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**Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023.**

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**Bill**

further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

**Preamble**

Whereas it is expedient to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Central  
Act No  
30 of  
2013**

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows:-

**Short title,  
extent and  
commencement**

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Act, 2023.
- (2) It shall extend to the whole of Assam.
- (3) It shall come into force at once.

**Amendment of  
section 2**

2. In the principal Act, in section 2, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:-  
"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 section  
10A**

3. In the principal Act, after section 10, the following heading and new section 10A 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 Official Gazette, exempt following project from the application of the provisions of Chapter II and Chapter III of this Act, namely:-

Such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production.”

**Insertion of  
new section  
23A**

4. In the principal Act, after section 23, the following new 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 by rules made by the State Government, 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) above shall not in any way affect the determination of compensation in

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ON 12.09.2023**

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.” **Central Act 16 of 1908**

**Amendment of section 24**

- 5. In the principal Act, in section 24, in sub-section (2) ,
  - (i) in the proviso, in the first line, for the words “where an award has been made” the words “where the said award has been made 5 years or more prior to the commencement of this Act” shall be substituted;
  - (ii) after the existing proviso, the following proviso shall be inserted, 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 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."

**Amendment of section 29**

- 6. In the principal Act, in section 29, ~~in~~ sub-section (1), after fourth line, the following shall be inserted, namely :-
 

“**Explanation:** The valuation of immovable assets attached to the land shall be calculated on pro-rata basis with depreciation as notified from time to time by the State Government”.

**Insertion of new section 30A**

- 7. In the principal Act, after section 30, the following heading and new section shall be inserted, namely:-

**“CHAPTER IV-A**

**VOLUNTARY ACQUISITION OF LAND**

**“Acquisition of land by the State Government by entering into agreement for voluntary acquisition of land**

- 30A.** (1) Notwithstanding anything contained in the principal Act, or any other law, whenever it appears to the State Government that any area of land is required for any public purpose; the State Government or its authorized officer may enter into an agreement with the willing land owner to sell the land in favour of the State Government for the matters specified therein in a form as may be prescribed.
- (2) The State Government or its authorized Officer shall pass an order in terms of agreement under sub-section (1) above for acquisition, and the substance of the order shall be notified in the Official Gazette. On such publication of notification, the title, ownership and all interests of the land owner who enters into agreement shall vest with the State Government free from all encumbrances.

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

(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 lump sum amount towards rehabilitation and resettlement, if any, as may be prescribed:

Provided that no agreement or the lump-sum 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**

8. In the principal Act, after section 31, the following new 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 lump-sum amount as may be prescribed in the rules in lieu of Rehabilitation and Resettlement:

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

**Amendment of section 40**

9. In the principal Act, in section 40, in sub-section (2), after the words "approval of Parliament", the words "or to comply with the directions given by the Central Government to the State Government" shall be inserted.

**Amendment of section 46**

10. 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.

**Amendment of section 87**

11. In the principal Act, for section 87, the following 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 employee 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 of the Code of the Criminal Procedure, 1973 is followed”.

**Amendment of section 101**

12. 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.

**Insertion of a new section 105A**

13. In the principal Act, after section 105, the following shall be inserted, namely :-

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**“Provisions of this Act not to apply to an Assam Act or to apply with certain modifications**      **105 A.**      (1) Subject to sub-section (2), the provisions of this Act shall not apply to acquisition of land under the enactment specified in the Fifth Schedule.

(2) The State Government may, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act, relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fifth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to the compensation, rehabilitation and resettlement as may be specified in the notification, as the case may be:

Provided that, no such notification shall be issued except on a resolution passed by the State Legislature”.

**Amendment of section 109**      14. In the principal Act, in section 109, in sub-section (2), after clause (u), the following clause shall be inserted, namely: -

“(v) to give effect to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Act, 2023”.

**Insertion of FIFTH SCHEDULE**      15. In the principal Act, after the Fourth Schedule, the following Schedule shall be inserted, namely :—

**“THE FIFTH SCHEDULE  
(See section 105-A)**

List of Assam Enactment Regulating Land Acquisition in the State of Assam

- The Assam Land (Requisition and Acquisition) Act, 1964 (Assam Act XV of 1964)”.

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**VETTED BY THE LEGISLATIVE DEPARTMENT**  
**ON 12.9.2023**

## Statement of Objects & Reasons

The Object of the Bill is to give effect to amendments of the existing provisions and insert the new provisions, it is proposed to bring the draft amendment Bill namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023 incorporating some amendments/insertions.

Land is one of the most important components for any project, including State or Central Govt. projects for public purpose. Timely availability of land for such projects ensures timely completion and provides the desired benefits to the public.

In order to achieve this objective and to accelerate development of the State through projects of State and Central Govt. for which land is acquired, it is felt necessary to amend a few sections of the Act and insert a few sections and ensure legitimate and fair compensation and R & R entitlements to the persons affected by such land acquisition.

To expand the existing infrastructure and create new infrastructure in the State, it is imperative that land can be made available to the Requiring Authorities within the mandated time of the project, so as to avoid cost and time overrun of the projects, to implement the essential projects of land acquisition process expeditiously as well as to boost the State's development.

Keeping this in mind, some amendments of the existing provisions of the Act and insertion of some new provisions have been proposed in the Bill and at the same time taking every care to ensure just & fair compensation to the land owners/affected families.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill 2023, inter alia seeks to;

- (a) Exempt projects that are vital to national security, defence of India from the requirement of Chapter-II & III of Act 30 of 2013.
- (b) Enable the Collector to pass an award for acquiring the land after taking consent of the interested person without making an enquiry;
- (c) Exclude the period during which land acquisition proceedings were held up on account of any proceeding of the Court from computing the period specified in Section 24(2).
- (d) Enable the State Government to acquire the land by Direct Purchase from the willing land owners by entering into agreement which will remove the complication involved in the process of Land Acquisition.
- (e) Enable the State Government to acquire the land specified for projects specified in Section 10-A by paying lump sum amount in lieu of rehabilitation and resettlement.

