

AS INTRODUCED IN THE RAJYA SABHA
ON THE 11TH MAY, 2012

Bill No. XX of 2012

THE LAND ACQUISITION (AMENDMENT) BILL, 2012

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BILL

further to amend the Land Acquisition Act, 1894.

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

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 2012.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force at once.

Short title,
extent and
commence-
ment.

- Amendment of section 3. **2.** In section 3 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in clause (g), the following shall be inserted at the end, namely:— 1 of 1894.
- (v) in case the whole village or blocks of villages are acquired, then all its residents, like tenants, artisans, landless labourers shall be deemed to be persons "entitled to act".
- Amendment of section 5A. **3.** In section 5A of the principal Act, sub-section (3) shall be omitted. 5
- Insertion of new section 5B. **4.** After section 5A of the principal Act, the following new section shall be inserted, namely:—
- Operation of the notification. "5B. A notification, issued under section 4 shall remain in force for two years with effect from the date of issue of the notification.
- Amendment of section 11. **5.** In section 11 of the principal Act, for the words, figures and brackets "at the date of the publication of the notification under section 4, sub-section (1)", the words "at the date of the acquisition or taking possession" shall be substituted. 10
- Amendment of section 16. **6.** In section 16 of the principal Act, the following proviso shall be inserted namely:—
- "Provided that where the acquisition or possession of land involves displacement of twenty-five families or more or a full village or blocks of villages, it shall be the duty of the acquiring authority to rehabilitate the displaced persons and their rehabilitation shall form part of the project expenditure. 15
- Amendment of section 23. **7.** In section 23 of the principal Act,—
- (i) in sub-section (1), for the words, figures and brackets "at the date of the publication of the notification under section 4, sub-section (1)", the words "at the date of the acquisition or taking possession" shall be substituted. 20
- (ii) in sub-section (2), for the words "thirty per centum" the words "forty per centum" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Land Acquisition Act, 1894 was passed long ago. After sixty-four years of Independence, the country has set itself on the path of infrastructural development besides the construction of big industrial and multipurpose irrigation and hydel projects, etc. This has necessitated the acquisition of vast areas and blocks of land uprooting hundred of villages.

Under section 4 of the said Act, no time limit is fixed during which a notification regarding acquisition of land is to remain in force. In the case of big projects, huge areas, more than what is required, are notified. The projects take several years to complete. The acquisitions are then made by stages, but due to the notification under section 4, the people over vast areas are denied the ordinary rights of construction and improvement of their houses and lands. Moreover, the compensation under section 23 is awarded from the date of the publication of the notification under section 4 of the Act. The intervening period of notification and acquisition or possession extends over several years. The owners or persons, whose interests suffer and who are ousted, are granted compensation which is wholly insufficient to acquire land at reasonable price elsewhere. The aim of the welfare state should be to award him fair and reasonable price at the time of acquisition. Besides, when blocks of villages are displaced it should be the duty of the acquiring authority to rehabilitate them. The rehabilitation of the displaced persons should form part of the project scheme and the oustees should be given land at reasonable price and other amenities for rehabilitation.

The Bill seeks to amend the Land Acquisition Act, 1894 so as to provide for these matters.

Hence, this Bill.

SHADI LAL BATRA

FINANCIAL MEMORANDUM

The clause 6 of the Bill seeks the rehabilitation of the oustees whose lands and houses, etc. are acquired and clause 7 seeks to increase the quantum of compensation in consideration of acquisition of compulsory nature. This will involve extra expenditure from the Consolidated Fund of India. The amount cannot be estimated with accuracy at present.

ANNEXURE

EXTRACTS FROM THE LAND ACQUISITION ACT, 1894

(1 OF 1894)

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3. Definitions:

(a) *** **

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)— *** **

Provided that—*** **

(i) *** **

(ii) *** **

(iii) *** **

(iv) no person "entitled to act" shall be competent to receive the compensation— money payable to the person for whom he is entitled to act unless he would have been competent to alienate the land and receive and give a good discharge for the purchase— many on a voluntary sale.

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5A. Hearing of objections: (1) * ****

(2) *** **

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

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11. Enquiry and award by Collector:—On the day so fixed, or any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land at the date of the publication of the notification under section 4, sub-section (1), and into the respective interests of the persons claiming the compensation and shall make an award under this hand of—

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16. Power to take possession: When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

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23. Matters to be considered in determining compensation: (1) In determining the amount of compensation to be awarded for land acquired under this Act, the court shall take into consideration—

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further to amend the Land Acquisition Act, 1894.

(Shri Shadi Lal Batra, M.P.)