

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th December 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 31 of 2014

A Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth 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 (Tamil Nadu Second Amendment) Act, 2014.

Short title and
commence
ment.

(2) It extends to the whole of the State of Tamil Nadu

(3) It shall be deemed to have come into force on the 1st day of January 2014.

Central Act
30 of 2013

2. In section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in sub-section (2), after the proviso, the following proviso and Explanation shall added, namely:—

Amendment of
section 24

“Provided further that nothing contained in this sub-section shall apply, in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (Central I of 1894), where the land acquisition or dispossession of land is under litigation before the court as on the 1st day of January 2014 or where the land owner has not made any claim for compensation or has not claimed the compensation amount as on the 1st day of January 2014; or where the possession of the land has been taken, but the land or any portion thereof has been later encroached; or where physical possession of land or any portion of the land has not been taken on account of any encroachment.

Explanation:— Where the compensation payable under the Land Acquisition Act, 1894 (Central I of 1894) has been deposited in a treasury or in a court, such compensation shall be deemed to have been deposited in the account of the beneficiaries and paid in accordance with the provision of the said Land Acquisition Act, for the purpose of this sub-section.”

STATEMENT OF OBJECTS AND REASONS.

As per sub-section (2) of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the land acquisition proceedings initiated under the Land Acquisition Act, 1894 (Central Act I of 1894), where an award has been made five years or more prior to the commencement of the Central Act 30 of 2013 and either of the two contingencies is satisfied viz., (i) physical possession of the land has not been taken, or (ii) the compensation has not been paid, such land acquisition proceedings shall be deemed to have lapsed.

2. In many land acquisition proceedings initiated under the said Land Acquisition Act, 1894, award has been made five years prior to the commencement of the said Central Act 30 of 2013 but the physical possession of the land has not been taken in view of encroachments or after taking possession, the land or portion of the land has been encroached or possession has not been taken due to litigation pending in the courts or for the reason that the land owners do not made any claim for compensation or do not appear for receiving the compensation amount. Further, the land acquisition authorities have deposited the compensation in the treasury as revenue deposits payable to land owners or where the land owner has refused or disputed the award, deposited in the Court under section 31(2) of the Land Acquisition Act, 1894. In order to save the cases of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (Central Act I of 1894), where physical possession of the land has not been taken on account of pendency of any litigation or for the reason that the land owner has not made any claim for compensation or has not received the compensation amount or where possession of the land has been taken but the land or portion thereof has been encroached or where physical possession of land or any portion thereof has not been taken on account of any encroachment or where the compensation amount has been deposited in the treasury or in the court without actually paid to the land owners, from the application of sub-section (2) of section 24 of the said Central Act 30 of 2013, the Government have decided to amend sub-section (2) of section 24, suitably.

3. The Bill seeks to give effect to the above decision.

R.B. UDHAYAKUMAR,
Minister for Revenue.

A.M.P. JAMALUDEEN,
Secretary.