

# THE RAJASTHAN LAND ACQUISITION BILL, 2014

## A Bill

to provide for, and expedite the process of, land acquisition for public purposes with the least disturbance to owners of the land and other interested persons and to provide for fair and better compensation to the persons whose land is acquired and to compensate in monetized form for their rehabilitation and resettlement and for matters connected therewith or incidental thereto.

Be it enacted by the State Legislature in the Sixty-fifth Year of the Republic of India, as follows.

### CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.**- (1) This Act may be called the Rajasthan Land Acquisition Act, 2014.

(2) It extends to the whole State of Rajasthan.

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

**2. Application of the Act.**- (1) The provisions of this Act shall apply when the State Government acquires land for its own use, hold or control or for use, hold and control of a local authority or a corporation owned and controlled by the State, for public purposes.

(2) The provisions of this Act shall also apply, when the State Government acquires land for the following purposes, namely:-

(a) for public private partnership projects, where the ownership of the land continues to vest with the State Government.

(b) for private companies for public purpose:

Provided that in the case of acquisition for-

(i) private companies, the prior consent of at least eighty percent of persons interested; and

(ii) public private partnership projects excluding infrastructure projects, the prior consent of at least sixty percent of the persons interested, shall be obtained in the prescribed manner.

**3. Definitions.**- In this Act, unless the context otherwise requires .-

(a) "Authority" means the Rajasthan Land Acquisition Authority established under section 23;

(b) "Collector" means the Collector of a district, and includes any officer specially appointed by the State Government to perform the functions of a Collector under this Act;

(c) "company" means -

(i) a company as defined in the Companies Act, 2013 (Central Act No.18 of 2013), other than a Government company referred to in clause (d);

(ii) a society registered under the Societies Registration Act, 1860 (Central Act No. 21 of 1860), Rajasthan Societies Registration Act 1958 (Act No. 28 of 1958) or under any corresponding law for the time being in force in a State, other than a society referred to in clause (d);

(iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in the State, other than a co-operative society referred to in clause (d);

(d) "corporation owned or controlled by the State" means any body corporate established under a Central, or a State Act, and includes a Government company, a society registered under the Societies Registration Act, 1860 (Central Act No. 21 of 1860), Rajasthan Societies Registration Act 1958 (Act No. 28 of 1958) or under any corresponding law for the time being in force in a State, being a society established or administered by the State Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in the State, being a co-operative society in which more than fifty percent share of the total paid-up share capital is held by the State Government;

(e) "entitled to act", in relation to a person, shall be deemed to include the following persons, namely :-

(i) trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability;

(ii) the guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted:

Provided that the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceedings under this Act;

(f) " infrastructure projects" means:-

(i) a road , including toll road, elevated road, a bridge, a tunnel, urban public transport system or a rail system;

(ii) a highway project including other activities being an integral part of the highway project;

(iii) a port, airport, inland waterway or inland port;

(iv) a water supply project, irrigation project, storm water drainage system, water conservation/ harvestion structure, water

treatment system, sanitation and sewerage system or solid waste management system;

(v) telecommunication services whether basic or cellular, including radio paging, domestic satellite (i.e. a satellite owned and operated by an Indian company for providing telecommunication service), network of trunking, broadband network and internet services;

(vi) an industrial park or special economic zone;

(vii) generation or generation and distribution of power;

(viii) transmission or distribution of power by laying a network of new transmission or distribution lines;

(ix) construction relating to projects involving agro-processing and supply of inputs to agriculture;

(x) construction for preservation and storage of raw and processed agro-products, perishable goods such as fruits, vegetables and flowers including testing facilities for quality;

(xi) construction of educational institutions and hospitals;

(xii) housing projects

(xiii) oil and gas pipelines and terminals

(xiv) project for sports and tourism

(xv) any other infrastructure facility of similar nature needed for social and economic operation and development of the state.

(g) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(h) "local authority" includes a development authority (by whatever name called) set up under any law for the time being in force;

(i) "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(j) "private company" and "Government company" shall have the meaning respectively assigned to them in the Companies Act, 2013 (Central Act No. 18 of 2013).

