Overview

A mapping exercise carried out by Washington based think-tank, Rights and Resources Initiative (RRI), has noted that between 2013 and 2014, there were approximately 250 conflicts in Land Acquisition (LA) cases in India's 664 districts. This data shows that LA continues to be a significant bottleneck for Indian companies' growth plans, both private and public. Land is a critical production factor and most important infrastructure support for any green field project. Whether it is industrial expansion, commercial, or residential, timely acquisition of land is highly critical to achieving project success. In India, acquiring land for such purposes has remained a significant challenge, often causing delays and sometimes suspension of projects. Reasons range from slow pace of approvals; bureaucratic hurdles; inadequate land records; corruption and nepotism; communication gap between various stakeholders, and lack of clarity on policy. Given the political ramifications of land acquisition in many cases, and that it is a state subject companies often find themselves in a dilemma between waiting sometimes indefinitely for resolution or pulling out from the project. To add to this complexity, project affected people (PAP) feel exploited if compensation for the land acquired from them, and alternate arrangements for secure livelihood do not live up to their expectations or match their skills.

Governed by a complex piece of legislation, the Land Acquisition Act has undergone a series of changes in its performance. Its acceptance by all stake holders has been open to varied interpretations as well. Replacing the Act of 1894, the new Land Acquisition & Rehabilitation and Resettlement, (LARR) Bill, 2011 proposed a unified legislation for Acquisition and Rehabilitation for PAPs. The bill finally took shape as the “Right to Fair Compensation and Transparency in Resettlement and Rehabilitation Act 2013 ” in short the 'RFCTLARR Act', or 'Act of 2013', with effect from 1 January 2014. The new Act adopted a welfare approach, with strict clauses on just compensation, Social Impact Assessment, Rehabilitation and Resettlement and Consent. However, in its current form, the Act faces a lot of criticism from corporates and other stakeholders even before the rules are framed, for some of the clauses renders the acquisition process more tedious and time consuming than before. With the latest ordinance issued by the new government to free up land for critical infrastructure projects, the RFCTLARR Act is set for further debate.
In the context of policy ambiguity and limited room for manoeuvre available to companies due to the regulatory muddle and other hurdles, there is an urgent need to think about ways for companies to ensure that the land acquisition process is brought to a logical conclusion vis-à-vis cost and time.

Objectives

The overarching objective of this program is to help participants learn ways to address this ONE question - 

How to do an effective and efficient land acquisition?

Notwithstanding the hurdles, many companies in the Tata group have done land acquisition for their respective projects over the last many years, be it green field or brown field expansions. Having said that, the experience in executing these LA projects have been mixed.

This first of its kind program on Land Acquisition by TMTC is an opportunity for group companies to come together to learn and appreciate the nuances of LA from academic and industry experts; and to share Tata experiences and best practices of doing LA.

Over a period of two days, the program will focus on the following -

- interpretation and implication of LA policies, amidst recent changes
- building an appreciation of the teething issues faced by Indian companies in managing and negotiating the LA terrain
- skills and capabilities required to address the gaps
- stakeholder management
- insights into Best practices in LA
- appreciate the Tata way of handling LA, especially the approach to engaging with affected communities

Curriculum

This program will cover the following key topics:

Day 1

Understanding and Interpreting Land Acquisition Legislation /Act

- In Perspective - RFCTLARR Act, 2013 and its comparative provisions to the LA Act of 1894
• Legal provisions – Eminent domain and Retrospective clauses
• Social Impact Assessment and its role in RECTLARR Act 2013
• Provisions of Rehabilitation and Resettlement – An Appraisal
• What to anticipate in future and how to be prepared?

Day 2:

Interactive Sessions/Presentations/ Panel Discussion

• Understanding the skills and capabilities required to conduct a door to door survey of Project Affected People/households
• Land Acquisition choices – meeting strategic objectives
• Navigating LA issues using case examples and experience sharing
• Strategy in handling the LA in view of the provisions of the new Act of 2013
• Panel Discussion

Methodology

The program will be delivered through a combination of in-class sessions, experience-sharing sessions, and a panel discussion. These sessions will be facilitated by a mix of academic experts, industry practitioners and legal professionals and will provide opportunities for rich interactions.

Faculty

Dr Latha Ravindran, Professor in Economics, XIMB Bhubaneshwar – holds expertise in SIA study of various Industrial and Mining projects with Developing Resettlement and Rehabilitation (R&R) Plan. Associated with Government of Odisha in developing R&R Policy 2006 which was considered as the eye opener for developing National R&R Policy 2007

Dr Reshmy Nair, Associate Professor Centre for Excellence in Management of Land Acquisition and R & R (CMLARR), ASCI, Hyderabad. Holds expertise in conducting National standard training on LA as well as supported GoI in Developing the Rules under new Act.

Mr Anupam Srivastava – Advocate, Partner, Chambers of Law, Delhi, Holds expertise in legal provisions of LA and Constitution, on Law of Eminent domain and Retrospective clause. Has written a Book on New Land Acquisition Act
**Mr Pramod Kulkarni**, General Manager, National Thermal Power Corporation (NTPC). Managed LA projects and R&R activity in two of the NTPC Mega projects (1) Meja Thermal Power Project, Allahabad and (2) Bilhaur Super Thermal Power Project, Kanpur, UP and is keen to bring reforms in LA based on his vast field experience.

**Mr Binod Chandra Mishra**, Head Land & Land Acquisition-Raw Material Division, Tata Steel, Ex joint secretary Govt of Odisha, His expertise is in Land Acquisition and Rehabilitation in various fields starting from Irrigation project to Industrial and Mining project and as GM of IDCO developed 13,000 acre, Kalinga Nagar industrial complex starting from Land Acquisition to Infrastructure planning and development. Led IDCO in supporting 66 Industrial projects, getting land at various parts of Odisha with LA of about 65,000 acres of Land, Expert in site selection like the biggest FDI 'POSCO', and Drafted Consent award Guidelines of Gov of Odisha and was associated with Drafting of R&R policy 2006

**Mr Rajesh Chintak**, Chief of HRM, Tata Steel, was associated with Resettlement and Rehabilitation and stake Holders Management of Tata steel Green field project at Kalinga Nagar, Odisha. Holds expertise in developing Rehab Colony with Infrastructure and displacement of Tribal inhabitants in Kalinga Nagar allotted project Land. Developed the concept of transit accommodation for quick approach to involuntary displacement.

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**Who Should Attend**

This program will benefit senior level managers and top management (with experience of 15 years and above) with any of the following profiles

- Executives from functional domains like legal, finance, liaison, project heads, CSR, and Engineering division
- Strategy officers / top management officials who would like to understand the fit between LA strategy with the overall organisational strategy
- Senior officials from companies who are not directly involved in LA, but would like to educate themselves to understand their customers' issues in dealing with LA

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**Benefits**
Understanding and appreciating the legal aspects in the Land Act and RFCTLARR Act 2013

• Legislative implications of the Land Act and its changing form on companies
• Pitfalls and common mistakes in handling LA issues
• Understanding the transit effect from the old act to new act of the existing projects
• Stakeholder management and community engagement
• Appreciating the ‘Tata Way’
• Insights on best practices in LA

Fees

INR 30,000/- per participant plus taxes as applicable. The fee includes course fee, cost of instructional material/program kit and accommodation on double occupancy basis

Last date for nominations: February 2, 2015