage fairly and transparently.

2.0 Preamble of the Act

An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, 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 (Government of India, 2013; Government of India, 1894).

3.0 Objectives of the Act are

1. To ensure fair compensation to landowners and affected families
2. To minimize displacement
3. To ensure rehabilitation and resettlement of affected persons

4.0 It has the following features

a. Requires a Social Impact Assessment (SIA) before acquiring land
b. Requires the consent of affected families for land acquisition in certain cases
c. Requires consultation in all cases
d. Provides for higher compensation to those deprived of land by the government
e. Mandates consent of a majority of land-owners
f. Provides for adequate rehabilitation and resettlement measures to be taken before the acquisition of land

5.0 Process

- The appropriate government issues a preliminary notification if it seems that land is necessary or likely to be required for any public purpose
- The Act aims to ensure a humane, participative, informed and transparent process for land acquisition

6.0 What has been the effect on the key stakeholders in the last 12 years

The Act has adopted a wide definition of 'affected family' to include, among others, farm labourers, sharecroppers, tenants, artisans and those working in the affected area and families that are primarily dependent on the acquired land or forests or water bodies for livelihood in the immediately preceding three years. The Rehabilitation and Resettlement (R&R) entitlements of livelihood-losers comprise a job or a lump-sum payment in lieu thereof, resettlement allowance and one-time financial assistance for loss of cattle shed and petty shop. The artisans, small traders, self-employed persons and owners of non-agriculture land or institutional, commercial and industrial structures must also be provided a one-time financial assistance. The agricultural tenants are entitled to a portion of the cash compensation accruing to the landowners. The following can be classified as the effects on various stakeholders (Jain Das, 2020):

6.1 Landowners

a. Enhanced Compensation: The Act mandates fair compensation based on market value, solatium, and additional benefits for loss of livelihood. This has generally led to higher compensation for landowners compared to the previous Land Acquisition Act of 1894.
b. Greater Transparency: The Act emphasizes transparency in the acquisition process, including social impact assessments, public hearings, and consent from affected landowners. This ensures landowners are informed and have a say in the process.
c. Improved Rehabilitation and Resettlement: The Act includes comprehensive provisions for rehabilitation and resettlement of displaced families, including housing, infrastructure, and livelihood support.

6.2 Government

- More Complex Process: The RFCTLARR has made land acquisition a more complex and time-consuming process due to the requirements for social impact assessment, consent, and enhanced compensation. This can pose challenges for infrastructure projects and development initiatives.
- Increased Costs: Higher compensation and rehabilitation costs have increased the financial burden on the government for land acquisition projects.
- Greater Accountability: The Act has increased the accountability of government agencies in land acquisition, requiring them to follow due process and ensure fair treatment of landowners.

6.3 Developers

- Higher Land Acquisition Costs: Developers now face higher land acquisition costs due to increased compensation and rehabilitation requirements.
- Longer Timelines: The more complex acquisition process can lead to longer timelines for project completion.
- Increased Social Responsibility: Developers need to be more sensitive to social issues related to land acquisition and ensure that project-affected people are adequately compensated and rehabilitated.

6.4 Civil Society Organizations

- Greater Voice: The RFCTLARR has given civil society organizations a greater voice in land acquisition processes. They can play a crucial role in monitoring the process, ensuring compliance with the law, and advocating for the rights of landowners and displaced communities.
- Increased Awareness: The Act has raised awareness about land acquisition issues and the rights of affected people, leading to greater scrutiny of land acquisition projects.

7.0 Implementation Challenges

While the RFCTLARR Act, 2013 was a landmark legislation with good intentions, its implementation has been a mixed bag. Here's a look at how it has fared (Raghuram & Sunny, 2015; Alvi, 2024):

8.0 Positive Aspects of Implementation

a. Increased Awareness: The Act has raised awareness about land acquisition issues and the rights of affected people. This has led to greater scrutiny of land acquisition projects and more vocal demands for fair compensation and rehabilitation.
b. Higher Compensation: In many cases, landowners have received higher compensation compared to the previous Act, reflecting the market value of their land and other losses.
c. Improved Transparency: The emphasis on social impact assessments, public hearings, and consent has brought some degree of transparency to the land acquisition process.