(k) "project" means a project for which land is being acquired, irrespective of the number of persons affected;

(l) "project affected persons" means persons interested on account of land being acquired for a project; and

(m) "public purpose" includes -

(i) the provision of village-sites or the extension, planned development or improvement of existing village sites;

(ii) provision of land for planned development of villages, towns or cities including providing land for residential purpose to

the poor or landless or to the persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme by the Government, any local authority, or the corporation owned or controlled by the State; and shall also include the provision of land for carrying out any educational, housing, health, slum development or other welfare scheme sponsored by the State Government or by any organization in partnership with or permitted by the State Government or a society registered under the Societies Registration Act, 1860 (Central Act No. 21 of 1860), Rajasthan Societies Registration Act 1958 (Act No. 28 of 1958) or under any corresponding law for the time being in force in the State, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in the State; and

(iii) the provision of infrastructure projects (iv) provision of land for planned educational, industrial or commercial development, or for purposes of sports facilities such as stadiums, tracks, fields, courses or training facilities and housing and catering facilities incidental thereto;

(iv) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or sale with the object of securing further planned development;

(v) the provision of land for any other scheme of development sponsored by the State Government or with the prior approval of the State Government, by a local authority.

## **CHAPTER II ACQUISITION**

### ***Preliminary investigation***

**4. Publication of preliminary notification and power of officers thereupon.**- (1) Whenever it appears to the State Government that land in any locality is needed or is likely to be needed for any public purpose or for a Company, a notification to that effect shall be published in the Official Gazette and in two daily newspapers circulating in that locality of which at least one shall be in the Hindi language, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification.)

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by the State Government in this behalf, and for his servants and workmen,-

(i) to enter upon and survey and take levels of any land in such locality;

(ii) to dig or bore into the sub-soil;

(iii) to do all other acts necessary to ascertain whether the land is suitable for such purpose;

(iv) to set out the boundaries of the land proposed to be taken and the intended line of the work, if any, proposed to be made thereon.

(v) to make such levels, boundaries and line by placing marks and cutting trenches,

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house unless with the consent of the occupier thereof or without previously giving such occupier at least seven days notice in writing of his intention to do so.

**5. Payment for damage.** - The officer so authorized shall, at the time of such entry, pay or tender payment for all necessary damage to be caused as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Authority and decision of the Authority thereon shall be final.

### *Objections*

**6. Hearing of objections.** - (1) Any person interested in any land which has been notified under sub-section (1) of section 4, as being needed or likely to be needed for a public purpose or for a Company within the meaning of clause (1) of section 3 may, within thirty days from the date of the publication of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 4, or make different reports in respect of different parcels of such land, to the State Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of the State Government. The decision of the State Government on the objections shall be final.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.

### *Declaration of intended acquisition*

**7. Declaration that land is required for a public purpose.-** (1) If the State Government is satisfied, after considering the report, if any, made under sub-section (2) of section 6, that any particular land is needed for a public purpose, a declaration shall be made to that effect under the signature of a Secretary to the Government.

(2) Different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under sub-section (1) of section 4, irrespective of whether one report or different reports has or have been made (wherever required) under sub-section (2) of section 6.

(3) No such declaration shall be made unless compensation expected to be awarded for the proposed property is deposited with the Collector.

(4) Every declaration shall be published in the Official Gazette and in two daily newspapers circulating in the locality in which the land is situated of which at least one shall be in the Hindi language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration) and such declaration shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(5) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be; and, after making such declaration, the State Government may acquire the land in the manner hereinafter appearing.

**8. Land to be marked out, measured and planned.-** The Collector shall thereupon cause the land, unless it has been already marked out under section 4, to be marked out. He shall also cause it to be measured, and if no plan has been made thereof, a plan to be made of the same.

**9. Notice to persons interested.-** (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier

than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections, if any, to the measurements made under section 4 or section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by speed or registered post in letter addressed to him at his last known residence, address or place of business.

**10. Power to require and enforce the making of statements as to names and interests .-** (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code (Central Act No. 45 of 1860).

#### ***Enquiry into measurements, value and claims, and award by the Collector***

**11. Enquiry and award by Collector.-** (1) On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections, if any, which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 4 or section 8, and into the value of the land at the date of the publication of the notification under sub-section (1) of section 4, and into the respective interests of the persons claiming the compensation and shall make an award under his hand of-

- (i) the true area of the land;
- (ii) the compensation as determined under section 13; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him:

Provided that no award shall be made by the Collector under this sub-section without the previous approval of the State Government or of such officer as the State Government may authorize in this behalf:

Provided further that it shall be competent for the State Government to direct that the Collector may make such award without such approval in such class of cases as the State Government may specify in this behalf.

(2) Notwithstanding anything contained in sub-section (1), 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.

(3) The determination of compensation for any land under sub-section (2) 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.

