

**The Right to Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement (Goa Amendment) Bill,
2015**

(Bill No. 4 of 2015)

A

BILL

further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), as in force in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Sixty-sixth Year of the Republic of India, as follows:-

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

(2) It shall be deemed to have come into force with effect from the 1st day of January, 2014.

2. Amendment of section 24.— In section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), as in force in the State of Goa (hereinafter referred to as the “principal Act”),

(i) in sub-section (2),- after the existing provisos, the following proviso shall be inserted, namely:-

“Provided further that, where an award has been made and the compensation has been deposited in the Government Treasury or with any Financial Institution including in EDC Limited on account of any land acquisition proceedings, then the same, for the purposes of this section, shall be construed as discharge of the obligations of the Collector.”;

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

“(3) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or any other authority, to the contrary, the action of the Collector of depositing the compensation in the Government Treasury or with any Financial Institution including in EDC Limited, on account of any land acquisition proceeding initiated under the Land Acquisition Act, 1894 (1 of 1894), shall be deemed to have been validly done or taken and have always been done or taken in accordance with the provisions of sub-section (2) of this section and section 31 of the Land Acquisition Act, 1894 (1 of 1894), as if the provision of sub-section (2) of this section as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Goa Amendment) Act, 2015, had been in force at all material times and that such proceeding shall be deemed to have not lapsed.

(4) No suit or other proceeding shall lie or be maintained or continued in any Court or before any Tribunal or other authority for challenging or for questioning the validity of action of the Collector of depositing the compensation pertaining to the land acquisition proceedings in the Government Treasury or with any Financial Institution including in EDC Limited and no Court, Tribunal or any other authority shall enforce or recognize any decree, judgment or order declaring such action taken or things done as invalid or unlawful.”.

3. Repeal and savings.- (1) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Goa Amendment) Ordinance, 2014 (Ordinance No. 1 of 2014) and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Goa Amendment) Second Ordinance, 2014 (Ordinance No. 2 of 2014) are hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS

In this State, the amount of compensation that is awarded in any land acquisition proceeding but not claimed or received by any person is kept in the Government Treasury or with any Financial Institution including in EDC Limited, and in cases of disputes, the compensation is deposited in the District Court under section 31 of the Land Acquisition Act, 1894 (1 of 1894). The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Goa Amendment) Ordinance, 2014 (Ordinance No. 1 of 2014) and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Goa Amendment) Second Ordinance, 2014 (Ordinance No. 2 of 2014) were promulgated by the Governor of Goa on 24/11/2014 and 06/12/2014 respectively, so as to amend section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2014 (Central Act 30 of 2013) for the purpose of safeguarding the action of the Collector of depositing the compensation in the Government Treasury or with Financial Institution including in EDC Limited, in respect of any land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894) and to provide that such proceeding shall be deemed to have not lapsed. This Bill seeks to replace the said Ordinances.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill

Dated:
Porvorim-Goa.

Francis D'Souza
Minister for Revenue

Dated:
Assembly Hall,
Porvorim-Goa.

Shri Nilkant Subhedar
Secretary to the
Legislative Assembly of Goa

ANNEXURE

**EXTRACT OF SECTION 24 OF THE RIGHT TO FAIR COMPENSATION
AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT (GOA AMENDMENT) BILL, 2015 SOUGHT TO BE
AMENDED**

24. (1) Notwithstanding anything contained in this Act in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,-

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

Place: Porvorim-Goa.
Date: ____ March, 2015

Shri Nilkant Subhedar
Secretary to the
Legislative Assembly of Goa