

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

**L.A. Bill No. 32 of 2019**

***A Bill to revive the operation of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Highways Act, 2001.***

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019.

Short title and commencement.

(2) It shall be deemed to have come into force on the 26th day of September 2013.

**PART – I.**

Tamil Nadu Act  
31 of 1978.

2. (1) All the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter referred to as the 1978 Act), except the provisions relating to the determination of compensation, shall stand revived with effect on and from the 26th day of September 2013.

Revival of operation of Tamil Nadu Act 31 of 1978.

(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 1978 Act, except those relating to determination of compensation, which were in force immediately before the 26th day of September 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September 2013.

Central Act  
30 of 2013.

(3) The provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to the land acquisition proceedings under the 1978 Act.

Central Act  
30 of 2013

3. Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall cease to apply to any land which is required for the purpose specified in sub-section (1) of Section 4 of the 1978 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 1978 Act.

Central Act 30 of 2013 not to apply.

4. Section 20 of the 1978 Act shall be omitted.

Omission of Section 20 of 1978 Act.

5. Notwithstanding anything contained in any judgment, decree or order of any Court, the provisions of the 1978 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September 2013 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, and anything done or any action taken under the 1978 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 1978 Act.

Validation.

## PART – II.

Revival of operation of Tamil Nadu Act 10 of 1999.	6. (1) All the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as the 1999 Act), except the provisions relating to the determination of compensation, shall stand revived with effect on and from the 26th day of September 2013.	Tamil Nadu Act 10 of 1999.
	(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 1999 Act, except those relating to determination of compensation, which were in force immediately before the 26th day of September 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September 2013.	
	(3) The provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to the land acquisition proceedings under the 1999 Act.	Central Act 30 of 2013.
Central Act 30 of 2013 not to apply.	7. Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall cease to apply to any land which is required for the purpose specified in sub-section (1) of Section 3 of the 1999 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 1999 Act.	Central Act 30 of 2013.
Omission of Section 21 of 1999 Act.	8. Section 21 of the 1999 Act shall be omitted.	
Validation.	9. Notwithstanding anything contained in any judgment, decree or order of any Court, the provisions of the 1999 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September 2013 and ending with the date of publication of this Act in the <i>Tamil Nadu Government Gazette</i> , and anything done or any action taken under the 1999 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 1999 Act.	

## PART – III.

Revival of operation of Tamil Nadu Act 34 of 2002.	10. (1) All the provisions of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as the 2002 Act), except the provisions relating to the determination of compensation, shall stand revived with effect on and from the 26th day of September 2013.	Tamil Nadu Act 34 of 2002.
	(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 2002 Act, except those relating to determination of compensation, which were in force immediately before the 26th day of September 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September 2013.	
	(3) The provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to the land acquisition proceedings under the 2002 Act.	Central Act 30 of 2013.

Central Act  
30 of 2013.

11. Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall cease to apply to any land which is required for the purpose specified in sub-section (1) of section 15 of the 2002 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 2002 Act.

Central Act  
30 of 2013  
not to apply.

12. Section 68 of the 2002 Act shall be omitted.

Omission of  
section 68 of  
2002 Act.

13. Notwithstanding anything contained in any judgment, decree or order of any Court, the provisions of the 2002 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September 2013 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, and anything done or any action taken under the 2002 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 2002 Act.

Validation.

**STATEMENT OF OBJECTS AND REASONS**

In the Writ Petitions filed against the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014 (Tamil Nadu Act 1 of 2015), the Division Bench of Hon'ble High Court of Madras in its order dated 03-07-2019 has held that Article 254(1) of the Constitution, by its operation rendered the Tamil Nadu Land Acquisition Acts, namely, the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) inoperative on the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) was made, namely, 27th September 2013. Consequently, the High Court has held that all the acquisitions made under the said three Tamil Nadu Acts on or after the 27th September 2013 as illegal and quashed them save those lands which have already been put to use and the purpose for which the land was acquired has been accomplished.

2. Under the aforesaid three Tamil Nadu Acts, on and from 26th September 2013, though 23804 hectares of land have been acquired, only 1,373 hectares have been actually put to use. The acquisitions proceedings are in progress in the remaining 22,431 hectares of land. This involves an approximate value of Rs.1,84,778 crores and the projects are capable of generating employment for 1.83 lakh persons. As a result, the State Exchequer would be put to heavy monetary loss besides derailing many developmental projects, causing significant negative impact on the State economy.

3. To tide over the situation, the Government have decided to revive the aforesaid three Tamil Nadu Acts and to apply the provisions relating to the determination of compensation, rehabilitation and resettlement and infrastructure amenities as in the said Central Act 30 of 2013 to the land acquisitions made under the Tamil Nadu Acts and to validate the action already taken under the said Acts. Accordingly, the Government have decided to undertake legislation for the above said purpose.

4. The Bill seeks to give effect to the above decision.

**R.B. UDHAYAKUMAR**

*Minister for Revenue and Disaster Management.*

K. SRINIVASAN,  
*Secretary.*