

Bill No. 97-C of 2007

THE LAND ACQUISITION (AMENDMENT) BILL, 2009

A

BILL

further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 2009.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as reference to the coming into force of that provision.

1 of 1894.

2. In the long title to the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), the words “and for Companies” shall be omitted.

Amendment of
long title.

Amendment of preamble.

3. In the principal Act, in the preamble, the words “and for Companies” shall be omitted.

Insertion of new section 1A.

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

Application of Rehabilitation and Resettlement Act, 2007 to persons affected due to land acquisition.

“1A. The provisions of the Rehabilitation and Resettlement Act, 2009 shall apply in respect of acquisition of land by the appropriate Government under this Act.”.

Amendment of section 3.

5. In section 3 of the principal Act,—

(i) for clause (b), the following clause shall be substituted, namely :—

‘(b) the expression “person interested” includes,—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) tribals and other traditional forest dwellers, who have lost any traditional rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

2 of 2007.

(iii) a person interested in an easement affecting the land; and

(iv) persons having tenancy rights under the relevant State laws;’;

(ii) after clause (cc), the following clause shall be inserted, namely :—

‘(ccc) the expression “cost of acquisition” includes—

(i) compensation awarded including the solatium and other amount and interest payable thereupon;

(ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;

(iii) cost of acquisition of out-project land for settlement of displaced or adversely affected families;

(iv) cost of development of infrastructure and amenities at resettlement sites;

(v) additional cost of resettlement as may be required after admissible adjustment of rehabilitation and resettlement cost against compensation awarded to affected persons or families;

(vi) administrative cost of acquisition of land including both in-project and out-project areas lands; and

(vii) administrative cost involved in planning and implementation of resettlement and rehabilitation packages for providing physical rehabilitation and resettlement to the entitled and interested families, displaced or adversely affected on account of in-project acquisition of land;’;

(iii) clauses (d) and (e) shall be omitted;

(iv) for clause (ee), the following clause shall be substituted, namely:—

‘(ee) the expression “appropriate Government” means,—

(i) in relation to acquisition of land for the purposes of the Union, the Central Government;

(ii) in relation to acquisition of land for the purposes of any infrastructure project in more than one State, the Central Government; and

(iii) in relation to acquisition of land for any other purpose, the State Government;’;

(v) for clause (f), the following clause shall be substituted, namely:—

‘(f) the expression “public purpose” includes,—

(i) the provision of land for strategic purposes relating to naval, military, air force and armed forces of the Union or any work vital to national security or defence of India or State police;

(ii) the provision of land for infrastructure projects of the appropriate Government, where the benefits accrue to the general public; and

(iii) the provision of land for any other purpose useful to the general public, for which land has been purchased by a person under lawful contract or is having the land to the extent of seventy per cent. but the remaining thirty per cent of the total area of land required for the project is yet to be acquired.

Explanation.—The word “person” shall include any company or association or body of individuals, whether incorporated or not.’;

(vi) after clause (f), the following clause shall be inserted, namely:—

‘(ff) the expression “infrastructure project” shall include,—

(i) any project relating to generation, transmission or supply of electricity;

(ii) construction of roads, highways, bridges, airports, ports, rail systems, mining activities, educational, sports, health care, tourism transportation, space programme and housing for such income groups as may be specified from time to time by the appropriate Government;

(iii) water supply project, irrigation project, sanitation and sewerage system; or

(iv) any other public facility as may be notified in this regard by the Central Government in the Official Gazette;’;

(vii) in clause (g), for the expression “court”, wherever it occurs, the expression “the Authority for the Centre or, as the case may be, the Authority” shall be substituted;

(viii) after clause (g), the following clauses shall be inserted, namely:—

‘(h) the expression “Authority” means the Land Acquisition Compensation Disputes Settlement Authority established by the State Government under sub-section (I) of section 17A;

(i) the expression “Authority for the Centre” means the Land Acquisition Compensation Disputes Settlement Authority for the Centre established by the Central Government under sub-section (I) of section 17L;

(j) the expression “Member” means a Member of the Authority for the Centre or, as the case may be, the Authority, and includes the Chairperson.’.

Omission of the expression “or for a company” throughout the Act.

6. Throughout the principal Act, the words “or for a company” along with their grammatical variations, shall be omitted.

Substitution of words “Authority for the Centre or the Authority” in place of words “the Court” throughout the Act.

7. Throughout the principal Act except in *Explanation* to sub-section (1A) of section 23, for the words “the Court”, along with their grammatical variations the words “the Authority for the Centre or, as the case may be, the Authority” shall be substituted.