9.0 Challenges and Shortcomings

a. Delays and Complexities: The process of land acquisition has become significantly more complex and time-consuming due to the requirements of the Act. This has led to delays in infrastructure projects and other development initiatives.
b. Implementation Gaps: There have been significant gaps in the implementation of the Act, with many instances of inadequate compensation, poor rehabilitation and resettlement, and lack of transparency.
c. Resistance from Governments and Developers: Some state governments and developers have resisted the implementation of the Act, citing concerns about increased costs and delays. This has led to attempts to dilute the provisions of the Act or bypass it altogether.
d. Limited Impact on Marginalized Groups: While the Act has provisions for protecting the rights of marginalized groups, its implementation has often fallen short in ensuring that these groups receive fair treatment and adequate rehabilitation.

10.0 Overall Assessment

The RFCTLARR Act, 2013 has had a positive impact in some areas, particularly in raising awareness and increasing compensation. However, its implementation has been far from perfect, with significant challenges and shortcomings. The Act's effectiveness depends on the commitment of governments, developers, and civil society organizations to ensure its proper implementation and address the gaps and challenges that remain.

11.0 Areas for Improvement

- Streamlining the Process: There is a need to streamline the land acquisition process while ensuring that the rights of landowners are protected.
- Strengthening Implementation: Governments need to strengthen the implementation of the Act by providing adequate resources and capacity building.
- Addressing Implementation Gaps: The gaps in implementation, particularly with regard to rehabilitation and resettlement, need to be addressed urgently.

- Protecting Marginalized Groups: Special attention needs to be paid to protecting the rights of marginalized groups and ensuring that they receive fair treatment and adequate rehabilitation.

12.0 Has it helped the landgivers

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (RFCTLARR) has provided several benefits to land losers in India by ensuring fair compensation and improving rehabilitation measures. Here are the key ways it has helped (Alvi, 2024; Sonak, 2018):

12.1 Fair Compensation

- Landowners receive compensation up to four times the market value in rural areas and twice the market value in urban areas.
- This is a significant improvement over the Land Acquisition Act of 1894, which often led to unfair compensation.

12.2 Rehabilitation and Resettlement (R&R)

- Displaced families are entitled to alternative housing, a one-time resettlement allowance, and employment or annuity options.
- Landowners, as well as livelihood-dependent people (such as agricultural laborers), receive benefits.

12.3 Consent Clause

- Private projects require at least 80% consent of affected families.
- Public-private partnership (PPP) projects require 70% consent.
- This prevents forced land acquisition without proper agreement.

12.4 Social Impact Assessment (SIA)

- Every large-scale acquisition undergoes an SIA study to assess the impact on people and the environment.
- Ensures that projects causing major displacement or hardship are reconsidered.

12.5 Return of Unused Land

- If land acquired for a project is not used within five years, it is returned to the original owners.

13.0 Challenges and Implementation Issues

While RFCTLARR has significantly improved the rights of land losers, its implementation has faced challenges:

1) State Amendments: Many states have diluted the provisions, reducing compensation and removing consent clauses.
2) Bureaucratic Delays: Land acquisition processes have become slow due to legal complexities.
3) Corporate Pushback: Industries argue that the law increases project costs and delays.

14.0 How Specific States have Modified the Law

Since the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (RFCTLARR), several Indian states have introduced amendments to tailor the law to their specific needs. Several states in India have modified the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR) by diluting its progressive clauses through state-level rules, including reducing compensation amounts, lowering the required quorum for Gram Sabha consent, and allowing unused acquired land to be returned to land banks instead of back to original owners, effectively weakening the protections intended for landowners under the central law; states like Jharkhand, Odisha, Tamil Nadu, and Uttar Pradesh have been particularly noted for such modifications. While these amendments aim to expedite development projects, they have also raised concerns about the potential dilution of protections for landowners and affected families. Below is an overview of how certain states have modified the RFCTLARR (Sonak, 2018; CAG, 2022):

14.1 Tamil Nadu

Exemptions from Central Act: Tamil Nadu enacted the RFCTLARR (Tamil Nadu Amendment) Act, 2014, introducing Section 105A, which places specific state laws in a newly created Fifth Schedule. This amendment exempts certain state land acquisition acts from the central RFCTLARR provisions, except concerning compensation and rehabilitation.

