

Bill No. 58 of 2022

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY
IN LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT (AMENDMENT) BILL, 2022

By

SHRI RAHUL SHEWALE, M.P.

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BILL

*further to amend the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act, 2013.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Act, 2022.

Short title and commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Insertion of new sections 40A and 40B. 2. After section 40 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the following sections shall be inserted, namely:— 30 of 2013.

Special powers in case of acquisition of land in metropolitan city of Mumbai for infrastructure projects. “40A. (1) Notwithstanding anything contained in section 40, in case of land required to be acquired for infrastructure projects in metropolitan city of Mumbai, whenever the Government of the State of Maharashtra so directs, the Collector shall, though no such award has been made, may on the recommendation of Single Window No Objection Certificate Approval Committee and on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for infrastructure projects and such land shall thereupon vest absolutely in the Government of the State of Maharashtra, free from all encumbrances. 5 10

(2) The Government of the State of Maharashtra shall not take possession of any land under sub-section (1) without giving to the occupier thereof at least thirty days notice of his intention to do so, or such longer notice not later than forty-five days to enable such occupier to remove his movable property from such land without unnecessary inconvenience. 15

(3) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall tender payment of the compensation for such land as estimated by him to the person entitled thereto: 20

Provided that in case of delay in payment of compensation an additional compensation of two per cent. of the total compensation per month shall be paid to the person.

Single Window No Objection Certificate Approval Committee. 40B. (1) For the purpose of section 40A, the Government of the State of Maharashtra shall, by notification in the Official Gazette, appoint a Committee be known as Single Window No Objection Certificate Approval Committee for metropolitan city of Mumbai for Single Window Approval of the land acquisition. 25

(2) The Committee shall consist of—

(i) a Chairperson; 30

(ii) one representative to be nominated by the Central Government, as member;

(iii) one representative to be nominated by the Government of the State of Maharashtra, as member;

(iv) the Collector of the metropolitan city of Mumbai concerned from where the land is acquired, as member; 35

(v) one representative of the Brihanmumbai Municipal Corporation (BMC), as member;

(vi) one representative of the State department of Urban Development;

(vii) one representative of the State department of Rural Development; 40

(viii) one representative of the State department of Finance;

(ix) one representative of the State department of Home; and

(x) one representative each of the State and Central department of Environment, Forest and Climate Change.

(3) The salary and allowances payable to and other terms and conditions of service of Chairperson and members of the committee shall be such as may be prescribed. 45

(4) The Government of the State of Maharashtra shall provide the committee with financial and other assistance as may be necessary for the efficient functioning.

5 (5) The Committee shall make its recommendations to the Government of the State of Maharashtra regarding the No Objection Certificates for land acquisition within thirty days of request and submission of relevant documents:

Provided that in case Committee requires further time, it may make a report in writing to the concerned parties involved appraising them of the need for extension by fifteen more days.

10 (6) The Committee while recommending No Objection Certificate under sub-section (5) shall:—

- (i) uphold the socio-economic interests of local communities and environment;
- (ii) undertake activities for determining a fair compensation;
- 15 (iii) facilitate counselling for affected families to invest the compensation amount in a prudent manner;
- (iv) mediate or arbitrate disputes between interested parties; and
- (v) maintain a public interface for application and disbursement, constantly update its data pertaining to application received verses disbursement and penalty paid in such manner as may be
20 prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Major developmental projects undertaken by the Central and the Government of the State of Maharashtra have been facing undue and unavoidable delay because of the lengthy and time-consuming process of land acquisition in the city of Mumbai. These projects often include time-sensitive developmental projects including those with international funding and foreign investment similar to Mumbai Development Plan 2034 spearheaded by the Mumbai Metropolitan Region Development Authority.

The acquisition of land for developmental projects by the Government has often times been delayed and called off due to procedural lapses. Given the geographical location and the frequency of occurrence of natural disasters in Mumbai, it becomes imperative to streamline the land acquisition process so as to expedite the completion of the project in a time-bound manner. The objective of this Bill is to simplify the long chain of communication which culminates in the grant of permission for acquisition of land.

Further, this Bill seeks to expedite the process of acquisition of land in the State of Maharashtra, by the Government, for development purposes whilst simultaneously securing the rights of displaced citizens and land owners from whom the land was acquired by the Government.

Through introduction of a single-window system for approval and constitution of various other authorities, the Bill seeks to simplify the land acquisition and compensation process by making it more time-bound. The Bill disentangles the various authorities and departments involved in the process by constituting a single committee with equal representation, thus bringing in a single Body which may grant or rescind approvals received from the Government.

The proposed Bill seeks to streamline the application process, the scrutinization process, the grant of approval for acquisition of land and timely disbursal of compensation for land owners whose lands have been acquired.

Hence this Bill.

NEW DELHI;
2 February, 2022.

RAHUL SHEWALE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of Single Window No Objection Certificate approval committee, to ensure timely approvals and expedited land acquisition. The Bill, therefore, if enacted will involve expenditure recurring and non-recurring from the Consolidated Fund of India. However, it is not possible to access the actual financial expenditure likely to be incurred at this stage.

LOK SABHA

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Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(Shri Rahul Shewale, M.P.)