(4) Notwithstanding anything contained in the Registration Act, 1908 (Central Act No.16 of 1908), no agreement made under sub-section (2) shall be liable to registration under that Act.

**12. Determination of market value of land by the Collector.-** (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-

(a) the minimum land value, if any, specified under the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999), for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated;

(b) if no such value as referred to in clause (a) is specified in respect of any area, the minimum land value, if any, specified under the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999), for the registration of sale deeds or agreements to sell, as the case may be, for similar type of land in the nearest village or nearest vicinity area; and

(c) if no such value as referred to in clause (a) or clause (b) is available in respect of any area, the average sale price for similar type of land situated in the nearest village or nearest vicinity area;

**Explanation 1.-** The average sale price referred to in clause (c) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made;

**Explanation 2.-** For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account:



Provided that while determining the average sale price under clause (c), any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion shall not be taken into consideration:

Provided further that if the Collector is satisfied that any price paid in any transaction of sale of a land is not indicative of actual prevailing market value, he may not take into account such price while determining the average sale price under clause (c).

(2) The date of determination of market value shall be the date on which notification has been issued under section 7.

**13. Determination of amount of compensation.** - The Collector shall calculate the amount of compensation by adding following components, namely:-

(a) market value of the land;  
(b) an amount arrived at by multiplying market value of the land by a factor, -

(i) (A) in case of a land situated within a radius of 5 kilometres from the end of urban agglomeration or municipal limits, whichever is greater, of 1.25 to 2.5;

(B) in the case of a land situated beyond the limits specified in paragraph (A) above and classified in revenue record as waste land, barani or banjar, of 2.25 to 4.5;

(C) in case of a land situated beyond the limits specified in paragraph (A) above and classified in revenue record as irrigated or double cropped land, of 2.5 to 4.5, as may be notified by the State Government having regard to the distance of land from the limits specified in paragraph (A) above.

(ii) in case of land situated within urban agglomeration or municipal limits, of 1.0;

(c) an amount calculated at the rate of twelve per centum per annum on market value for the period commencing from the date of the publication of the notification under sub-section (1) of section 4, in respect of a land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier;

**Explanation.** - In computing the period referred to in clause (c), any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded;

(d) an amount of solatium, equal to one hundred per centum of the total amount determined under clause (a) and arrived at under clause (b); and

(e) any other amount payable in respect of the land by way of compensation or damages under this Act, if not already determined and paid.

**Explanation.-** For the purposes of this section, “market value” means the market value determined under section 12.

**14. Period within which an award shall be made.-** The Collector shall make an award within a period of two years from the date of the publication of the declaration under section 7 and if no award is made within that period, the entire proceeding for the acquisition of the land shall lapse:

Provided that the State Government shall have the power to extend the period of two years if, in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing.

**Explanation .-** In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.

**15. Award of Collector when to be final. -** (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

**16. Adjournment of enquiry. -** The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

**17. Correction of clerical errors, etc. -** (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required to make a reference to the Authority under this Act, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority:

Provided that no correction, which is likely to affect prejudicially any person, shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid

shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.

**18. Power to summon and enforce attendance of witnesses and production of documents.** - For the purpose of enquiries under this Act the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908).

**19. Power to call for records, etc.** - The State Government may, at any time before the award is made by the Collector under section 11, call for any record of any proceedings, whether by way of inquiry or otherwise, for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the State Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

### ***Taking Possession***

**20. Power to take possession.** - When the Collector has made an award under section 11 and payment of compensation has been made under section 49, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

**21. Special powers in case of urgency.** – (1) In cases of urgency whenever the State Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in sub-section (1) of section 9, take possession of any land needed for a public purpose. Such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) In case of the preceding under sub-section (1) the Collector shall, at the time of taking possession, offer to the persons interested compensation for the standing crops and trees and buildings or anything attached, if any, on such land and from any other damage sustained by them caused by such sudden dispossession and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be accounted for in awarding compensation for the land under the provisions herein contained.

(3) Before taking possession of any land under sub-section (1) the Collector shall, without prejudice to the provisions of sub-section (2)-

(a) tender payment of eighty per centum of the compensation for such land as estimated by him to the person interested and entitled thereto; and

(b) pay it to them, unless prevented by one or more of the contingencies mentioned in section 49, and where the Collector is so prevented, the provisions of section 49 shall apply as they apply to the payment of compensation under that section.

(4) The amount paid or deposited under sub-section (3) shall be taken into account for determining the amount of compensation required to be tendered under section 49 and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of Collector's award, be recovered as an arrear of land revenue.