14.2 Gujarat

Exemptions for Specific Projects: The RFCTLARR (Gujarat Amendment) Act, 2016 allows the state government to exempt projects related to defense, rural infrastructure, affordable housing, industrial corridors, and infrastructure, including Public-Private Partnership (PPP) projects, from key provisions such as Social Impact Assessment (SIA), consent requirements, and restrictions on acquiring multi-cropped land.

14.3 Andhra Pradesh

Expansion of Exemptions: The RFCTLARR (Andhra Pradesh Amendment) Act, 2018 mirrors Gujarat's approach by permitting exemptions for similar categories of projects from SIA, consent mandates, and limitations on multi-cropped land acquisition.

14.4 Telangana

Alignment with Neighboring States: Through the RFCTLARR (Telangana Amendment) Act, 2016, Telangana has adopted provisions comparable to those in Gujarat and Andhra Pradesh, focusing on facilitating land acquisition for priority projects by exempting them from specific requirements.

14.5 Jharkhand

Simplification Measures: The RFCTLARR (Jharkhand Amendment) Act, 2017 introduces changes that streamline the land acquisition process for particular projects, reducing procedural steps to accelerate development initiatives.

14.6 Karnataka

Amendments for State-Specific Needs: Karnataka has also made amendments to the RFCTLARR to address state-specific requirements, aiming to balance development objectives with the rights of landowners**.**

These state-level amendments often reflect provisions proposed in the RFCTLARR (Amendment) Ordinance, 2015, which sought to expedite land acquisition for specific projects but faced opposition at the national level. Critics argue that such amendments may dilute essential safeguards provided in the original 2013 Act, potentially impacting the rights and welfare of landowners and affected communities.

It's important to note that while these amendments aim to facilitate development, they also underscore the tension between economic growth and the protection of individual rights. The effectiveness and fairness of these state-specific modifications continue to be subjects of public debate and legal scrutiny.

Key points about state modifications to RFCTLARR:

1) Reduced compensation:

State rules often lower the compensation amount payable to landowners compared to what the central act mandates.

2) Lowering Gram Sabha quorum:

Some states have lowered the required percentage of Gram Sabha consent needed for land acquisition, reducing community participation in decision-making.

3) Land bank practice:

Instead of returning unused acquired land to the original owners, some states have the practice of putting it back into a land bank, allowing the government to re-acquire it for other projects.

4) Shortened public hearing notice periods:

Certain states have reduced the mandatory notice period for public hearings, potentially limiting public participation in the land acquisition process.

5) Inclusion of government officials in assessment bodies:

Some states have included government officials in expert groups responsible for assessing the social impact of projects, raising concerns about potential conflicts of interest.

15.0 How states have circumvented the Central Act RFCTLARR to bypass the act provisions

Several states in India have circumvented its provisions through amendments, executive orders, or alternative legislations to expedite land acquisition for development and industrial projects.

1. State Amendments to RFCTLARR Act

Since land acquisition is on the **Concurrent List** of the Constitution, states have the power to amend the Central law with Presidential assent. Many states have used this route to dilute key provisions:

a. **Exempting Key Infrastructure Projects from Consent and SIA:** states like Gujarat, Maharashtra, Telangana, Tamil Nadu, and Rajasthan amended the Act to exempt projects related to industrial corridors, highways, railways, and urban infrastructure from key requirements such as: Consent clause (70-80% consent from landowners) and Social Impact Assessment (SIA)

b. **Fast-tracking Land Acquisition Process:** Maharashtra, Karnataka, and Tamil Nadu reduced the timeline for various procedures like issuing notifications, hearings, and appeals, making it easier for industries to acquire land quickly.

c. **Using Urgency Clause to Evade Provisions:** states have frequently invoked the **"urgency clause" (Section 40)** to bypass procedures like public consultation and SIA for certain projects, especially in defense, railways, and highways.