Insertion of new section 3A.

8. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Mandatory social impact assessment prior to acquisition of land under this Act.

“3A. Whenever the appropriate Government intends to acquire land for public purpose involving physical displacement of—

(i) four hundred or more families *en masse* in plain area; or

(ii) two hundred or more families *en masse* in tribal or hilly areas or Desert Development Programme blocks or areas specified in Fifth Schedule or Sixth Schedule to the Constitution,

a social impact assessment study shall be carried out in the affected area for the purpose of social impact appraisal, incorporation of Tribal Development Plan, plan for giving emphasis for the Scheduled Castes, the Scheduled Tribes and other vulnerable sections of the society, provision for infrastructural amenities and facilities in the proposed resettlement area in terms of the provisions contained in Chapters II, IV, V and VI of the Rehabilitation and Resettlement Act, 2009, in such manner and within such time as may be prescribed by rules made by the Central Government.

Committee for scrutiny of acquisition proposals.

3B. (1) The appropriate Government shall constitute a Committee under the Chairmanship of the Chief Secretary, consisting of the Secretaries of the Departments of Finance, Rural Development and the concerned Department and not more than three experts from the relevant fields, to examine proposals for land acquisition.

(2) The Committee shall ensure that—

(a) only the minimum area of land required for the project is proposed to be acquired;

(b) the Collector of the district, where the acquisition of land is proposed, has explored the possibilities of utilising waste, degraded, barren lands and that the agricultural land especially land under assured irrigation and multi-cropped land is acquired only as a last resort:

Provided that where the agricultural land is acquired, the requiring body shall compensate the State for development of an equal area of earmarked wasteland elsewhere in that State for agricultural purposes which shall form part of the project cost;

(c) a report is obtained from concerned Collector, regarding possible resettlement areas for persons likely to be displaced due to land acquisition and shall select a suitable area, which the appropriate Government may consider for the purpose of declaring it as the resettlement area under section 25 of the Rehabilitation and Resettlement Act 2009;

(d) the updation of land and property records by the concerned Department within a reasonable time, more particularly areas proposed to be acquired, is undertaken;

(e) the record is kept of multiple displacements and that this data is fed to the National Monitoring Committee created under the Rehabilitation and Resettlement Act, 2009;

(f) before recommending acquisition of land for the requiring body, necessary clearance for conversion of land use is obtained so that such land use is in consonance with the state land use policy.

(3) The Committee shall consider all possible sites for the project, keeping in view the principles of minimum displacement of people and minimum acquisition of land before recommending a particular site for the project.

(4) The Committee shall obtain the Social Impact Assessment report as provided in section 4 of the Rehabilitation and Resettlement Act, 2009 for several possible land acquisition sites and after considering all the reports, recommend such area for acquisition which may follow the principle of minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse effect on them.

(5) The Chief Secretary of each State Government shall put in place a mechanism for a Data bank in the State in the public domain which may list out lands acquired in the past but lying unutilised.

(6) The Committee shall, before recommending any fresh acquisition of land, also examine the data of the unutilised acquired land with the Data Bank maintained under sub-section (5) and make a specific recommendation whether the land specified under sub-section (5) may be utilised for the project".

9. In section 4 of the principal Act,—

Amendment
of section 4.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose or for a company, a notification to that effect alongwith details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(i) in the Official Gazette;

(ii) in three daily newspapers circulating in that locality of which one each shall be in Hindi, English and a regional language;

(iii) in the website of the appropriate Government in public domain;

(iv) by making available for inspection by persons affected, at the Tehsil or Gram Panchayat or Urban Local Body Office; and

(v) the Collector shall also cause public notice of the substance of such notification to be put up at convenient places in the said locality:".

Provided that where no declaration is made consequent upon the issue of a notification under sub-section (1) within the time limit specified in sub-section (1) of section 6, no fresh notification under this sub-section shall, subsequent to the expiry of the period aforesaid, be made for a period of one year in respect of the same land:

Provided further that in case a notification issued under sub-section (1) in respect of a particular land lapsed for the second time, no proceeding under sub-section (1) shall be initiated at least for a period of five years from the date of such notification.

