

GOVERNMENT OF PUNJAB  
DEPARTMENT OF REVENUE, REHABILITATION & DISASTER MANAGEMENT  
(LAND REVENUE BRANCH)

No.24/84/2013-LR-1/3065-68

From : N.S.Kang,  
Financial Commissioner Revenue, Punjab,  
Chandigarh.

To

- (1) All the Administrative Secretaries in Punjab State.
- (2) All the Divisional Commissioners,
- (3) Registrar, Punjab & Haryana High Court, Chandigarh,
- (3) All the Deputy Commissioners in the State of Punjab.

Chandigarh dated the ..7....March, 2014

**Subject: Clarification on Section-24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.**

Sir/Madam,

This is with reference to the above subject.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) has come into force w.e.f 01.01.2014. Section 24 of the said Act begins with non-obstante clause and after careful consideration Government is pleased to issue the following clarifications on the provisions contained in Section-24 of the said Act (RFCTLARR Act, 2013) for your information, guidance and necessary action.

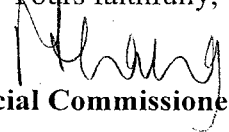
<b>Retrospective effect clauses in Section - 24 of the RFCTLARR Act, 2013</b>	<b>Corresponding action envisaged to be followed.</b>
<i>Section 24(1)(a)</i> - Land Acquisition proceedings where Preliminary Notification U/s 4 of Old Land Acquisition Act 1894 has been published prior to 1.1.2014.	The declaration is required to be issued under Section 6 of the old Act to be read with Section 24(1) (a) of the new Act. Revised Performa for issuing declaration in such cases is sent herewith and proceedings upto the stage of section 7 of the old Act shall continue. However, compensation shall be awarded under the provisions of the new Act.  <b>It may be noted that Provisions relating to Rehabilitation &amp; Resettlement of new Act shall not be applicable in such cases. It may be further noted that notification issued u/s 4 may be treated as published prior to 1.1.2014 if all the three publications i.e in official gazette, two news papers and at convenient places in the locality have been completed prior to 1.1.2014.</b>
<i>Section 24(1)(a)</i> - Preliminary Notification U/s 4 and declaration u/s 6 published prior to 1.1.2014 and where no award has been made upto 31-12-2013.	Proceedings shall continue upto the stage of Section 7 of old LA Act, 1894 but for the purpose of determination of compensation for passing the award the provisions of New Act shall apply.  It may be noted that Provisions relating to Rehabilitation & Resettlement of new Act shall not be applicable in such cases.

*MS*

<b>Retrospective effect clauses in Section - 24 of the RFCTLARR Act, 2013</b>	<b>Corresponding action envisaged to be followed.</b>
<b>Section 24(1)(b)-</b> LA proceedings where award has been made prior to 1.1.2014	Payment of compensation & all further action shall continue as per provisions of the old Land Acquisition Act 1894. It may be noted that Provisions relating to Rehabilitation & Resettlement of new Act shall not be applicable in such cases.
<b>Section 24(2) –</b> LA proceedings where award U/s 11 of the Old Act had been made Five years or more prior to the commencement of new Act but the physical possession of the land has not been taken or the compensation has not been made.	Such LA proceedings shall be deemed to have lapsed. The Requiring Authority, if it so choose, shall initiate LA proceedings afresh in accordance with the provisions of the new Act (Act 30 of 2013).
<b>Section 24(2) proviso-</b> LA proceedings where award u/s 11 has been made but compensation in respect of the majority of land holding has not been paid to the beneficiaries.	All awardees of awards made five years or more prior to commencement of new Act and whose land is covered in notification issued u/s 4 of LA Act-1894 shall be entitled to compensation in accordance with the provisions of the new Act (Act No. 30 of 2013). It may be noted that Provisions relating to Rehabilitation & Resettlement of new Act shall not be applicable in such cases.

2. **Hon'ble Supreme Court of India has interpreted the scope of Section 24(2) of the new Act in a judgement passed on January 24, 2014 in Civil Appeal No(s) 877 of 2014 and other connected Civil Appeals (Pune Municipal Corporation & Anr. Vs. Horakachand Misirimal Solanki & Ors.) Copy of the same may be downloaded from the website of Hon'ble Supreme Court of India for your information and guidance.**
3. Necessary follow up action may be taken accordingly.
4. This may be brought to the notice of all concerned.

Yours faithfully,

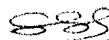
  
Financial Commissioner Revenue

Endst. 24/84/2013-LR-1/ 3069-81

Chandigarh dated the 7/3/14

A copy forwarded to :-

- (1) Director Land Records-Cum-Land Acquisition, Kapurthala Road, Jalandhar.
- (2) All the Sub Divisional Magistrates-cum-Land Acquisition Collectors.
- (3) Land Acquisition Officer, GAMADA/PUDA, PUDA Bhawan, S.A.S Nagar.
- (4) Land Acquisition Collector Drainage, Patiala.
- (5) Land Acquisition Collector SYL, Patiala.
- (6) Land Acquisition Collector, Punjab State Power Corporation Limited, Patiala,
- (7) Special Land Acquisition Collector, Jalandhar,
- (8) Special Land Acquisition Collector-Cum- SDM-II, Amritsar.
- (9) Land Acquisition Collector, Improvement Trust, Jalandhar.
- (10) Land Acquisition Collector, Improvement Trust, Amritsar.
- (11) Land Acquisition Collector, Ranjit Sagar Dam, Shahpur Kandi ( Pathankot)
- (12) Land Acquisition-Cum-Deputy Director, Colonisation Department, Punjab, Sector 22-C, Chandigarh.
- (13) Land Acquisition Collector, Industry & Commerce Department, Punjab, 17 Bays Building, Chandigarh.



Special Secretary Revenue (K)

**Performa of declaration to be made u/s 6 of Land Acquisition Act, 1894 in cases where Preliminary notification u/s 4 of the said Act has been published prior to 1-1-2014 i.e. the date of enforcement of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013)**

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Whereas land acquisition proceedings in respect of land specified below were initiated, before coming into force on 01.01.2014 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), by publishing a preliminary notification, No. \_\_\_\_\_ dated \_\_\_\_\_ in the Punjab Government Gazette dated \_\_\_\_\_ in the two daily newspapers dated \_\_\_\_\_ and Public Notice published in the locality as per rapat no. \_\_\_\_\_ dated \_\_\_\_\_ of the Roznamcha Waqiyati of the concerned Patwar Circle, under section 4 of the Land Acquisition Act, 1894.

Whereas Governor of Punjab is satisfied that land specified below is needed by Government at the Public expenses for public purpose, namely \_\_\_\_\_ and it is hereby declared that the land described in the specification below is required for the above public purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894 to be read with Sub-Section 1 of Section 24 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), to all whom it may concern and under the provisions of Section 7 of Land Acquisition Act, 1894, the Collector of \_\_\_\_\_ is hereby directed to take order for the acquisition of the said land.

Determination of compensation in respect of said land shall be made as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Plans of the land may be inspected in the offices of the Collector of \_\_\_\_\_ district and of the \_\_\_\_\_

**SPECIFICATION**

Revenue Estate \_\_\_\_\_ Had Bast No. \_\_\_\_\_ Tehsil/Sub-Division \_\_\_\_\_  
District \_\_\_\_\_

Khasra Nos. with area \_\_\_\_\_

Total area in Acres \_\_\_\_\_

Secretary to Government of Punjab  
Department of \_\_\_\_\_