2. Enacting Parallel State Land Acquisition Laws

Some states have bypassed RFCTLARR entirely by introducing their state-specific land acquisition laws, which are less stringent:

a) Jharkhand: Passed its own Jharkhand Land Acquisition Act, 2017, eliminating key safeguards like consent and SIA for projects deemed important by the state government.

b) Tamil Nadu: Retained its old Tamil Nadu Land Acquisition Act, 1999, exempting itself from RFCTLARR for most state projects.

c) West Bengal: Uses its own land policies, such as negotiated settlements, to avoid RFCTLARR.

3. Use of State Industrial Development Corporations

Many states bypass RFCTLARR by acquiring land under their Industrial Development Corporations (like MIDC in Maharashtra, APIIC in Andhra Pradesh) instead of invoking RFCTLARR. These agencies acquire land under state-specific laws, avoiding compensation and rehabilitation requirements.

4. Promoting Voluntary/Private Negotiations

Some states encourage direct purchase between industry and landowners to avoid RFCTLARR regulations. Madhya Pradesh, Gujarat, and Haryana have promoted the direct land purchase model, where industries negotiate directly with landowners, bypassing consent and SIA provisions.

5. Use of Land Banks: Odisha, Chhattisgarh, and Jharkhand have created large land banks by acquiring land in advance, before it is needed for projects. Since this land is already acquired, new acquisitions under RFCTLARR are avoided.

States have used legislative amendments, executive actions, industrial land banks, and private negotiations to dilute or bypass the RFCTLARR Act. While this has expedited infrastructure and industrial development, it has also raised concerns about fair compensation, displacement, and lack of proper rehabilitation for affected communities.

16.0 How the Last 12 Years have Been

Compiling comprehensive data on the exact number of land acquisition projects across all sectors in India over the past 12 years is challenging due to the decentralized nature of record-keeping and reporting. However, specific sectors and initiatives provide some insights into the scale of land acquisition activities during this period.

16.1 National Highways Authority of India (NHAI) Land Acquisition

The National Highways Authority of India (NHAI) has significantly contributed to land acquisition for infrastructure development. Between April 1, 2018, and November 30, 2021, the Ministry of Road Transport & Highways issued 8,629 land acquisition notifications through the BhoomiRashi portal, a digital platform designed to streamline the land acquisition process. This initiative aimed to expedite highway projects by automating and digitising land acquisition procedures.

https://morth.nic.in/

16.2 Financial Expenditure on Land Acquisition

Financial data offers another perspective on the extent of land acquisition activities:

NHAI Expenditure: In the five years leading up to January 2024, NHAI spent approximately ₹1.7 lakh crores on land acquisition. This expenditure reflects the significant investment in expanding and upgrading national highways.

http://ensureias.com/

Infrastructure Investment: The National Infrastructure Pipeline projected a total capital expenditure of ₹111 lakh crores in infrastructure sectors across India from fiscal years 2020 to 2025. While not exclusively for land acquisition, a substantial portion of this investment pertains to acquiring land for various infrastructure projects.

https://dea.gov.in/

16.3 Land Acquisition Conflicts

The number of conflicts arising from land acquisition cases provides insight into the challenges associated with these projects:

2013-2014: More than 250 conflicts related to land acquisition were recorded across 165 out of 664 districts in India during this period. These conflicts often stemmed from government-led land takeovers, frequently on behalf of private investors.

https://www.business-standard.com/

16.4 Sector-Specific Land Acquisition

While comprehensive data across all sectors is limited, certain sectors have notable land acquisition activities:

Renewable Energy Projects: India's ambitious renewable energy targets have necessitated significant land acquisition. For instance, the Institute for Energy Economics and Financial Analysis estimates that achieving India's net-zero goal may require up to 75,000 square kilometers of land for solar energy alone, equivalent to about 2% of India's total area.

https://www.ft.com/

17.0 How many Farmer Families benefited in the last 12 years

Determining the exact number of farmer families in India who have benefited from land acquisition over the past 12 years is challenging due to the decentralized nature of data collection and reporting. However, insights from specific studies and reports provide some perspective on the scale of land acquisition and its impact on farming families (CAG, 2022; Reddy, 2019):