Explanation.—The last of the dates of such publication and the giving of such public notice being hereinafter referred to as the date of publication of the notification.”;

(b) After sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) No person shall make any transaction or cause any transaction of land specified in the notice of acquisition to create any encumbrances on such land from the date of publication of such notice under this section till the final declaration under section 6, or the award made and paid under section 16 of the Act, whichever is earlier:

Provided that the Collector may, on the application made by the land owner in respect of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(1B) After issuance of notice under sub-section (1), the Collector shall, before issue of declaration under section 6, undertake and complete the exercise of updating of land records, classification of land and its tenure, survey and standardisation of land and property values in respect of the land under acquisition.”.

Amendment
of section 5A.

10. In section 5A of the principal Act,—

(a) in sub-section (1), for the words "within thirty days from the date of the publication of the notification", the words "within sixty days from the date of the publication of the notification" shall be substituted;

(b) in sub-section (2), after the words "proceedings held by him" the words "alongwith a separate report giving particulars as to the number of affected families likely to be displaced in plain or hilly areas”.

Amendment
of section 6.

11. In section 6 of the principal Act,—

(a) in sub-section (1),—

(i) the words and figures “subject to the provisions of Part VII of this Act” shall be omitted;

(ii) the *Explanation* 1 shall be omitted.

(b) in sub-section (2), after the words "and the Collector shall", the words "apart from placing the public notice on the website of the district concerned in public domain" shall be inserted.

Insertion of
new section
8A.

12. After section 8 of the principal Act, the following section shall be inserted, namely:—

Evaluation of
damages
during survey,
measurement,
etc.

“8A. The damages caused while carrying out works on land such as survey, digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under section 4 particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.”.

Amendment
of section 9.

13. In section 9 of the principal Act, in sub-section (1) for the words "The Collector shall than", the words "The Collector shall apart from placing the public notice on the website of the district concerned in public domain" shall be substituted".

14. For section 11A of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 11A.

“11A. The Collector shall make an award under section 11 within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Period within which an award shall be made.

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 2009, the award shall be made within a period of one year from such commencement:

Provided further that the Collector may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months:

Provided also that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent. of the value of the award, for each month of such delay.”.

15. After section 11A of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections after section 11A.

2 of 1899.

‘11B. (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land,—

Determination of market value of land.

(i) the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; or

(ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years, where higher price has been paid; or

(iii) the average of the sale price, ascertained from the prices paid or agreed to be paid for not less than fifty per cent. of the land already purchased for the project where higher price has been paid, for the purpose of item (iii) of clause (f) of section 3,

whichever is higher.

(2) Where the provisions of sub-section (1) are not applicable for the reason that—

(i) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(ii) the registered sale deeds for similar land as mentioned in clause (i) of sub-section (1) are not available for the preceding three years; or

(iii) the minimum land value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,

2 of 1899.

the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated in the adjoining areas or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years where higher price has been paid, and the Collector shall calculate the value of the land accordingly.

(3) The Collector shall, before assessing and determining the market value of the land being acquired under this Act,—

(a) ascertain the intended land use category of such land; and

(b) take into account the value of the land of the intended category in the adjoining areas or vicinity,

for the purpose of determination of the market value of the land being acquired.

(4) In determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, the Collector may use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by the Collector.

(5) The Collector may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the Collector may utilise the services of experienced persons in the field of agriculture as he considers necessary.

11C. (1) When land is acquired for the purpose of item (iii) of clause (f) of section 3 and the person for whom the land is acquired is a company authorised to issue shares and debentures, such company shall, with the previous approval of the appropriate Government, offer its shares or debentures to the extent of fifty per cent. but in any case not less than twenty per cent. of the compensation amount to be paid to the person whose land has been acquired.

(2) On the acceptance of the offer, a part of the compensation amount shall be adjusted by transfer of shares and debentures to the person to whom such compensation is due and on such transfer the liability of the company in respect of such part of the compensation shall stand discharged.

(3) The allotment of shares and debentures mentioned in this section shall be made by the company in such manner as may be prescribed.

Explanation.—In this section, the expression “shares and debentures” has the same meaning as assigned to it under the Companies Act, 1956.’

1 of 1956.

Part payment of compensation by shares, debentures, etc.

Amendment of section 12.

16. In section 12 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act.

(4) For the purposes of sub-section (3), the summary of the entire proceedings shall include the summary of schedule for payment of compensation, dates of taking possession of the land and such other information as may be prescribed.

Amendment of section 15.

17. In section 15 of the principal Act, for the words and figures “sections 23 and 24”, the words, figures and letter “sections 11B, 23 and 24” shall be substituted.

Substitution of new section for section 16.