(5) In the case of any land to which, in the opinion of the State Government, the provisions of sub-section (1) are applicable, the State Government may direct that the provisions of section 6 shall not apply, and, if it does so direct, a declaration may be made under section 7 in respect of the land at any time after the date of the publication of the notification under sub-section (1) of section 4.

### **CHAPTER III** **REHABILITATION AND RESETTLEMENT**

**22. The rehabilitation and resettlement of persons affected by acquisition of land.**- (1) Where the land is acquired by the State Government for creating infrastructure relating to road, power, irrigation or drinking water, or safeguarding environment and forests, a lump sum amount equal to ten per centum of the amount of compensation determined under section 13 shall be paid as resettlement and rehabilitation cost to the project affected persons.

(2) Where the land is acquired by the State Government for any other purpose, excluding in case of acquisition of land for a private company, a lump sum amount equal to thirty per centum of the amount of compensation determined under section 13 shall be paid as resettlement and rehabilitation cost to the project affected persons:

Provided that where the acquisition process displaces an entire village, or a number of villages, the State Government shall endeavor, in the alternative, to resettle such village or villages, as the case may be, if the project affected persons so desire and it is possible to do so, at any alternative land, preferably in command area of a river or a canal, or on land which is as near as possible and feasible to the original village of the project affected persons.

(3) Where the land is acquired for a private company, the project affected persons shall have option either to receive a lump sum amount equal to thirty per centum of the amount of compensation determined under section 13 as resettlement and rehabilitation cost or to receive an annuity of rupees three

thousand per month for twenty years or a onetime settlement of rupees seven Lakh fifty thousand per person.

#### **CHAPTER IV** **RAJASTHAN LAND ACQUISITION AUTHORITY**

**23. Establishment of Land Acquisition Authority .-** The State Government shall, for the purpose of speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification in the Official Gazette, an Authority to be known as "the Rajasthan Land Acquisition Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act.

**24. Composition of Authority. -** The Authority shall consist of one person only. The Presiding Officer shall be appointed, by notification in the Official Gazette, by the State Government.

**25. Qualifications for appointment as Presiding Officer. -** (1) A person shall not be qualified for appointment as the Presiding Officer of the Authority unless, he is or has been a District Judge having at least ten years' experience as such or is or has been an administrative officer for at least twenty years and has experience of presiding officer of a revenue court.

(2) Where a serving District Judge is to be appointed as Presiding Officer, the State Government shall, before such appointment, consult the Chief Justice of the High Court.

**26. Terms of office of Presiding Officer .-**The Presiding Officer of the Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

**27. Staff of the Authority. -** (1) The State Government shall provide the Authority with a Registrar and such other officers and employees as it may think fit.

(2) The Registrar and other officers and employees of the Authority shall discharge their functions under the general superintendence and control of the Presiding Officer of the Authority.

(3) The salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority shall be such as may be prescribed by the State Government.

**28. Salary and allowances and other terms and conditions of service of the Presiding Officers .-** The salary and allowances payable to and the other terms and conditions of service, including pension, gratuity and other retirement

benefits, of the Presiding Officer of the Authority shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Presiding Officer of the Authority shall be varied to his disadvantage after appointment.

**29. Filling up of vacancies.** - If for any reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of the Authority, the State Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Authority from the stage at which the vacancy is filled.

**30. Resignation and removal.**- (1) The Presiding Officer of the Authority may, by notice in writing under his hand addressed to the State Government, resign his office:

Provided that the Presiding Officer shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Presiding Officer of the Authority may be removed from his office by an order made by the State Government on the ground of proven misbehaviour or incapacity after inquiry made by a Judge of a High Court or an officer not below the rank of a Secretary to the Government of India in which the Presiding Officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges.

(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Presiding Officer.

**31. Orders constituting the Authority to be final and not to invalidate its proceedings.**- No order of the State Government appointing any person as the Presiding Officer of the Authority shall be called in question in any manner, and no act or proceeding before the Authority shall be called in question in any manner on the ground merely of any defect in the constitution of the Authority.

**32. Powers of authority and procedure before it .-** ( 1) The Authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;

- (d) requisitioning of any public record;
- (e) issuing commission for the examination of witnesses;
- (f) reviewing its decisions, directions and orders;
- (g) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under this Act.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 ( Central Act No. 5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made there under.

(4) The Authority shall, after receiving the reference and after giving notice of such reference to all parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award and shall also upload a copy of the award on its website.

