ABSTRACT

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 (Central Act.30 of 2013) passed by the Government of India – Further action in cases where process under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 initiated – Executive Instructions Issued.

INDUSTRIES (SIPCOT-LA) DEPARTMENT

G.O.(Ms)No. 45

Dated: 14.5.2014
ஐய வருடம், சித்திரை 31
திருவள்ளுவர் ஆண்டு 2045
Read:

G.O.(Ms) No.88, Revenue[LA-I(1)] Department, dated 21.2.2014.

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ORDER:

The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) came into force on the January 1st, 2014. The above said Act repealed the Land Acquisition Act, 1894.(Central Act I of 1894).

2. Pursuant to the commencement of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 with effect from 1.1.2014, the Government in Revenue Department in G.O.Ms.No.88, Revenue[LA-I(1)] Department, dated 21.02.2014 have issued executive instructions on how to proceed with further action on the pending land acquisition cases which were already initiated under the provisions of the Land Acquisition Act, 1894 (since repealed), based on the provisions laid down in section 24(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 stating that "interim compensation should be determined based on the procedures already in vogue subject to additional compensation being paid as per the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013."

3. The State of Tamil Nadu has enacted three special State Acts for land acquisition, namely, Tamil Nadu Highways Act, 2001, Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978.

4. Section 105 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 exempts 13 Central enactments specified in the Fourth Schedule and enables the continuation of the acquisition of land under the said enactments for a limited period of one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013. It also cast a duty upon the Central Government to issue a notification, before the expiry of the said period,

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to apply the provisions of the Central Act 30 of 2013, relating to compensation, rehabilitation and resettlement, with or without modifications or exceptions, as specified in that section to the above said thirteen enactments. The State Government have considered it necessary to continue the Land Acquisition under the above said three States Acts also for a period of one year on the same lines as the 13 exempted Central Acts.

5. To give effect to the said decision, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 (L.A.Bill 5 of 2014) has been passed by the Tamil Nadu State Legislature seeking to amend the Central Act 30 of 2013 so as to continue the acquisition of lands under the above said State Acts for a period of one year after the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by including the said three State Acts in the newly inserted Fifth Schedule and the Government of India has been requested to obtain the assent of the President to the said Bill. In the circumstances, the Government have decided as follows.

6. Inasmuch as section 105-A proposed to be inserted to the Central Act 30 of 2013 by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 has been given retrospective effect from 1.1.2014, and pending issue of notification under section 105-A(2) of the said Central Act 30 of 2013, interim compensation for all cases where acquisition of land is taken up under the Tamil Nadu Land Acquisition for Industrial Purposes Act, 1997 should be determined based on the procedure already in vogue subject to additional compensation being paid as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(BY ORDER OF THE GOVERNOR)

C.V. SANKAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
All the Principal Secretaries/Secretaries to Government of all Departments.
The Additional Chief Secretary/Commissioner of Revenue Administration, Chepauk, Chennai-5.
The Principal Secretary/Commissioner of Land Administration, Chepauk, Chennai-5.
The Principal Secretary/Commissioner of Land Reforms, Chepauk, Chennai-5.
All the HODs under the control of Industries Department.
All District Collectors.
All District Revenue Officers
SF/SC

// Forwarded by order //

SECTION OFFICER

14/5/2014

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