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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30*th May,* 2015/*Jyaistha* 9, 1937 (*Saka*)

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (AMENDMENT) SECOND ORDINANCE, 2015

No. 5 of 2015

Promulgated by the President in the Sixty-sixth Year of the Republic of India.

An Ordinance further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

WHEREAS the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014 to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) was promulgated by the President on the 31st day of December, 2014;

AND WHEREAS, the RFCTLARR (Amendment) Bill, 2015 was introduced on the 24th February, 2015 in the House of the People to replace the said Ordinance and the said Bill was passed alongwith amendments on the 10th March, 2015 in the House of the People, but the same could not be passed by the Council of States and is pending in that House;

AND WHEREAS, the RFCTLARR (Amendment) Ordinance, 2015 incorporating the amendments made by the House of the People was promulgated by the President on 3rd April, 2015;

AND WHEREAS, the RFCTLARR (Amendment) Second Bill, 2015 was introduced in the House of the People on 11th May, 2015;

AND WHEREAS, the House of the People referred the RFCTLARR (Amendment) Second Bill, 2015 to the Joint Committee of the Houses;

AND WHEREAS, it is considered necessary to give continued effect to the provisions of the RFCTLARR (Amendment) Ordinance, 2015;

AND WHEREAS,Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Ordinance, 2015.

(*2*) It shall be deemed to have come into force on the 31st day of December, 2014.

Substitution of certain expression throughout the Act.

2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), for the words "private company" wherever they occur, the words "private entity" shall be substituted. 30 of 2013.

Amendment of section 2.

3. In the principal Act, in sub-section (*2*) of 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 sub-section (*1*) of section 10A and the purposes specified therein shall be exempted from the provisions of the first proviso to this sub-section.".

Amendment of section 3.

4. In the principal Act, in section 3,—

(*i*) in clause (j), in sub-clause (*i*), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted; 1 of 1956. 18 of 2013.

(*ii*) after clause (y), the following clause shall be inserted, namely:—

'(yy) "private entity" means any entity other than a Government entity or undertaking and includes a proprietorship, partnership, company, corporation, non-profit organisations or other entity under any law for the time being in force;'.

Insertion of new Chapter IIIA.

5. In the principal Act, after Chapter III, the following Chapter shall be inserted, namely:—

"CHAPTER IIIA

PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO APPLY TO CERTAIN PROJECTS

Power of appropriate Government to exempt certain projects.

10A. (1) The appropriate Government may, in the public interest, by notification, 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;

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(*d*) industrial corridors set up by the appropriate Government and its undertakings (in which case 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 appropriate 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.

(*2*) The appropriate Government shall undertake a survey of its wasteland including arid land and maintain a record containing details of such land, in such manner as may be prescribed by the appropriate Government.

Amendment of section 24.

6. In the principal Act, in section 24, in sub-section (*2*), after the 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.".

Amendment of section 31.

7. In the principal Act, in section 31, in sub-section (*2*), in clause (h), after the words "affected families", the words "including compulsory employment to at least one member of such affected family of a farm labourer" shall be inserted.

Amendment of section 46.

8. 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.

Insertion of new section 67A.

9. In the principal Act, after section 67, the following section shall be inserted, namely—

Hearing to be held by Authority in district or districts to decide grievances.

"67A. The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all parties concerned, hold the hearing in the district where the land acquisition takes place for settlement of the objections raised in the reference.".

Substitution of new section for section 87.

10. In the principal Act, for section 87, the following section shall be substituted, namely:—

Offences by Government officials.

"87. Where an 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.".

2 of 1974.

Amendment of section 101.

11. In the principal Act, in 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.

Amendment of section 105.

12. In the principal Act, in section 105,—

(*i*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The provisions of this Act relating to the determination of compensation in accordance with the First Schedule, rehabilitation and

resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to the enactments relating to land acquisition specified in the Fourth Schedule with effect from 1st January, 2015.";

(*ii*) sub-section (*4*) shall be omitted.

Amendment of section 109.

13. In the principal Act, in section 109, in sub-section (*2*),after clause (*d*), the following clause shall be inserted, namely:—

" (dd) the manner of undertaking a survey of waste land including arid land and maintenance of the record containing the details of such land under sub-section (*2*) of section 10A;'.

Amendment of section 113.

14. In the principal Act, in section 113, in sub-section (*1*),—

(*i*) for the words "the provisions of this Part", the words "the provisions of this Act" shall be substituted;

(*ii*) in the proviso, for the words "a period of two years", the words "a period of five years" shall be substituted.

Repeal and saving.

15. (*1*) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015, is hereby repealed. Ord. 4 of 2015.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance. 4 of 2015.

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PRANAB MUKHERJEE,
President.

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DR. SANJAY SINGH,
Secretary to the Government of India.

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