**33. Proceedings before the Authority to be judicial proceedings.-**All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974).

**34. Members and officers of Authority to be public servants .-** The Presiding Officer and officers including staff of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No.45 of 1860).

**35. Jurisdiction of civil courts barred.-** No civil court (other than High Court under article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

**36. Reference to Authority.-** (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, whether his objection be to the measurement of the land, the amount of compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under sub-section (2) of section 15 or within six months from the date of the Collector's award, whichever period expires first.

**37. Collector's statement to Authority.**-(1) In making the reference, the Collector shall state for the information of the Authority, in writing under his hand-

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to believe interested in such land;

(c) the amount awarded for damages and paid or tendered under section 5 and 21, and the amount of compensation awarded under section 11;

(d) the amount paid or deposited under sub-section (3) of section 21; and

(e) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) The statement under sub-section (1) shall contain a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the persons interested respectively.

**38. Service of notice by the Authority.**- The Authority shall thereupon cause a notice specifying the day on which the Authority will proceed to determine the objection, and directing their appearance before the Authority on that day, to be served on the following persons, namely:-

(a) the applicant;

(b) all persons interested in the objection, except such, if any, of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.



**39. Restriction on scope of proceedings.-** The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

**40. Proceedings to be in public.-** Every such proceeding shall take place in public and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plead and act, as the case may be, in such proceeding.

**41. Determination of award by the Authority.-** In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under the provisions of this Act and determine the compensation in accordance with the provisions of section 13 and Rehabilitation and Resettlement entitlement in accordance with the provisions of section 22.

**42. Form of award.-** (1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded, together with the grounds of awarding the said amount.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9), respectively, of section 2 of the Code of Civil Procedure, 1908 (Central Act No.5 of 1908).

**43. Costs.-** (1) Every such award shall also state the amount of costs incurred in the proceedings under this Chapter and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Authority is of the opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the costs.

**44. Collector may be directed to pay interest on excess compensation.-** If the sum, which in the opinion of the Authority, the Collector ought to have awarded as compensation, is in excess of the sum which the Collector did award as compensation, the award of the Authority may direct the Collector to pay interest on such excess at the rate of nine per centum per annum from the date on which he took possession of the land to the date of payment to the Authority:

Provided that the award of the Authority may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess, or part thereof, which has not been paid to the Authority before the date of such expiry.

**45. Re-determination of amount of compensation on the basis of the award of the Authority.-** (1) Where in an award under this Chapter, the Authority allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same preliminary notification under section 4 and who are also aggrieved by the award of the Collector may notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority, require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award by the Authority was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority.

**46. Appeal to High Court.-** (1) Any person aggrieved by an award passed by the Authority under section 41 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(2) Every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.

## **CHAPTER V**

### **APPORTIONMENT OF COMPENSATION**

**47. Particulars of apportionment to be specified.** - When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

**48. Dispute as to apportionment.** - When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the

same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Authority.

## CHAPTER VI PAYMENT

### **49. Payment of compensation or deposit of same in the Authority.-(1)**

On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto by giving them a public notice and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If they shall not consent to receive it, or if they remain absent despite the public notice under sub-section (1), or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation with the Authority:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 36:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section, the Collector may, with the sanction of the State Government, instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Notwithstanding anything in this section, the Collector may, with the sanction of the State Government, instead of awarding a money compensation in respect of any land, make any arrangement with a person by the grant of developed land, or partly developed land, and partly money compensation, in lieu of compensation, in such proportions and in such class of cases as the State Government may prescribe by rules made in this behalf.

(5) Nothing in the sub-section (3) or sub-section (4) shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

**50. Investment of money deposited in respect of lands belonging to person incompetent to alienate. -** (1) If any money is deposited in the Authority under sub-section (2) of section 49 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority shall-

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money have been deposited was held; or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the committee consisting of the Chief Secretary to the State Government, Secretary-in-Charge of the Finance Department of the State Government, and an investment expert nominated by these two, may recommend,

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied-

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Authority shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereon, to be paid by the Collector, namely: -

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of the Authority of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

**51. Investment of money deposited in other cases.** - When any money is deposited in Authority under this Act for any cause other than mentioned in the last preceding section, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities in the same manner as specified in the last preceding section, and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money is deposited or as near thereto as may be.

