

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Haryana Amendment) Act, 2017

HARYANA

India

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Act 21 of 2018

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The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Haryana Amendment) Act, 2017(Haryana Act No. 21 of 2018)[Dated 24.5.2018.]Haryana GovernmentLaw and Legislative DepartmentNo. Leg. 24/2018. - The following Act of the Legislature of the State of Haryana received the assent of the President of India on the 9th May, 2018 and is hereby published for general information:-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 Haryana.Be it enacted by the Legislature of the State of Haryana in the Sixty-eighth 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 (Haryana Amendment) Act, 2017.(2)It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.(3)Notwithstanding anything contained in sub-section (2), sections 2 and 5 of this Act shall be deemed to have come into force on the 1st day of January, 2014.

2. Amendment of section 24 of Central Act 30 of 2013.

- In section 24 of the principal Act,-(i)after sub-section (1), the following Explanation shall be inserted, namely:-"Explanation. - For the purpose of this sub-section, a land acquisition proceeding shall be deemed to have been initiated under the Land Acquisition Act, 1894 (Central Act 1 of 1894)

where notification under section 4 of the said Act has been published in any form under sub-section (1) of the said section.";(ii)in sub-section (2),-(a)the word "physical" shall be omitted;(b)for the word "or" occurring after the words "possession of the land has not been taken", the word "and" shall be substituted;(c)in the proviso, for the sign "."existing at the end, the sign ":" shall be substituted; and(d)after the existing proviso, the following proviso shall be added at the end, namely:-"Provided further that in computing the period referred to in this sub-section, any period during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by order of any court, shall be excluded:Provided further that the entry in rapat roznamcha regarding taking or handing over possession recorded by the Land Acquisition Officer or Revenue Official shall be treated as possession taken for all intents and purposes."

3. Amendment of section 46 of Central Act 30 of 2013.

- In clause (b) of Explanation to section 46 of the principal Act, the words "any person other than" shall be omitted.

4. Amendment of section 87 of Central Act 30 of 2013.

- After section 87 of the principal Act, the following section shall be inserted, namely:-"87A. Offences by Government officials.- Where an offence under this Act has been committed by any person who is or was employed in the Central Government or State Government, as the case may be, at the time of commission of such alleged offence, no court shall take cognizance of such offence unless the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) has been followed."

5. Insertion of section 101A in Central Act 30 of 2013.

- After section 101 of the principal Act, the following section shall be inserted, namely:-"101A. Power to denotify land. - When any public purpose, for which the land acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894) becomes unviable or non-essential, the State Government shall be at liberty to denotify such land, on such terms, as considered expedient by the State Government, including the payment of compensation on account of damages, if any, sustained by the land owner due to such acquisition:Provided that where a part of the acquired land has been utilized or any encumbrances have been created, the landowner may be compensated by providing alternative land alongwith payment of damages, if any, as determined by the State Government."