

GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

LOK SABHA
UNSTARRED QUESTION NO. 1666
ANSWERED ON 28TH NOVEMBER, 2019

OWNERSHIP OF LAND ACQUIRED BY THE GOVERNMENT

1666. SHRI S. JAGATHRAKSHAKAN:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS
सड़क परिवहन और राजमार्ग मंत्री

be pleased to state:

- (a) whether it is a fact that under the National Highways Act, 1956, the ownership of the land acquired goes to the Government even before the compensation is paid to the landowner;
- (b) if so, the details thereof;
- (c) whether the Government is considering to rectify this provision;
- (d) if so, the details thereof;
- (e) whether the Government proposes to appoint Rehabilitation and Resettlement Commissioner under the National Highways Act to pay the compensation to the concerned landowners; and
- (f) if so, the details thereof ?

ANSWER

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS

(SHRI NITIN JAIRAM GADKARI)

(a) to (b) Land for the development and maintenance of National Highway is acquired under Section 3 of the National Highways (NHs) Act, 1956. Once a land is notified under Section 3D of the NHs Act, 1956, the land vests with the Central Government free from all encumbrances.

(c) to (d) No, Sir. There is no proposal under consideration to amend Section 3 of the NHs Act, 1956

(e) to (f) No, Sir. The Central Government (i.e. the Ministry of Road Transport & Highways) appoints the Competent Authority for Land Acquisition (CALA) in exercise of its powers under Section 3(a) of the NHs Act, 1956, who takes all action for acquisition of land under the NHs Act, 1956. Acquisition of land for the required Right of Way of a National Highway, causes minimal displacement and dislocation of the affected persons. As such, the number of "Displaced families" requiring "Resettlement and Rehabilitation" is very small. However when need arises, the CALA determines the compensation in accordance with the First Schedule, Rehabilitation and Resettlement in accordance with the Second Schedule and Infrastructure amenities in accordance with the Third Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013.
