

Bill No. 76 of 2017

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE
PROPERTY (AMENDMENT) BILL, 2017

A

BILL

further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

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

1. (1) This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2017.

Short title
and
commencement.

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

30 of 1952.

2. In the Requisitioning and Acquisition of Immovable Property Act, 1952, in section 7, after sub-section (1), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 14th March, 1952, namely:—

Amendment
of section 7.

(1A) Notwithstanding any judgment or order by a court or any other authority, setting
10 aside a notice under sub-section (1) on the ground that the owner or any other person who may be interested in the property was not given adequate opportunity to show cause or personal hearing, the Central Government may re-issue the notice to the owner or such other person interested in the property, for the purpose of giving opportunity of being heard:

Provided that where a notice is re-issued, the owner or such other person interested in the property shall be entitled to the same annual rate of interest, prevalent at any relevant time on the domestic fixed deposit offered by the State Bank of India, as defined under clause (g) of section 2 of the State Bank of India Act, 1955, on the compensation payable under this Act, from the date of publication of the first notice, till the final payment of the compensation under this Act: 23 of 1955. 5

Provided further that any enhanced compensation with or without interest awarded by the court or other authority, before the date of commencement of the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2017, shall be subject to the re-issuance of a notice under this sub-section and shall be applicable only to the cases of land being acquired for national security and defence purpose: 10

Provided also that in the cases, where the final award under this Act has been made and compensation thereof has been accepted by the owner or such other person interested in the property, before the commencement of the Requisitioning and Acquisition of the Immovable Property (Amendment) Act, 2017, shall not be reopened." 15

STATEMENT OF OBJECTS AND REASONS

The Requisitioning and Acquisition of Immovable Property Act, 1952 was enacted to empower the Central Government to requisition, for the purposes of the Union, any immovable property, and to acquire such requisitioned property under certain specified conditions. The said Act came into force on 14th March, 1952.

2. The power to requisition immovable property for public purposes is under section 3 of the Act and the power to acquire requisitioned property is under section 7. The principles and method of determination of compensation for requisitioned property and payment thereof have been laid down in sections 8 and 9 of the Act.

3. There have been instances of persons interested in the requisitioned property challenging the notice of acquisition on the ground that the same has been published without affording personal hearing to them by the competent authority. However, after prolonged litigation traversing up to the Apex Court, if the interested persons succeed in getting a notice of acquisition quashed, they would be bestowed with the unintended benefit of compensation for their property as on the date of publication of fresh notice of acquisition. This may cause astronomical hike in the quantum of compensation because of the inevitable appreciation of the market value of the property between the original date of publication of notice of acquisition and the present date of publication of the same, pursuant to the orders of the courts.

4. It is, therefore, proposed to amend section 7 of the Act to enable the Central Government to re-issue the notice of acquisition to the owner or such other person interested in the property, for the purpose of giving opportunity of being heard. The owner or the person interested in the property shall also be entitled to annual rate of interest, prevalent at any relevant time on the compensation payable, from the date of publication of the first notice, till the final payment of compensation. Further, it is proposed that any enhanced compensation with or without interest awarded by the court or other authority, before the date of commencement of the proposed amendment, shall be subject to the re-issuance of the proposed notice of acquisition and shall be applicable only to the cases of property being acquired for national security and defence purpose. It is proposed to give effect to the amendments from the date of enactment of the Requisitioning and Acquisition of Immovable Property Act, 1952, namely, the 14th March, 1952.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 11th April, 2017.

M. VENKAIHA NAIDU

LOK SABHA

A

BILL

further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

*(Shri M. Venkaiah Naidu, Minister of Urban Development, Housing and Urban Poverty
Alleviation and Information and Broadcasting)*

GMGIPMRND—468LS(S3)—11-04-2017.