17.1 Punjab Case Study

A 2013 study by the Punjab State Farmers Commission highlighted significant land acquisition in the state:

- Annual Land Diversion: Approximately 10,000 hectares of agricultural land have been diverted to non-agricultural uses each year since 2001.
- Farmer Families Affected: With an average landholding size of about 4 hectares in Punjab, this annual diversion translates to approximately 2,500 farming families being displaced each year. For 12 years, this would amount to around 30,000 families. psfc.org.in

17.2 National Perspective

While comprehensive national data is limited, some estimates provide a broader view:

- **Land Reform Beneficiaries:** As of 2015, approximately 5.78 million poor farmers benefited from land reform initiatives, with West Bengal accounting for just over half of these beneficiaries. Additionally, state laws providing house-sites to landless or land-poor rural households have benefited an estimated 4 million households nationwide.
  land-links.org
- **Agricultural Households:** The Situation Assessment Survey of Agricultural Households conducted between January and June 2019 estimated that there were about 24.034 million agricultural households in India during that period.
  mospi.gov.in

17.3 Amendment requests on RFCTLARR

Since its enactment in 2013, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement (RFCTLARR) Act has undergone several proposed amendments at both central and state levels to address various challenges in land acquisition processes. The "RFCTLARR Amendment and Ordinance 2015" refers to the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re settlement (Second Amendment) Ordinance, 2015," which was a legislative amendment to the original RFCTLARR Act, essentially making changes to the land acquisition process in India, particularly regarding compensation and rehabilitation for affected landowners (Reddy, 2019).

Key points about the 2015 Amendment:

- **Focus on Land Acquisition:**

This amendment primarily focused on modifying the existing Land Acquisition Act, aiming to streamline the

process while providing better protections for landowners whose land is acquired for public projects.

- **Second Amendment:**

This was considered the second major amendment made to the RFCTLARR Act, introduced as an ordinance before being presented as a bill in the Parliament.

17.4 Potential Changes

The 2015 amendment likely introduced changes to aspects like the compensation calculation, consent requirements from landowners, and the rehabilitation and resettlement procedures for displaced people.

17.4.1 Central Amendment Proposals

- RFCTLARR (Amendment) Bill, 2015: The central government introduced this bill to expedite land acquisition for specific sectors by proposing exemptions from certain provisions of the original Act. However, the bill faced significant opposition and was eventually lapsed.
- RFCTLARR (Amendment) Bill, 2022: Introduced by Member of Parliament Shri Rahul Shewale, this bill aimed to streamline land acquisition in Mumbai for infrastructure projects. Key proposals included:
  - Special Powers for Mumbai: Empowering the Maharashtra government to expedite land acquisition for infrastructure projects in Mumbai.
  - Single Window No Objection Certificate Approval Committee: Establishing a committee to facilitate swift approvals for land acquisition, ensuring timely project execution.

These provisions were designed to address delays in land acquisition for critical infrastructure projects in Mumbai.

sansad.in

17.4.2 Sector-Specific Amendment Proposals

- Coal Bearing Areas (Acquisition and Development) Amendment Bill, 2024: The Ministry of Coal proposed amendments to the Coal Bearing Areas Act to align it with the RFCTLARR Act. Key features included:
  - Compensation and R&R Alignment: Ensuring that compensation, rehabilitation, and resettlement for land acquired under the Act are consistent with the provisions of the RFCTLARR Act.
  - Denotification Provision: Introducing a mechanism to return acquired land that is no longer required, allowing for its repurposing or return to original owners.

These amendments aimed to enhance transparency and fairness in land acquisition for coal mining projects.

coal.gov.in

17.4.3 State-Level Amendments

Several states have proposed or enacted amendments to the RFCTLARR Act to address regional requirements:

- Tamil Nadu: Introduced Section 105A, exempting certain state-specific projects from the central Act's provisions, while ensuring fair compensation and rehabilitation.
- Gujarat, Andhra Pradesh, Telangana, and Jharkhand: Proposed amendments to expedite land acquisition for specific projects by modifying consent requirements and Social Impact Assessment provisions.

