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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 26th December, 2016.

L.A. BILL No. 26 OF 2016.

A BILL TO AMEND THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 IN ITS APPLICATION TO THE STATE OF TELANGANA.

Be it enacted by the Legislature of the State of Telangana in the Sixty-seventh 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 (Telangana Amendment) Act, 2016.

Short
title and
commen-
cement.

[1]

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(2) The Act shall be deemed to have come into effect on 1st January, 2014.

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

(4) The provisions of this Amendment Act shall have effect notwithstanding anything contained in any law or judgment or order of any Court or authority.

Amendment to section 2. Central Act 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), in section 2, in sub-section (2), after the second proviso, the following proviso shall be added, namely:-

“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”.

Insertion of new section 10A.

3. In the principal Act, after Chapter III, the following new Chapter III A shall be inserted:-

“ CHAPTER III A

Provisions of Chapter II and Chapter III not to apply to certain projects

“Power of State Government to exempt certain projects.

10A. The State Government may, in the public interest, by notification in the Official Gazette, 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;

(b) infrastructure including electrification and irrigation projects;

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

(d) industrial corridors set up by the State Government and its undertaking (in which case the land shall be acquired up to such distance on both sides of designated railway lines or roads and as specified by the Government for specific projects from time to time and notified as such in State Gazette) ; and

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

provided that the State Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the minimum land required for such project”.

4. In the principal Act, after section 23, the following section shall be inserted, namely:-

Insertion
of new
section
23 A.

“Award of
Collector
without
enquiry in
case of
agreement
of interested
persons:-

23A. (1) Notwithstanding anything contained in section 23, if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the State Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(2) The determination of compensation for any land under sub-section (1) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

Central Act 16 of 1908. (3) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (1) shall be liable to registration under that Act."

Amendment of section 24. 5. In the principal Act, in section 24, in sub-section (2) (1) in the existing proviso, for the phrase "where an award has been made" the phrase "where the said award has been made 5 years or more prior to the commencement of this Act" shall be substituted;

(2) after the existing proviso, the following proviso shall be added, namely:-

"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 order, stay, suspension 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 is lying deposited in a Court or in any designated account maintained for this purpose, shall be excluded."

Amendment of section 26. 6. In the principal Act, in section 26, in sub-section (3) in the third proviso, for the words "revise and update" the word "ascertain" shall be substituted.

Insertion of Chapter IVA 7. In the principal Act, after Chapter-IV, the following new Chapter IV-A shall be inserted namely:-

"CHAPTER IV A

Voluntary acquisition of land

"Acquisition of land by the State Government by entering into agreement Voluntary acquisition of land.

30A. (1) Notwithstanding anything contained in the principal Act, or any other law, whenever it appears to the State Government that the land is needed in any area for any public purpose, the State Government or its Authorized Officer will enter into an agreement with the willing land owner to sell the land in favour of the State for the matters specified therein in a prescribed form.

(2) The State Government or its Authorized Officer shall pass an order in terms of agreement under sub-section (1) for acquisition, and the substance of the order shall be notified in the Gazette. On such publication of notification, the title, ownership and all interests of the land owner who enters into agreement, shall vest with the State, free from all encumbrances.

(3) Notwithstanding anything contained in the Registration Act, 1908, no agreement entered under sub-section (1) shall be liable to registration under that Act.

(4) If any family, other than the family of the land owner who entered into an agreement, is affected by the acquisition of land under this section, the State Government shall pay a lumpsum amount towards rehabilitation and resettlement, if any, as prescribed in the Rules framed hereunder”.

8. In the principal Act, after section 31, the following section shall be inserted, namely:-

Insertion
of new
section
31A.

“Payment of
Lump sum
amount by State
Government.

31A. Notwithstanding anything contained in this Act, whenever the land is to be acquired for any projects as notified in section 10 A, it shall be competent for the State Government to pay such lump sum amount as may be prescribed in the rules in lieu of Rehabilitation and Resettlement.

9. In the principal Act, after section 33, the following new section 33A shall be inserted, namely:-

Insertion
of new
section
33A.

“Recovery of
the amount
wrongfully
paid.

33A. Notwithstanding anything contained in any other law, the authority in a reference under section 64 or the High Court in appeal under section 74, or any other authority in any legal proceedings find that the money has been wrongfully paid to any person under this Act, the State Government or its authorized person or Collector shall recover the same as arrears of land revenue.”

