

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016

(Gujarat Act No. 12 of 2016)

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[Dated 08.08.2016]

An act further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. Short title and commencement. - (1) This act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016.

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

2. Amendment of section 2 of 30 of 2013. - In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as "the principal Act"), in section 2, in sub-section (2), after the second proviso, the following proviso shall be inserted, 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."

3. Insertion of new section 10A in 30 of 2013. - In the principal Act, after section 10, the following section shall be inserted, namely:-

10A. Power of State Government to exempt certain projects. - 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) rural infrastructure including electrification;
- (c) affordable housing and housing for the poor people;
- (d) industrial corridors set up by the State Government and its undertakings (in which ease the land shall be. acquired up to one kilometer on both sides of designated railway line or roads for such industrial corridor); and

(e) infrastructure projects including projects under public-private partnership where the ownership of 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 bare minimum land required for such project".

4. Insertion of new section 23A in 30 of 2013. - In the principal Act, after section 23, the following section shall be inserted, namely:-

23A. Award of Collector without enquiry in case of agreement of interested persons. -

(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 (i) 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.

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

5. Amendment of section 24 of 30 of 2013. - In the principal Act, in section 24, in sub-section (2) after the existing proviso, the following proviso shall be inserted, 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 stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying, deposited in a court or in any designated account maintained for this purpose, shall be excluded."

6. Insertion of new section 31A in 30 of 2013. - In the principal Act, after section 31, the following section shall be inserted, namely:-

31A. Payment of lump-sum amount by State Government for its linear nature projects. -

Notwithstanding anything contained in this Act, it shall be competent for the State Government to pay, whenever the land is to be acquired for its own use amounting to less than one hundred acres or whenever the land is to be acquired in case of projects which are linear in nature as referred to in proviso to sub-section (4) of section 10, as Rehabilitation and Resettlement cost, such *lump sum* amount equal to fifty per cent, of the amount of compensation as determined under section 27 to the, affected families".

7. Amendment of section 40 of 30 of 2013. - 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.

8. Amendment of section 46 of 30 of 2013. - In the principal Act in section 46, in sub-section (6), in the *Explanation*, in clause (b), sub-clauses (i) and (ii) shall be deleted.

9. Substitution of section 87 of 30 of 2013. - In the principal Act, for section 87, the following section shall be substituted, namely:-

87. Offences by Government Officials. - 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 (2 of 1974) is followed."