

GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
RAJYA SABHA
STARRED QUESTION – 155
ANSWERED ON – 15/03/2023

Arbitration Proceedings regarding Compensation

155 Dr. ASHOK BAJPAI:

Will the Minister of **ROAD TRANSPORT AND HIGHWAYS** be pleased to state:

- (a) whether Government is aware that the land owners are not satisfied with the procedure as laid down in the National Highways Act, 1956 for determination of compensation;
- (b) whether it is a fact that Government has appointed Government officers as arbitrators for the determination of compensation for acquired lands;
- (c) whether government has taken any steps to address the issue of delay of decision of arbitration proceedings regarding compensation for land acquisition and also the absence of regular first appeal against the award of the arbitrators; and
- (d) if so, the details thereof?

ANSWER

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS

(SHRI NITIN JAIRAM GADKARI)

- (a) to (d) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE RAJYA SABHA STARRED QUESTION NO. 155 ANSWERED ON 15.03.2023 ASKED BY DR. ASHOK BAJPAI REGARDING ARBITRATION PROCEEDINGS REGARDING COMPENSATION.

(a) The amount of compensation in lieu of the acquired land is determined in accordance with the First, Second and Third Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013. The Notifications for acquiring land for the development and maintenance of National Highways (NH) are issued under Section 3 of the National Highways (NHs) Act, 1956.

(b) The Central Government under Section 3G(5) of the NHs Act, 1956, usually appoint concerned State Government officers of the rank of Divisional Commissioner / Additional Divisional Commissioner / District Magistrate / Collector, as Arbitrator.

(c) and (d) In case either of the parties is aggrieved with the Arbitrator's Award, it may take recourse to a Court under Section 34 of The Arbitration and Conciliation Act, 1996 (26 of 1996) , strictly within a period of 3 months, reckoned from the date of receipt of signed copy of the Arbitral Award. In terms of Section 3G(6) of the NHs Act, 1956, the provisions of the Arbitration and Conciliation Act, 1996 are applied to every arbitration under the NHs Act, 1956. The arbitration proceedings are therefore quasi-judicial in nature.