Amend-
ment of
section
40.

10. In the principal Act, in section 40, in sub-section (2), after the words "approval of Parliament", the words "or to comply with the directions given by the Central Government to the State Government": shall be added.

Amend-
ment of
section
46.

11. 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.

Substitu-
tion of
section
87.

12. In the principal Act, for section 87 along with the marginal heading, the following section shall be substituted, namely:-

"Offences by
Government
Officials."

87. Where any 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."

Central
Act 2 of
1974.

Amend-
ment of
section
101.

13. In the principal Act, for 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.

Amend-
ment of
section
109.

14. In the principal Act, in section 109, in sub-section (2) after clause (u) the following Clause shall be added namely:-

"(v) to give effect to Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2016".

STATEMENT OF OBJECTS AND REASONS

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) was enacted with an object of providing fair compensation to the owners of the land and certain benefits to the affected families. Pursuant to Andhra Pradesh Reorganization Act, 2014 (Act 6 of 2014) the State of Telangana was formed. The newly formed State has to execute several irrigation, infrastructure and drinking projects, which are inevitable for the development of the State. In order to achieve the said purpose, the State has to acquire land for the purpose of construction of projects.

However, the State of Telangana has faced difficulties in acquiring land under Act No.30 of 2013. In order to facilitate land acquisition for various developmental projects in the State of Telangana, it is necessary to make certain benefits to the owners of the land and the affected families. Accordingly, to achieve the said purpose the need to amend Act 30 of 2013 for the State of Telangana has become necessary.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Bill, 2016, inter alia seeks to;

(a) Exempt certain projects vital to national security, defence, irrigation and other projects from the requirement of Chapter-II and Chapter-III of Act 30 of 2013;

(b) Enable the Collector to pass an award for acquiring the land after taking consent of the interest person without making an enquiry;

(c) Clarify that proviso to Section 24(2) should be read only with the enacting clause in section 24 (2);

(d) Exclude the period during which land acquisition proceedings were held up on account of any proceeding of the Court from computing the period specified in Section 24 (2);

(e) Enable the State Government to acquire the land for any public purpose by entering into an agreement;

(f) Enable the State Government to acquire the land specified for projects by paying lump sum amount in lieu of rehabilitation and resettlement.

This Bill seeks to give effect to the aforesaid objects.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for
Revenue, Relief, Rehabilitation, Urban
Land Ceiling, Stamps & Registrations.

FINANCIAL MEMORANDUM

As per the First Schedule of the new Land Acquisition Act i.e. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 r/w Section 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014, generally the land owners whose lands are being acquired as per the Act, 2013 will get fixed amount. For example, double the amount of market value in urban areas, triple the amount of market value in rural areas and four times of market value in scheduled areas (tribal areas).

But, as the proposed Bill "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Bill, 2016" for the State of Telangana aims at to ensure expeditious procurement of land for public purposes by participation of land owners in the development process by willingly sell their lands and properties on the basis of agreement, it involves in negotiation with the land owners for finalization of the compensation for their lands being procured, based on the prevailing market value of the land in that area.

Therefore, it may not be possible to estimate the recurring expenditure involved in case of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Bill, 2016 is passed into Law. However adequate budgetary provision would be made, as per the requirement of the department for procuring land.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for
Revenue, Relief, Rehabilitation, Urban
Land Ceiling, Stamps & Registrations.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, 3, 4, 7, 8 and 13 of the Bill authorize the Government to issue notification or to make rules in respect of matters specified therein and generally to carry out the purposes of the Act. All such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by the State Legislature.

The above provisions of the Bill regarding Delegated Legislation are thus of normal type and are mainly intended to cover matter of procedure.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for
Revenue, Relief, Rehabilitation, Urban
Land Ceiling, Stamps & Registrations.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY.**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Bill, 2016, after it is passed by the Legislature of the State may be reserved by the Governor for the consideration and assent of the President under article 254 (2) of the Constitution of India.

MOHAMMED MAHMOOD ALI,
Deputy Chief Minister & Minister for
Revenue, Relief, Rehabilitation, Urban
Land Ceiling, Stamps & Registrations.

Dr. S. RAJA SADARAM,
Secretary to State Legislature.

