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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.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 31*st December,* 2014/*Pausa* 10, 1936 (*Saka*)

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (AMENDMENT) ORDINANCE, 2014

No. 9 OF 2014

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

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

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) Ordinance, 2014.

(2) It shall come into force at once.

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 section 2, –

(i) in sub-section (1),in clause (b), in sub-clause (i), the words "private hospitals, private educational institutions and" shall be omitted;

(ii) 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.".

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 organisation 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. 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;

(d) industrial corridors ; and

(e) infrastructure and social infrastructure projects including projects under public private partnership where the ownership of land continues to vest with the 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 lying deposited in a court or in any account maintained for this purpose shall be excluded.".

Amendment of section 46.

7. 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.

Substitution of section 87.

8. 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, no court shall take cognizance of such offence except with the previous sanction of the appropriate Government, in the manner provided in section 197 of the Code of Criminal Procedure.".

2 of 1974.

Amendment of section 101.

9. 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.

10. 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 113.

11. 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.

PRANAB MUKHERJEE,
President.

IndiaCode

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

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