**52. Payment of interest.** - When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it is so paid or deposited:

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date

of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

## **CHAPTER VII**

### **TEMPORARY OCCUPATION OF LAND**

**53. Temporary occupation of waste or arable land and procedure when difference as to compensation exists.-** (1) Whenever it appears to the State Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, the State Government may direct the Collector to procure the occupation and use of the same for such terms, as it thinks fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed and shall, for the occupation and use thereof for such term as aforesaid, and for the materials, if any, to be taken therefrom, pay to them such compensation, being not less than one and half time of the market value of the land so occupied or used, or the net value of the produce which, but for such occupation or use, the persons interested would have got from such land, whichever is higher, either in a gross sum of money, or by monthly or other periodical payments, as is agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Authority.

**54. Power to enter and take possession and compensation on restoration.-**(1) On payment of such compensation, or on executing such agreement, or on making a reference under section 53, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage, if any, done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested so require, the State Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

**55. Difference as to condition of land.-** In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Authority.

## CHAPTER VIII

### ACQUISITION OF RIGHTS OF USER IN LAND

**56. Acquisition of rights of user in land.-** (1) Whenever it appears to the State Government that it is necessary in the public interest that for-

- (a) erecting pillars or posts for elevated roads, pipelines of water, gas, sewage, etc. or electricity lines or communication cables;
- (b) laying underground pipelines for transportation of minerals, water, gas, sewage, etc.;
- (c) laying underground cables for electricity supply or communication facilities,

it is necessary to acquire the right of user in any land on which such pillars or posts may be erected or under which such pipelines or cables may be laid, it may, by notification in the manner specified in section 4, declare its intention to acquire the right of user therein.

(2) Thereupon it shall be lawful for any person, either generally or specially authorized by the State Government in this behalf, and for his servants and workmen,-

- (i) to enter upon and survey and take levels of any land specified in the notification;
- (ii) to dig or bore into the sub-soil;
- (iii) to set out the intended line of the work;
- (iv) to make such levels, boundaries and line by placing marks and cutting trenches;
- (v) where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle; and
- (vi) to do all other acts necessary to ascertain whether pillars or posts can be erected or pipelines or cables can be laid under the land:

Provided that while exercising any power under this section, such person or any servant or workman of such person shall cause as little damage or injury as possible to such land.

**57. Hearing objections and declaration of acquisition of right of user.-**

(1) Any person interested in the land may, within twenty-one days from the date of the publication of the notification under sub-section (1) of section 56, object to the erecting of pillars or post on, or laying of the pipelines or cables under, the land, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing and shall set out the grounds thereof, and the Collector shall give the objector an opportunity of being heard in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, by order allow or disallow the objection.

(3) Where no objections under sub-section (1) have been made within the period specified therein or where the objections have been disallowed under sub-section (2), the Collector shall, as soon as may be, either make a report of the land described in the notification under sub-section (1) of section 56, or make different reports in respect of different parcels of such land, to the State Government containing his recommendations on the objections together with the record of the proceedings held by him, for the decision of the State Government and upon receipt of such report the State Government shall, if satisfied that such land is required for one or more of the purposes specified in sub-section (1) of section 56, declare by notification in the Official Gazette that the right of user in the land should be acquired for the said purposes and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 56, irrespective of whether one report or different reports have been made by the Collector under this sub-section.

(4) On publication of the declaration under sub-section (3), the right of user in the land specified therein shall vest absolutely in the State Government free from all encumbrances.

**58. Use of land by the State Government.-** (1) Where the right of user in any land has vested in the State Government under section 57,-

(a) it shall be lawful for any person authorized by the State Government and his servants and workmen to enter upon the land and erect pillars or posts, or lay pipelines or cables, as the case may be, or to do any act necessary for, or incidental to, erecting such pillars or posts or laying pipelines or cables.

(b) such land shall be used only for erecting pillars or posts, or laying pipelines or cables, as the case may be, and for maintaining, examining, repairing, altering removing any pillar or post, or any structure or line thereon, or pipeline or cable, as the case may be, or for doing any other act necessary for, or incidental to, any aforesaid purposes or for utilization of such pillars, posts, pipelines, or cables, as the case may be.

**59. Power to enter land for inspection, etc.-** For maintaining, examining, repairing, altering or removing any pillar or post, or any structure or line thereon, or pipeline or cable, as the case may be, or for doing any other act necessary for, or incidental to, any aforesaid purposes or for utilization of such pillars, posts, pipelines, or cables, as the case may be, or making any inspection or measurement for any of the aforesaid purposes, any person authorized in this behalf by the State Government may, after giving reasonable notice to the occupier of the lands upon which entry is necessary to have access to the aforesaid works, enter thereon with such servants and workmen as may be necessary:

Provided that where such person is satisfied that an emergency exists, no such notice shall be necessary:

Provided further that while exercising any power under this section, such person or any servant or workman of such person shall cause as little damage or injury as possible to such land.

