

NOTE ON PROPOSED AMENDMENTS MOVED ON MARCH 10TH, 2015

S. No.	AMENDMENT	IMPACT
1.	Mandatory Employment for Farm Labour. A new section has been inserted to provide for mandatory employment for farm labour.	<p>This amendment is misleading, superficial and arbitrary. The 2013 law provides mandatory employment under item 4 of the second schedule.</p> <p>In fact this benefit and many others, are to be given to a wide range of landless people whose livelihood is affected and not just farm laborers (who are also expressly included in the definition of affected families).</p> <p>This amendment is also violative of Article 14 of the Constitution as it creates a separate category without explaining reasonable differentia.</p>
2.	Omission of the term 'social infrastructure' from the exempted category introduced by the Ordinance	Social Infrastructure was never a defined term to begin with. The inclusion and subsequent removal is an acknowledgement of the broadness/ arbitrariness of the category and its potential for abuse.
3.	Expansion of Industrial Corridors: The Government has, in the new amendments, expanded the definition of Industrial Corridors to include land up to one km on either side of the designated road or railway	<p>This is in effect a broadening of a project activity which the Government had introduced by way of its earlier Ordinance.</p> <p>This is also a violation of the condition</p>

	<p>line for such industrial corridor.</p>	<p>contained in the SIA that only the bare minimum extent of land should be acquired for a project.</p> <p>The best illustration which demonstrates how such a provision can be abused is the Yamuna Expressway where land was also acquired in excess on either side of the expressway project and then handed over to the Jaypee group in UP.</p>
<p>4.</p>	<p>Addition of safeguard sections to new category 10A: The Government has added two more provisions to the new section inserted by the Ordinance.</p> <p>These basically ensure that the Government will first try to determine if the land is the bare minimum required for the project in question. The second provision enjoins the Government to undertake a survey of wastelands.</p>	<p>This is a perfunctory addition taken from the existing SIA process prescribed under the 2013 Act.</p> <p>In effect the Government has continued to keep an arbitrary category of projects outside the purview of the Social Impact Assessment process <i>but</i> has taken part of one condition out of the six conditions which were prescribed as part of the SIA process.</p> <p>Instead of applying the SIA in it's entirety (as was originally prescribed) the Government has made a minor and insignificant to mollify the concerns raised.</p>
<p>5.</p>	<p>Section 24(2) Retrospective Clause: Slight alteration of words. Compensation will</p>	<p>In January 2014, the Supreme Court had defined 'compensation paid' to mean</p>

	<p>be deemed to have been paid if it is deposited in any "<i>designated</i> account maintained for this purpose".</p>	<p>compensation deposited in court or in the beneficiary's account. This amendment erodes the requirements laid down by the Supreme Court.</p> <p>This amendment is a meaningless concession to console farmers. In effect it doesn't change the position introduced under the Ordinance which will continue to disqualify genuinely aggrieved land losers.</p>
<p>6.</p>	<p>New Section 67A: The quasi-judicial Authority known as the Land Acquisition Rehabilitation and Resettlement Authority can now hold hearings in the district where the acquisition takes place.</p>	<p>This amendment was not required as the LARR Authority is intended to be an autonomous body which take these decisions independently.</p> <p>However, this amendment does not materially alter the structure or functions of the LARR Authority.</p>
<p>7.</p>	<p>Deletion of amendment relation to private schools and hospitals being omitted from the definition of public purpose under the Act.</p>	<p>This reverts it to the status that it enjoyed under the 2013 Act. In effect they have withdrawn the amendment.</p>
<p>8.</p>	<p>Amendment to section 87 protecting officers from Prosecution. Slight alteration of words.</p>	<p>The Government (through the Ordinance) had given officers, who violate the 2013 law, the protection of prior sanction before they could be prosecuted. This section only prunes the original amendment in the Ordinance.</p>

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NOTE:

1. These amendments do not remedy the situation created by the Ordinance. Namely that the Government has created a class of projects (section 10A) and exempted it from the various safeguards (Social Impact Assessment, Review by Expert Group etc.) which had been prescribed to prevent abuse.
2. The Government can acquire land as it would have under the 1894 Act with higher compensation and rehabilitation/resettlement benefits.
3. The long suffering victims of acquisition who were likely to have their land released under section 24(2) i.e. the 'retrospective clause' under the 2013 Act will now be disqualified by the amendments carried out (to overcome the guidelines laid down by the Supreme Court for the benefit of the land owner). The only perceived benefit of this amendment is that States can continue to hold on to their land banks even if they have been acquired in an arbitrary and illegal fashion.