These state-level amendments reflect efforts to balance development needs with the rights and welfare of affected communities.

18.0 Areas of Improvement in RFCTLARR Implementation

18.1 Speed and Efficiency in Land Acquisition

- **Issue**: The process remains slow due to bureaucratic delays and prolonged litigation.
- **Improvement Needed**: Streamline approvals by digitizing land records and expediting clearances.

18.2 Standardization Across States

- **Issue**: States have diluted the Act's provisions, creating inconsistencies.
- **Improvement Needed**: Ensure uniform application of compensation, rehabilitation, and consent clauses across states.

18.3 Effective Rehabilitation & Resettlement (R&R)

- **Issue**: Many displaced families do not receive adequate rehabilitation benefits.
- **Improvement Needed**: Strengthen post-acquisition monitoring and provide sustainable livelihood options.

18.4 Transparent Land Valuation

- **Issue**: Landowners often receive compensation lower than the actual market value.
- **Improvement Needed**: Use independent agencies to determine fair market value and ensure timely payments.

18.5 Social Impact Assessment (SIA) Strengthening

- **Issue**: Many states bypass SIA for key infrastructure projects.
- **Improvement Needed**: Make SIA mandatory for all large acquisitions and ensure genuine stakeholder consultations.

18.6 Return of Unused Land

- **Issue**: Acquired land often remains unutilized, leaving landowners in legal limbo.
- **Improvement Needed**: Enforce the provision for returning unused land within five years.

19.0 Institutions to Be Strengthened

19.1 National and State-Level Land Acquisition Authorities

Need to ensure transparency, faster approvals, and strict monitoring of rehabilitation measures.

19.1.1 Survey and Land Records Departments

Digitisation of land records is critical to resolving ownership disputes and ensuring fair compensation.

19.1.2 State Social Impact Assessment (SIA) Units

Must be given autonomy and resources to conduct unbiased assessments before land acquisition.

19.1.3 Lokpal or Ombudsman for Land Disputes

A dedicated institution for quick resolution of land acquisition conflicts.

19.1.4 District-Level R&R Committees

Strengthen implementation and monitoring of rehabilitation packages at the grassroots level.

20.0 International Best Practices in Land Acquisition

International best practices that align with RFCTLARR:

20.1 Prior Informed Consent

Obtaining informed consent from affected landowners before acquisition, especially in cases where the community is particularly vulnerable.

20.2 Landowner Participation

Empowering landowners to negotiate compensation and resettlement options.

20.3 Gender-sensitive Approach

Considering the specific needs of women and marginalized groups in land acquisition and resettlement processes.

20.4 Capacity Building

Providing training and support to local communities to understand the land acquisition process and advocate for their rights.

20.5 Monitoring and Evaluation

Regularly monitoring the implementation of land acquisition projects to identify and address issues.

Table 1. The actionable lessons for India to adopt best practices

Area	Best Practice from	Actionable Lessons for India
Fair Compensation	UK, Germany	Independent valuation bodies, advance payments
Community Engagement	Brazil, Netherlands	Public participation in decision-making, land pooling
Legal Protection	Germany, South Africa	Return unused land, guarantee jobs for displaced families
Speed & Efficiency	Singapore, China	Digital land records, fixed timelines for acquisition

Different countries have adopted diverse approaches to land acquisition, balancing development needs with landowners' rights. Here are some best practices from globally recognized frameworks (Reddy, 2019; Sulthan & V, 2024):

21.0 Transparency and Fair Compensation

21.1 United Kingdom (Compulsory Purchase Orders - CPOs)

- Landowners receive **100% market value compensation**, plus an additional **"disturbance" payment** for relocation costs.
- **Independent valuation panels** ensure fair pricing.
- **Advance payments** reduce financial strain on affected families.

21.2 Japan (Land Readjustment Program)

- Instead of direct land acquisition, the government **redevelops land and returns a portion** to original owners.
- Owners benefit from increased land value post-development.