**60. Restriction regarding the use of land.-** (1) The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 57, may use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 56:

Provided that such owner or occupier shall not, after the declaration under sub-section (1) of section 57-

- (i) construct any building or any other structure;
- (ii) construct or excavate any tank, well, reservoir or dam; or
- (iii) plant any tree,

on that land.

(2) The owner or occupier of the land on which any pillar or post has been erected or under which any pipeline or cable has been laid, shall not do any act or permit any act to be done which will or is likely to cause any damage in any manner whatsoever to the pillar, post, pipeline or cable, as the case may be.

(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 57-

- (a) constructs any building or any other structure;
- (b) constructs or excavates any tank, well, reservoir or dam; or
- (c) plants any tree,

on the land, the Collector may, after holding such inquiry as it may deem fit cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier as an arrear of land revenue.

**61. Compensation for acquisition of right of user in land.-** (1) Where in the exercise of the powers conferred by section 56, 58 or 59, any damage, loss or injury is sustained by any person interested in the land on which the pillar or post is proposed to be, or is being, or has been erected, or under which the pipeline or cable is proposed to be, or is being, or has been laid, the State Government shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the Collector.

(2) Where the right of user of any land has been vested in the State Government, it shall, in addition to the compensation, if any, payable under sub-section (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at fifty per centum of the market value of that land on the date of the notification under sub-section (1) of section 56:

Provided that in respect of the area of land covered by any pillar or post, or any structure or line thereon or covered by any wall or fencing erected for the safety of any of the works specified in sub-section (1) of section 56, the compensation shall be calculated in accordance with the provisions of section 13.

**Explanation.-** For the purposes of this section, "market value" means the market value determined in accordance with the provisions of section 12.



(3) The provisions of this Act relating to apportionment, deposit and payment of compensation and reference to the Authority and appeal to the High Court shall apply *mutatis mutandis* to the compensation under this section.

## **CHAPTER IX**

### **ACQUISITION OF LAND FOR COMPANIES**

#### **62. Industrial concern to be deemed company for certain purposes.-**

An industrial concern, ordinarily employing in direct employment at least ninety-nine workmen or such greater number of workmen as may be notified by the State Government from time to time, owned by an individual or by an association of individuals and not being a company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a company for these purposes of this Chapter and the references to company under this Act shall be interpreted as references also to such concern.

**63. Previous consent of State Government and execution of agreement necessary.-**The provisions of sections 7 to 20 (both inclusive) and sections 36 to 52 (both inclusive) shall not be put in force in order to acquire land for any company under this Act, unless with the previous consent of the State Government, and not unless the company shall have executed the agreement hereinafter mentioned:

Provided that no such consent shall be given to a company if there are outstanding of taxes or interests thereon due to the State Government from such a company, or from any other sister concern in which there are substantial cross interests.

#### **64. Previous enquiry. - (1) Such consent shall not be given unless-**

(a) the consent of the persons interested required under section 2 has been obtained; and

(b) the State Government is satisfied, either on the report of the Collector under sub-section (2) of section 6 or by an enquiry held as hereinafter provided;

(i) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the company or for the provision of amenities directly connected therewith; or

(ii) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose; or

(iii) that such acquisition is needed for the construction of some work, which is likely to prove useful to the public.

(2) The enquiry under clause (b) of sub-section (1) shall be held by such officer and at such time and place as the State Government may appoint.

(3) The officer appointed under sub-section (2) may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure, 1908 (Central No. 5 of 1908) in the case of a Civil Court.

**65. Agreement with State Government.** –If the State Government is satisfied after considering the report, if any, of the Collector under sub-section (2) of section 6, or on the report of the officer making an inquiry under clause (b) of sub-section (1) of section 64 that the proposed acquisition is for any of the purposes referred to in sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (b) of sub-section (1) of section 64, it shall require the company to enter into an agreement with the State Government, providing to the satisfaction of the State Government for the following matters, namely :-

- (a) the payment to the State Government of the cost of the acquisition;
- (b) the transfer, on such payment, of the land to the company;
- (c) the terms on which the land shall be held by the company;
- (d) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided;
- (e) where the acquisition is for the construction of any building or work for a company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; and
- (f) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained and the terms on which the public shall be entitled to use the work:

Provided that such agreement shall be signed only on payment, before or at the time of signing the agreement, of an amount equal to ten per centum of the estimated cost of the acquisition, and this amount shall be held by the State Government as security till the entire compensation is paid.

