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Part IV—Section 4

CENTRAL ACTS AND ORDINANCES

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 30th 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 com-
mencement.

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.

3. In the Principal Act, in sub-section (2) of Section 2, after the second proviso, the following proviso shall be inserted, namely:

Amendment of
Section 2

"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."

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

Amendment
of 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;

(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;'

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

Insertion of
new Chapter
IIIA.

"CHAPTER IIIA

PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO APPLY TO 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: —

Power of
appropriate
Government
to exempt
certain
projects.

(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 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.

6. In the principal Act, in section 24, in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

Amendment
of section 24.

"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."

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 31.

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.

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and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015, is hereby repealed.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

PRANAB MUKHERJEE,
President.

DR. SANJAYSINGH,
Secretary to the Government of India.

(Re-published by Order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government (i/c),
Law Department.*

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 15th May, 2015/Jyaistha 25, 1937(Saka)

**THE NEGOTIABLE INSTRUMENTS (AMENDMENT)
ORDINANCE, 2015**

No. 6 OF 2015

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

An Ordinance further to amend the Negotiable Instruments Act, 1881.

WHEREAS the Negotiable Instruments (Amendment) Bill, 2015 has been passed by the House of the People and is pending in the Council of States;

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:—

1. (1) This Ordinance may be called the Negotiable Instruments (Amendment) Ordinance, 2015.

Short title
and com-
mencement.

(2) It shall come into force at once.

26 of 1881.

2. In the Negotiable Instruments Act, 1881 (hereinafter referred to as the principal Act), in section 6,—

Amendment
of section 6.

(i) in *Explanation I*, for clause (a), the following clause shall be substituted, namely:—

‘(a) “a cheque in the electronic form” means a cheque drawn in electronic form by using any computer resource and signed in a secure system with digital signature (with or without biometrics signature) and asymmetric crypto system or with electronic signature, as the case may be;’;

(ii) after *Explanation II*, the following *Explanation* shall be inserted, namely:—

‘*Explanation III*.—For the purposes of this section, the expressions “asymmetric crypto system”, “computer resource”, “digital signature”, “electronic form” and “electronic signature” shall have the same meanings respectively assigned to them in the Information Technology Act, 2000.’.

21 of 2000.

3. In the principal Act, section 142 shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

Amendment
of section
142.

“(2) The offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction,—

(a) if the cheque is delivered for collection through an account, the branch of the bank where the payee or holder in due course, as the case may be, maintains the account, is situated; or

(b) if the cheque is presented for payment by the payee or holder in due course otherwise through an account, the branch of the drawee bank where the drawer maintains the account, is situated.

Explanation.—For the purposes of clause (a), where a cheque is delivered for collection at any branch of the bank of the payee or holder in due course, then, the cheque shall be deemed to have been delivered to the branch of the bank in which the payee or holder in due course, as the case may be, maintains the account.”.

Validation for
transfer of
pending cases.

4. In the principal Act, after section 142, the following section shall be inserted, namely:—

“142A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any judgment, decree, order or directions of any court, all cases arising out of section 138 which were pending in any court, whether filed before it, or transferred to it, before the commencement of the Negotiable Instruments (Amendment) Ordinance, 2015 shall be transferred to the court having jurisdiction under sub-section (2) of section 142 as if that sub-section had been in force at all material times. 2 of 1974.

(2) Notwithstanding anything contained in sub-section (2) of section 142 or sub-section (1), where the payee or the holder in due course, as the case may be, has filed a complaint against the drawer of a cheque in the court having jurisdiction under sub-section (2) of section 142 or the case has been transferred to that court under sub-section (1), and such complaint is pending in that court, all subsequent complaints arising out of section 138 against the same drawer shall be filed before the same court irrespective of whether those cheques were delivered for collection or presented for payment within the territorial jurisdiction of that court.

(3) If, on the date of the commencement of the Negotiable Instruments (Amendment) Ordinance, 2015, more than one prosecution filed by the same payee or holder in due course, as the case may be, against the same drawer of cheques is pending before different courts, upon the said fact having been brought to the notice of the court, such court shall transfer the case to the court having jurisdiction under sub-section (2) of section 142 before which the first case was filed and is pending, as if that sub-section had been in force at all material times.”.

PRANAB MUKHERJEE,
President.

DR. MUKULITA VIJAYAWARGIYA,
Additional Secretary to the Government of India.

(Re-published by Order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government (i/c),
Law Department.*