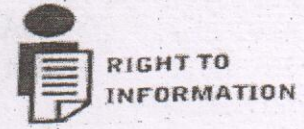




The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Andhra Pradesh Amendment) Act, 2018

Act 22 of 2018

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ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 22] **AMARAVATI, WEDNESDAY, MAY 30, 2018.**

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature which was reserved by the Governor on the 21st December, 2017 for the consideration and assent of the President received the assent of the President on the 27th May, 2018 and the said assent is hereby first published on the 30th May, 2018 in the Andhra Pradesh Gazette for general information :-

ACT No. 22 of 2018

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 ANDHRA PRADESH.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Andhra Pradesh Amendment) Act, 2018.

Short title and Commencement.

(2) The Act shall be deemed to have come into effect on 1st January, 2014.

(3) The provisions of this Amendment Act shall have effect notwithstanding anything contained in any law or judgment or order of any Court or authority, without affecting the vested rights.

2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), in its application to the State of Andhra Pradesh in section 2, in sub-section (2), after the second proviso, the following proviso shall be added, namely:-

Amendment to section 2.

Act 30 of 2013.

“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”.

Insertion of
new
Chapter III A

3. In the Principal Act, after Chapter III, the following Chapter shall be inserted, namely: -

“CHAPTER III A

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

Power of State Government to exempt certain projects.

10A. The State Government may, in the public interest, by notification in the Andhra Pradesh Gazette, 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 set up by the State Government and its undertakings (in which case the land shall be acquired up to one kilometer on both sides of designated railway lines or roads for such industrial corridor); and
- (e) infrastructure projects, including projects under public-private partnership where the ownership of the land continues to vest with the Government:

Provided that the State Government shall, before the issue of notification, ensure the extent of land for the proposed acquisition keeping in view the minimum land required for such project.”.

Insertion of new
section 23A.

4. In the Principal Act, after section 23, the following section shall be inserted, namely:-

“Award of Collector without enquiry in case of agreement of interested persons.

23A. (1) Notwithstanding anything contained in section 23, if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed, he may, without making further enquiry, make an award according to the terms of such agreement.

(2) The determination of compensation for any land under sub-section (1) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(3) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (1) shall be liable to registration under that Act."

Act 16 of 1908.

5. In the Principal Act, in section 24, in sub-section (2),-

Amendment of section 24.

(1) in the existing proviso, for the expression "where an award has been made" the expression "where the said award has been made 5 years or more prior to the commencement of this Act" shall be substituted;

(2) after the existing proviso, the following proviso shall be added, 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 order, stay, suspension 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."

6. In the Principal Act, after Chapter-IV, the following new Chapter IV A shall be inserted, namely:-

Insertion of Chapter IV-A.

CHAPTER IV A Voluntary acquisition of land

"Acquisition of land by the State Government by entering into agreement.

30 A. (1) Notwithstanding anything contained in the Principal Act, or any other law, whenever it appears to the State Government that the land is needed in any area for any public purpose, the State Government or its Authorized Officer will enter into an agreement with the willing land owner to sell the land in favour of the State for the matters specified therein in a prescribed form.

(2) The State Government or its Authorized Officer shall pass an order in terms of agreement under sub-section (1) for acquisition, and the substance of the order shall be notified in the Gazette. On such publication of notification, the title, ownership and all interests of the land owner who enters into agreements, shall vest with the State, free from all encumbrances.

(3) Notwithstanding anything contained in the Registration Act, 1908, no agreement entered under sub-section (1) shall be liable to registration under that Act.

Act 16 of 1908.

(4) If any family, other than the family of the land owner who entered into an agreement, is affected by the acquisition of land under this section, the State Government shall pay a lumpsum amount towards rehabilitation and resettlement, if any, as prescribed in the rules framed hereunder:

Provided that no agreement or the lumpsum amount towards rehabilitation and resettlement as may be prescribed, shall be abnormally at variance to the disadvantage of the land owners."

Insertion of
new section
31A.

7. In the principal Act, after section 31, the following section shall be inserted, namely:-

“Payment of Lump
sum amount by State
Government

31A. Notwithstanding anything contained in this Act, whenever the land is to be acquired for any projects as notified in section 10A, it shall be competent for the State Government to pay such lumpsum amount as may be prescribed in the rules in lieu of Rehabilitation and Resettlement:

Provided that the payment of such lumpsum amount in lieu of Rehabilitation and Resettlement as may be prescribed, shall not be abnormally at variance to the disadvantage of the affected families.”

Insertion of
new section
33A.

8. In the principal Act, after section 33, the following new section 33A shall be inserted, namely:-

Recovery of
the amount
wrongfully paid.

33A. Notwithstanding anything contained in any other law, the authority in a reference under section 64 or the High Court in appeal under section 74, or any other authority in any legal proceedings find that the money has been wrongfully paid to any person under this Act, the State Government or its authorized person or Collector shall recover the same as arrears of land revenue.”

Amendment of
section 46.

9. 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.

10. In the principal Act, for section 87, along with the marginal heading the following section shall be substituted, namely:-

“Offences by
Government
officials.

87. Where any 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.”

Act 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 109

12. In the principal Act, in section 109, in sub-section (2), after clause (u) the following clause shall be added, namely:-

“(v) to give effect to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Andhra Pradesh Amendment) Act, 2018”.

DUPPALA VENKATARAMANA,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.