**66. Publication of agreement.** - Every such agreement shall, as soon as may be after its execution, be published in the Official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

**67. Restriction on transfer, etc.** - No company for which any land is acquired under this Chapter shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise, except with the previous sanction of the State Government.

**68. Land not to be acquired under this Chapter except for certain purpose for private companies other than Government companies. -** Notwithstanding anything contained in this Act, no land shall be acquired under this Chapter, except for the purpose mentioned in sub-clause (i) of clause (b) of sub-section (1) of section 64, for a private company, which is not a Government company.

## **CHAPTER X MISCELLANEOUS**

**69. Service of notices. -** (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Authority.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult member of his family residing with him; and, if no such adult member can be found, the notice may be served by affixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by affixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or of the Authority, or in some conspicuous part of the land to be acquired or publishing a notice through the news papers circulating in that locality :

Provided that, if the Collector or the Authority so directs, a notice may be sent by speed or registered post, in a letter addressed to the person named therein at his last known residence, address or place of business and service of it may be proved by the production of the addressee's receipt.

**70. Penalty for obstructing acquisition of land.-**Whoever willfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or willfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for a term which shall not be less than three months but may extend to six months, or to a fine which shall not be less than ten thousand rupees but may extend to rupees three Lakh, or to both.

**71. Offences by companies.-**(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**72. Offences to be cognizable only on complaint filed by the Collector.-**

No court shall take cognizance of any offence under this Act which is alleged to have been committed except on a complaint in writing made by the Collector.

**73. Magistrate to enforce surrender.** - If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns where Commissioner of Police system prevails) to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the surrender of the land to the Collector.

**74. Completion of acquisition not compulsory, but compensation to be awarded when not completed.** - (1) Except in the case provided for in section 54, the State Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the State Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provision of section 36 to section 45 (both inclusive) shall apply, so far as may be, to the determination of the compensation payable under this section.

**75. Acquisition of part of house or building.** - (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired.

Provided further that, if any question arises as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority and shall not take possession of such land until after the question has been determined.

(2) In deciding on such a reference, the Authority shall have regard to the question whether the land proposed to be taken, is reasonably require for the full and unimpaired use of the house, manufactory or building.

(3) Where the acquisition of a land is likely to result in severance of the land of the person interested from his other land, the State Government may, if the person interested so desires, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(4) In the case provided for in sub-section (3), no fresh declaration or other proceedings under sections 7 to 10 (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the State Government to the person interested, and shall thereafter proceed to make his award under section 11.

**76. Acquisition of land at cost of a local authority or a company.**-(1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any corporation owned or controlled by the State or of any company, the charges of, and incidental to, such acquisition shall be defrayed from or by such fund or company.

(2) In any proceeding held before a Collector or the Authority in such cases the local authority or corporation owned or controlled by the State or company concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or corporation owned or controlled by the State or company shall be entitled to demand a reference under section 36.

**77. Option of the State Government to lease.**- Notwithstanding anything contained in this Act, the State Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in this Act.

**78. Exemption from Stamp Duty and fees.**- No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

**79. Acceptance of certified copy as evidence.**- In any proceeding under this Act, a certified copy of a document registered under the Registration Act,

1908 (Central Act No.16 of 1908), including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

**80. Notice in case of suits for anything done in pursuance of Act.-** No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a thirty days' previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

**81. Power to make rules.** - (1) The State Government may make rules to carry out the provisions of this Act and for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

(2) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done there under.

(3) The power to make, alter and add to rules under sub-section (1) shall be subject to the conditions of the rules, being made, altered or added to after previous publication.

(4) All such rules, alterations and additions shall be published in the Official Gazette, and shall thereupon have the force of law.

**82. Repeal and Savings.-** (1) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013), in its application to the State of Rajasthan, is hereby repealed to the extent it pertains to the matters of land acquisition specified in section 2.

(2) Notwithstanding such repeal, any proceeding of land acquisition relating to the matters specified in section 2, initiated under the Land Acquisition Act, 1894 (Central Act No. 1 of 1894) or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) and pending immediately before the commencement of this Act shall continue, and may be completed, under the corresponding provisions of this Act.

(3) Save as provided in sub-section (2), the provisions of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955) shall apply to the repeal under sub-section (1).

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