

Report on Interactive Seminar on July 14th 2016 between 2.30 p.m.-6.00 p.m. at Rachana Sansad Auditorium on *Land Acquisition Act, Provisions & Implementation Policies as per present scenario organised by IIA- Brihan Mumbai Centre in Association with Institution of Valuers and Rachana Sansad College of Architecture.*

(A) Session I

Ar. Vilas Avachat, Vice President, IIA welcomed the participants and guided the centre and the audience on the Institute's initiatives and programmes on the occasion of the Centenary year of the IIA.

Ar. Milind Sambhare, Chairman, IIA-BMC, opened the discussions with introduction and his views on the subject and conceptualisation of this event. The new provisions in the act are with a view to have more transparency in the acquisition process and to give fair compensation to the land owners, occupants along with resettlement & rehabilitation components and intends to explore several participatory processes.

(B) Session II

The next session was by the key speaker Shri. Sameer Kurtkoti , Additional Collector MMRDA who has worked as Land Acquisition Officer for Reliance SEZ project in Raigad, participated in framing rules for Government of Maharashtra under LARR Act 2013, worked as Legal Consultant for Land Acquisition for Navi Mumbai International Airport project.

The key points of the presentation are as follows:

- a) Covered various sections of the 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013.
- b) The difference between the old Act and the new act was explained
- c) The new Act's title itself indicates that the Act intends to be fair and just toward compensation and asserts on rehabilitation and resettlement, entitlement to the affected and very transparent process.
- d) The Act specifies the various public purposes for which land may be acquired & sections regarding conditions for initiating process.
- e) An effort is to be made to minimise displacement of people, such that post acquisition life is better than pre-acquisition. Only in case of need land acquisition is initiated.
- f) The process of land acquisition was also discussed in detail.
 - (i) The owners & tenants on such land are informed by notification regarding land details of area & for what public purpose etc. is to be acquired.

- (ii) A period of one year is given for suggestion /objection. The notification is published by Government. Though acquisition is compulsory, the compensation for such acquisition can vary and needs to be given hearing case by case.
- (iii) New Provision- The study of Environment Impact Assessment and Social Impact Assessment is made compulsory.
- (iv) The LARR act 2013 provides a formula based on which market value of the land is ascertained. This value is the base value and compensation will be minimum twice this value.

However, depending upon sensitivity of each case and purpose for which the land was being used, the compensation amount varies. Different Authorities have their own norms of acquiring land like MIDC, MCGM etc. however the LARR act 2013 is the base value for compensations and value can be equal or more than specified under this Act.
- (v) The public hearings are held for compensation related grievances of Project affected persons.
- (vi) Most of the compensation is monetary however at times based on hearings it is decided whether it could be in the form of alternative land, premises etc.
- (vii) Since the act was introduced in 2013, there are cases which were notified and hearing was on going, hence they have to be compensated with current Act. All such cases are hybrid cases. Till date only such hybrid cases have been heard.
- (viii) Now further Land Acquisition is proposed for Mumbai Metro projects, Villages connecting Mumbai – Nagpur Expressway etc. These are new acquisitions.

Hence to sum up Land Acquisition Act, the Act has made it fairer for the affected parties and very few decisions are left to the Collector.

Various queries were asked by participants regarding specific cases.

Shri. Kurtkoti was then felicitated by Ar. Neelam Parelkar, Trustee IIA.

(C) Session III

The next session was conducted by Shri Mahendra Mulay - Executive Engineer Development Plan department of the MCGM, looking after Land Acquisition matters for MCGM

He explained MCGM's Land Acquisition process has been under the MRTP act 1966 and the BMC Act 1888.

Though under the LARR Act 2013, has additional provisions. MCGM generally provides compensation in the form of TDR certificates. These can then be used for development at another location as per market rates.

Shri. Mulay was then felicitated by Ar. Milind Sambhare – Chairman, IIA- Brihan Mumbai Centre.

(D) Session IV

This session was conducted by Shri Harshad Maniar – President, Institution of Valuers.

He has started his career in MCGM and had long experience of Land Acquisition and Valuations related to development plan department, etc. before he opted for VRS and started his practice as a Chartered Engineer, Surveyor, and Valuer. He has appeared in a number of cases particularly in Land Acquisition references as Expert witness in High Courts and other courts.

He reviewed the new provisions LARR Act and various sections He explained various schedules& chain of processes under the act including the one for rehabilitation and resettlement. The concluding remarks were very impactful, which summarised the pros & cons of the act and seemingly a citizen friendly act.

Shri. Maniar was then felicitated by Ar. Milind Sambhare – Chairman, IIA- Brihan Mumbai Centre.

(E) Session V

Vote of thanks was delivered by Ar. Nilesh Dholakia who is Executive Committee Member of IIA Brihan Mumbai Centre.