21.3 India can Adopt

- **Independent valuation authorities** to determine land prices.
- **Advance partial payments** to prevent delays in compensation.

22.0 Community Engagement and Social Impact Mitigation

22.1 Netherlands (Land Pooling and Readjustment)

Government facilitates land **pooling** where multiple landowners collectively contribute land for development.

Post-development, landowners receive **a portion of developed land**, ensuring they benefit from infrastructure projects.

22.2 Brazil (Participatory Budgeting and Consultation)

Local communities participate in decision-making through **public hearings** and **stakeholder committees** before land acquisition.

India can adopt:

Community-driven SIA where landowners and local leaders actively shape the compensation and resettlement process.

Land pooling as an alternative to forced acquisition.

A. **Strong Legal Protection for Landowners**
   I. **Germany (Grundstücksverkehrsgesetz - Land Transfer Law)**
   II. The **Constitution guarantees compensation at market value**.
   III. If land is unused for a **specific period**, it is **returned to the original owners**.

B. **South Africa (Expropriation Act, 2020)**

Ensures **alternative housing and employment opportunities** for displaced families.

C. **India can adopt:**
   I. **Automatic return of unused land** within a fixed timeframe.
   II. **Job reservation policies** in infrastructure projects for displaced landowners.

D. **Speed & Efficiency in Land Acquisition**

Singapore (Land Acquisition Act, 1966 - Revised in 2007)

1. Government sets clear deadlines for land acquisition and compensation disbursement.
2. Digitalized land records speed up land transfer processes.

E. **China (Urban Land Use Rights Reform, 1988)**

Government grants **long-term land leases** instead of permanent acquisition, reducing displacement risks.

F. **India can adopt:**
   I. **Time-bound land acquisition processes** (e.g., mandatory 6-12 months for approvals).
   II. **Leasing models** instead of permanent land transfer in some cases.

A table showing the actionable lessons for India to adopt best practices is as below Table 1.

23.0 Conclusion

While the implementation is still maturing, there are widespread reports that the livelihood-dependent families are being denied the R&R benefits. Several factors may account for such a situation.

First, the widespread practice of oral agreement between the landowners and tenants makes it difficult for this category of cultivators to claim their eligibility for R&R benefits. Second, absence of documentary evidence

to prove that the livelihood-dependent families have been domiciled in the affected area in the immediately preceding three years or that their primary source of income is derived from the land under acquisition. Such families can be identified only through verification on the ground. Third, the failure of social impact assessment teams to collect the details of livelihood-dependent families during the field survey, as revealed by a review of two dozen SIA reports by the author. While the inadequacies in SIA reporting can be addressed through quality checks and capacity building, the exclusion of a range of projects from the purview of SIA by Tamil Nadu, Gujarat, Telangana, Maharashtra, Jharkhand and Andhra Pradesh has nixed the possibility of ever obtaining the information through an independent source.

Fourth, lack of intent on the part of the Acquiring Bodies to extend the benefits to livelihood-dependent families even after all the details have been gathered by the R&R Administrator. Ironically, the R&R provisions of The RFCTLARR Act, 2013 are applied in better terms while acquiring land for the World Bank and ADB funded projects.

Moreover, various amendment requests and proposals at both central and state levels aim to refine the RFCTLARR Act to address challenges in land acquisition, ensuring a balance between development objectives and the rights of landowners and affected families.

While precise national figures are unavailable, regional studies like those from Punjab indicate that a significant number of farmer families have been affected by land acquisition over the past decade. The impact varies by state and is influenced by factors such as land policies, urbanization rates, and industrial development. For a more comprehensive understanding, detailed and up-to-date data from each state would be necessary.

While precise figures for the total number of land acquisition projects over the past 12 years are not readily available, data from specific sectors like national highways and renewable energy provide a glimpse into the scale of such activities. The substantial financial investments and the number of conflicts recorded highlight the extensive and complex nature of land acquisition in India.

The performance of RFCTLARR *vis-a-vis* LA Act, 1894 has benefited land losers by ensuring better compensation, rehabilitation, and consent-based acquisition. However, its full impact depends on proper implementation, which varies across states.

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