

Bill No. 20-C of 2015

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN
LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
(AMENDMENT) BILL, 2015

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BILL

*further to amend the Right to Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act, 2013.*

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

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Act, 2015.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 31st day of December, 2014.

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30 of 2013.

2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), for the words "private company" wherever they occur, the words "private entity" shall be substituted.

Substitution
of certain
expression
throughout
Act.

3. In the principal Act, in sub-section (2) of section 2, after the second proviso, the following proviso shall be inserted, namely:—

Amendment
of section 2.

"Provided also that the acquisition of land, for the projects listed in section 10A and the purposes specified therein, shall be exempted from the provisions of the first proviso to this sub-section."

Amendment
of section 3.

4. In the principal Act, in section 3,—

(i) in clause (j), in sub-clause (i), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted; 5 1 of 1956.
18 of 2013.

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

'(yy) "private entity" means any entity other than a Government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organisation or other entity under any law for the time being in force.'

Insertion of
new Chapter
IIIA.

5. In the principal Act, after Chapter III, the following Chapter shall be inserted, namely:—

"CHAPTER IIIA

PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO
APPLY TO CERTAIN PROJECTS

Power of
appropriate
Government
to exempt
certain
projects.

10A (I). The appropriate Government may, in the public interest, by notification, exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely:—

(a) such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production; 20

(b) rural infrastructure including electrification;

(c) affordable housing and housing for the poor people;

(d) industrial corridors set up by the appropriate Government and its undertakings (in which case the land shall be acquired up to one kilometre on both sides of designated railway line or roads for such industrial corridor); and 25

(e) infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government.":

Provided that the appropriate Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the bare minimum land required for such project. 30

(2) The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the appropriate Government.

Amendment
of section 24.

6. In the principal Act, in section 24, in sub-section (2), after the proviso, the following proviso shall be inserted, namely:— 35

"Provided further that in computing the period referred to in this sub-section, any period or periods during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by any court or the period specified in the award of a tribunal for taking possession or such period where possession has been taken but the compensation lying deposited in a court or in any designated account maintained for this purpose shall be excluded." 40

Amendment
of section 31.

7. In the principal Act, in section 31, in sub-section (2), in clause (h), after the words 'affected families', the words 'including compulsory employment to at least one member of such affected family of a farm labourer' shall be inserted.

Amendment
of section 46.

8. In the principal Act, in section 46, in sub-section (6), in the *Explanation*, in clause (b), the words "any person other than" shall be omitted. 45

9. In the principal Act, after section 67, the following section shall be inserted, namely:—

Insertion of new section 67A.

5 '67A. The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all parties concerned, hold the hearing in the district where the land acquisition takes place for settlement of the objections raised in the reference.'

Hearing to be held by Authority in district or districts to decide grievances.

10. In the principal Act, for section 87, the following section shall be substituted, namely:—

Substitution of new section for section 87.

10 "87. Where an offence under this Act has been committed by any person who is or was employed in the Central Government or the State Government, as the case may be, at the time of commission of such alleged offence, the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is followed."

Offences by Government officials.

15 11. In the principal Act, in section 101, for the words, "a period of five years", the words "a period specified for setting up of any project or for five years, whichever is later," shall be substituted.

Amendment of section 101.

12. In the principal Act, in section 105,—

Amendment of section 105.

(i) for sub-section (3), the following sub-section shall be substituted, namely:—

20 "(3) The provisions of this Act relating to the determination of 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 shall apply to the enactments relating to land acquisition specified in the Fourth Schedule with effect from 1st January, 2015."

(ii) sub-section (4) shall be omitted.

25 13. In the principal Act, in section 113, in sub-section (1),—

Amendment of section 113.

(i) for the words "the provisions of this Part", the words "the provision of this Act" shall be substituted;

(ii) in the proviso, for the words "a period of two years", the words "a period of five years" shall be substituted.

Ord. 9 of 2014.

30 14. (1) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

LOK SABHA

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BILL

further to amend the Right to Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013.

(As passed by Lok Sabha)