18. For section 16 of the principal Act, the following section shall be substituted, namely:—

Payment of compensation and taking over possession.

"16. (1) the Collector shall ensure that full payment of compensation is paid or tendered to the entitled persons within a period of ninety days commencing from the date of the award under section 11.

(2) On the fulfillment of the condition provided in sub-section (1), the Collector shall take possession of the land acquired, which shall, thereupon, vest absolutely in the Governor, free from all encumbrances."

19. In section 17 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely :— Amendment of section 17.

“(5) Without prejudice to the provisions of sub-section (3) and sub-section (3A), an additional compensation of seventy-five per cent. of the market value as determined under section 11B, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section.”.

20. In section 17 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment of section 17.

"(1A) The powers of the appropriate Government under sub-section (1) shall be restricted to minimum area required for the defence of India or national security and the compensation amount shall be estimated having regard to sections 118 and 11C."

21. After Part II of the principal Act, the following Parts shall be inserted, namely:— Insertion of new Parts IIA and IIB.

‘PART IIA

ESTABLISHMENT OF THE STATE AUTHORITY

17A. (1) **The State Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition compensation, establish, by notification in the Official Gazette, an Authority for the State to be known as the (name of the State) Land Acquisition Compensation Disputes Settlement Authority to exercise the jurisdiction, powers and authority conferred on it by or under this Act with regard to acquisition of land by the State Government:** Establishment of Land Acquisition Compensation Disputes Settlement Authority.

Provided that a State Government may constitute more than one Authority or the benches thereof, for the purposes of this Act, if considers necessary.

(2) **The head office of the Authority shall be at such place as the State Government may, by notification in the Official Gazette, specify.**

(3) **The Authority shall consist of not more than three but not less than two Members, including the Chairperson to be appointed by the State Government.**

(4) **The Members of the Authority shall be persons of ability, integrity and standing who have adequate knowledge of, and have shown capacity in, dealing with the problems relating to land acquisition matters, public administration, finance, economics and law.**

(5) **A person shall not be qualified to be a Member of the Authority unless he is or has been—**

(i) **a judge of a district court;**

(ii) **an officer of the State Government not below the rank of district collector;**

(iii) **an officer of the State Government in the Law Department not below the rank of Director.**

(6) **The Members of the Authority shall not hold any other office.**

(7) **The Authority shall ensure transparency while exercising its powers and discharging its functions.**

Term of office and conditions of service of Members.

17B. (1) A Member shall hold office for a term of five years from the date he enters upon his office:

Provided that the Member shall not be eligible for reappointment in the same capacity in that Authority in which he had earlier held the office:

Provided further that no Member shall hold office as such after he has attained the age of sixty-seven years.

(2) A Member of the Authority may, by notice in writing under his hand addressed to the State Government, resign his office:

Provided that the Member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(3) The salary, allowances and other terms and conditions of service of the Members shall be such as may be prescribed by the State Government:

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

Removal of Member.

17C. (1) No Member shall be removed from office except in accordance with the provisions of this section.

(2) The State Government may by order remove from office any Member, if he—

(a) has been adjudged an insolvent;

(b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude;

(c) has become physically or mentally incapable of acting as a Member;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) has been guilty of proved misbehaviour.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

Officers and employees of Authority.

17D. (1) The State Government may specify the numbers, nature and categories of the officers and employees of the Authority.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the officers and employees of the Authority shall be such as may be prescribed by the State Government.

Proceedings of Authority.

17E. The Authority shall have its sittings at the head office or any other place and at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business in its sittings as it may specify.

Filling of a casual vacancy.

17F. A casual vacancy in the office of a Member of the Authority shall be filled by the State Government, by notification in the Official Gazette, as soon as may be, after the occurrence of the vacancy.

Powers of Authority.

17G. (1) The Authority shall, for the purposes of the settlement of disputes relating to land acquisition compensation under this Act or the settlement of disputes relating to rehabilitation and resettlement of the affected family under the provisions of the Rehabilitation and Resettlement Act, 2009, have the same powers as are vested

5 of 1908.

in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(2) The Authority shall have the powers to pass such interim order in any proceeding, hearing or matter before it as it may consider appropriate.

45 of 1860.

17H. All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Proceedings before Authority.

2 of 1974.

17-I. The applications relating to settlement of land acquisition compensation under this Act, shall be decided by the Authority as expeditiously as possible and endeavour shall be made by it to dispose of the disputes finally within a period of six months from the date of receipt of the reference under section 18.

Speedy disposal of disputes by Authority.

