



Indian Institute of
Corporate Affairs

Partners in Knowledge. Governance. Transformation.

School of Corporate Law

**Two Day Residential Training Program on Land Acquisition and Related Laws -
Including Real Estate (Regulation and Development) Bill - 2016**

18-19 March, 2016

(Fri-Sat)

Venue

**Indian Institute of Corporate Affairs (IICA)
Plot No 6, 7, 8, Sector – 5, IMT Manesar
Dist. Gurgaon, Haryana – 122050**

BRIEF REPORT



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Ministry of Corporate Affairs, Government of India

School of Corporate Law

Two Day Residential Training Program on “Land Acquisition and Related Laws Including
Real Estate (Regulation and Development) Bill 2016”
18th - 19th March, 2016

IICA Campus, IMT Manesar, Dist Gurgaon, Haryana



Row 1: L to R: Sh. Shailendra Kumar Bhatia (YEIDA), Sh. Sutanu Kumar Bhowmik (PowerGrid), Sh. P. K. Agrawal (Ex. Principal Secy.),
Dr. Vijay Kumar Singh, Head, School of Corporate Law (IICA), Sh. S. S. Panigrahi (AAI), Sh. Shiv Shankar Vindal (Powergrid),
Sh. Piyush Ranjan Yaduvanshi (NHAI)

Row 2: L to R: Sh. Thaneshwar Baruah (PowerGrid), Sh. Golak Bihari Banara (AAI), Sh. Bhushan Sharma (AAI), Sh. S. Telang (PowerGrid), Sh. Nitish
Mittal (MoRTH), Sh. Vivek Kumar Singh (PowerGrid), Sh. Syed Shariq Naved (NHAI)

Row 3: L to R: Sh. Prakhar Chauhan (IICA), Dr. Pyla Narayana Rao (IICA), Ms. Sonia Aggarwal (IICA)

The training program began with the ice-breaking sessions wherein the participants introduced themselves to each other and the course expectations were mapped. Dr. Vijay Kumar Singh, Head,

School of Corporate Law, IICA welcomed the participants of the course on behalf of Dr. Bhaskar Chatterjee, DG & CEO, IICA.

The program marked its opening with address by Dr. Singh on the Constitutional perspective of the right to property and Land Laws. The interface between the Fundamental Rights and Directive Principles of State Policy were charted out especially in light of the decisions of *Kesavananda Bharathi* judgment, *Minerva Mills* Case, I.R. Coelho and Waman Rao cases. The Constitutional background set the tone of further discussions.

Session I: Land Acquisition: Law and Policy in India

The first session was delivered by Sri P.K. Agrawal, former Principal Secretary PWD (Roads Department), Land & Land Reforms. Sri Agrawal highlighted the legislative framework and the procedure relating to notification rules and acquisition. He also sensitized the participants with his practical experiences while discussing the provisions of the Act, which was highly appreciated the participants.

Session II: Problem in Land Acquisition in India: Best Practices

Advocate Devendra Singh, practitioner before the Supreme Court and the Delhi High Court, discussed the problems which arise in Land Acquisition in India. He highlighted the provisions of the legislation of 1894 and 2013 regarding acquisition processes. He shed light on the compensation mechanism and the areas which attract maximum litigations in acquisition matters, by relying upon various judgments rendered by the Supreme Court along with some specific case studies.

Session III: Panel Discussion: This was a panel discussion on Rehabilitation and Resettlement (R&R) which is an important concept under the new land laws. The panelists were Prof. Sakarama Somayaji, Adjunct Professor, NTPC School of Business and Sri Alok Pandey, Dy. GM (Law). A social perspective was presented by Prof. Somayaji with examples of *Singrauli* and *Tehri* dam projects while *Shri. Pandey* pointed out the concerns from the perspective of power projects.

Session IV: Real Estate Sector in India: Legal Regime:

The last session of the day was chaired by Sri Vaibhav Gaggar, Managing Partner, Gaggar & Associates. The session specifically dealt with the evolution of real estate laws in India beginning with the provisions under Consumer Protection Act, 1986. The key provisions of the Real Estate (Regulation & Development) Bill, 2016 was dealt with by *Mr. Gaggar*. The emphasis was laid on the role of the various stakeholders involved and the nuances of the bill, including the Real Estate Regulator, Appellate Authority, Promoter, Real Estate Agent, etc.

Day 2: 19th March, 2016 (Saturday)

Session V: Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Rules and Procedures:

This session was taken by *Mr. P.C. Prasad*, Deputy Secretary to the Govt. of India, Department of Land Resources. He elaborately dealt with the provisions of the Act and its related rules and procedure with latest updates on the law and policy.

Session VI: Land Record Information Management Systems - Due Diligence:

Mr. Bibhuti B. Patel, Director LR, Department of Land Resources, Ministry of Rural Development conducted this session. This session specifically focused upon Digital India Land Records Modernization Programme (DILRMP) and its objectives, components and use.

Session VII: Panel Discussion: Legal Issues in Real Estate Sector in India

The panelist for this session included *Shri. Mr. Ilam Chand Kamboj*, (Associate Vice President (Legal) & Company Secretary, Hero MotoCorp Ltd), *Dr. Vijay Singh*, Head, SCL, IICA and *Mr. Biswajit Das*, Advocate at Supreme Court of India, Managing Partner, Juris and Juris

Session VIII: Judicial Perspectives in Real Estate Sector in India

Mr. Biswajit Das, Advocate at Supreme Court of India, Managing Partner, Juris and Juris dealt with this session and discussed important case studies from judicial perspective in real estate sector in India so also some issues relating to land acquisition, rehabilitation and resettlement. He elaborated the concepts of public purpose, adequate compensation, market value, etc.

The program successfully ended with feedback session from the participants and distribution of certificates.