45 of 1860.

17J. The Members and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and officers of Authority to be public servants.

17K. No civil court shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

Jurisdiction of civil courts barred.

PART IIB

ESTABLISHMENT OF THE AUTHORITY FOR THE CENTRE

17L. (1) The Central Government may, for the purpose of providing speedy disposal of disputes relating to land acquisition compensation, by notification in the Official Gazette, establish one or more Authority to be known as the Land Acquisition Compensation Disputes Settlement Authority for the Centre to exercise jurisdiction, powers and authority conferred on it by or under this Act with regard to the acquisition of land by the Central Government.

Establishment of Land Acquisition Compensation Disputes Settlement Authority for the Centre.

(2) The Central Government shall specify in the notification referred to in subsection (1) the matters and places in relation to which the Authority for the Centre may exercise jurisdiction.

(3) The Authority for the Centre shall consist of a Chairperson and not less than two Members to be appointed by the Central Government.

(4) A person shall not be qualified to be a Member of the Authority for the Centre unless he,—

(i) is or has been a Judge of a High Court; or

(ii) has for at least fifteen years held any Legislative or Legal post of the Union and a post in the Grade II of the Indian Legal Service for at least three years; or

(iii) a person who is or has been a member of the Indian Administrative Service having sufficient knowledge of land acquisition and has held the post of Collector of a district and a post equivalent to a Joint Secretary in the Government of India:

Provided that no appointment of a sitting Judge under clause (i) shall be made except after consultation with the Chief Justice of the High Court concerned.

(5) The Authority for the Centre will have a Secretariat consisting a Secretary-General and such other staff as may be decided by the Central Government.

Application of certain provisions relating to Authority for compensation disputes settlement to Authority for the Centre.

17M. The provisions of sections 17B, 17C, 17D, 17E, 17F, 17G, 17H, 17-I, 17J and 17K shall apply to the Authority for the Centre and shall have effect, subject to the following modifications, namely:—

(a) references to “Authority” shall be construed as references to “Authority for the Centre”;

(b) references to “State Government” shall be construed as references to “Central Government”;

(c) for the reference “any Member” in sub-section (2) of section 17C, the reference “any Member except a sitting Judge of a High Court” shall be substituted.’.

Amendment of section 18.

22. In section 18 of the principal Act,—

(i) in sub-section (1), the following provisos shall be inserted, at the end, namely:—

“Provided that the Collector shall, within a period of fifteen days from the date of receipt of application, make a reference to the Authority for the Centre, or as the case may be, the Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority for the Centre, or as the case may be, the Authority, requesting it to direct the Collector to make the reference to it within a period of thirty days.”;

(ii) in sub-section (2), after the proviso, the following proviso shall be inserted, namely :—

“Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”.

Amendment of section 23.

23. In section 23 of the principal Act,—

(i) in sub-section (1), in item “*first*”, after the words “market value of the land”, the words, figures and letter “in terms of section 11B” shall be inserted;

(ii) in sub-section (2), for the words “a sum of thirty per centum on such market-value”, the words “a sum of sixty per centum on such market-value” shall be substituted.

Omission of Part VII.

24. Part VII of the principal Act relating to “Acquisition of Land for Companies” and sections 38 to 44B (both inclusive) shall be omitted.

- 25.** In section 45 of the principal Act, in sub-section (3), for the words "adult male member", the words "adult member" shall be substituted. Amendment of section 45.
- 26.** After section 54 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 54A and 54B.
- “54A. (1) The land acquired under this Act shall not be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the appropriate Government. Utilisation of land for the purpose it is acquired.
- (2) When any land or part thereof, acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall return to the appropriate Government by reversion.
- 54B. Whenever any land acquired under this Act is transferred to any person for a consideration, eighty per cent. of the difference in the acquisition cost and the consideration received, which in no case shall be less than the acquisition cost, shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired, and for the purpose, a separate fund may be maintained which shall be administered by the Collector in such manner as may be prescribed.”. Sharing with landowners the difference in price of a land when transferred for a higher consideration.
- 27.** In section 55 of the principal Act, in sub-section (1),— Amendment of section 55.
- (i) the first proviso shall be omitted;
- (ii) in the second proviso, for the words “Provided further that”, the words “Provided that” shall be substituted;
- (iii) in the third proviso, for the words “Provided also”, the words “Provided further” shall be substituted.

LOK SABHA

A

Bill

further to amend the Land Acquisition Act, 1894.

(As passed by Lok Sabha)