This Bill seeks to give effect to the aforesaid objects.



(Jogen Mohan)  
MINISTER  
Revenue & D.M. Department,  
Assam, Dispur



(Hemen Das, IAS)  
Principal Secretary  
Assam Legislative Assembly

## **Financial Memorandum**

There is no direct financial implication on the State Exchequer due to proposed amendment encapsulated in this bill. However, the provisions encapsulated in the bill are expected to fast track the execution of the infrastructure projects of public importance which will boost the economic activities leading to higher receipt of revenue to the State Exchequer.



(Jogen Mohan)  
MINISTER  
Revenue & D.M. Department,  
Assam, Dispur

## MEMORANDUM OF DELEGATED LEGISLATION

Some Clauses of the Bill authorize the Government to issue notification or to make rules in respect of matters specified there in and generally to carry out the purposes of the Act and such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of the Legislature of the State and will be subject to any modifications made by The State Legislature.

The above provisions of the Bill regarding delegated legislation are thus of normal type and are mainly intended to cover matters of procedure.



(Jogen Mohan)  
MINISTER  
Revenue & D.M. Department,  
Assam, Dispur

Comparative Statement showing the existing provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the proposed provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Bill, 2023

Sl. No.	Existing provisions	Proposed provisions
1	<p>1. Short title, extent and commencement.-</p> <p>(1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.</p> <p>(2) It extends to the whole of India except the State of Jammu &amp; Kashmir.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:</p> <p style="padding-left: 40px;">Provided that the Central Government shall appoint such date within three months from the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 receives the assent of the President.</p>	<p>In the principal Act, in section 1, in sub-section (2) &amp; (3), after the first proviso, the following proviso shall be inserted, namely:-</p> <p>(2) It extends to the whole of the State of Assam.</p> <p>(3) It shall come into force at once.</p>
2.	<p><b>2. (2)</b> The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—</p> <p>(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);</p> <p>(b) for private companies for public purpose, as defined in sub-section (1):</p> <p><b>Provided</b> that in the case of acquisition for—</p> <p>(i) private companies, the <b>prior consent</b> of at least eighty per cent, of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and</p> <p>(ii) public private partnership projects, the <b>prior consent</b> of at least seventy per cent of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3, shall be obtained through a process as may be prescribed by the appropriate Government.</p>	<p>In the principal Act, in section 2, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:-</p> <p style="padding-left: 40px;">"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."</p>



	<p><b>Provided</b> further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4.</p>	
3.	<p style="text-align: center;"><u>CHAPTER II</u> DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE</p> <p>A.—PRELIMINARY INVESTIGATION FOR DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE</p> <p><b>4. Preparation of Social Impact Assessment study.</b>—(1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.</p> <p>(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government: Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study: Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.</p> <p>(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.</p> <p>(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—</p> <p>(a) assessment as to whether the proposed acquisition serves public purpose;</p>	

	<p>(b) estimation of affected families and the number of families among them likely to be displaced;</p> <p>(c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;</p> <p>(d) whether the extent of land proposed for acquisition is the absolute bare- minimum extent needed for the project;</p> <p>(e) whether land acquisition at an alternate place has been considered and found not feasible;</p> <p>(f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project: Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.</p> <p><b>(5)</b> While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.</p> <p><b>(6)</b> The appropriate Government shall require the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area.</p> <p><b>5.Public hearing for Social Impact Assessment.</b>—Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date,</p>	
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	<p>time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.</p> <p><b>6. Publication of Social Impact Assessment study.</b>—(1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.</p> <p>(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorised by the Central Government to carry out environmental impact assessment: Provided that, in respect of irrigation projects where the process of Environment Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply.</p> <p><b>B.—APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP</b></p> <p><b>7. Appraisal of Social Impact Assessment report by an Expert Group.</b>—(1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.</p> <p>(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—</p> <p>(a) two non-official social scientists;</p> <p>(b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;</p> <p>(c) two experts on rehabilitation; and</p> <p>(d) a technical expert in the subject relating to the project.</p> <p>(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.</p> <p>(4) If the Expert Group constituted under sub-section (1), is of the opinion that,-</p> <p>(a) the project does not serve any public purpose; or</p>	
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<p>(b) the social costs and adverse social impacts of the project outweigh the potential benefits, it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same: Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision: Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.</p> <p>(5) If the Expert Group constituted under sub-section (1), is of the opinion that,— (a) the project will serve any public purpose; and (b) the potential benefits outweigh the social costs and adverse social impacts, it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available: Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.</p> <p>(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.</p> <p><b>8. Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government.</b>—(1) The appropriate Government shall ensure that— (a) there is a legitimate and bona fide public purpose for the proposed acquisition which necessitates the acquisition of the land identified; (b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out;</p>	
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<p>(c) only the minimum area of land required for the project is proposed to be acquired;</p> <p>(d) there is no unutilised land which has been previously acquired in the area;</p> <p>(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.</p> <p>(2) The appropriate Government shall examine the report of the Collector, if any, and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.</p> <p>(3) The decision of the appropriate Government shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government: Provided that where land is sought to be acquired for the purposes as specified in sub-section (2) of section 2, the appropriate Government shall also ascertain as to whether the prior consent of the affected families as required under the proviso to sub-section (2) of section 2, has been obtained in the manner as may be prescribed.</p> <p><b>9. Exemption from Social Impact Assessment.</b> –Where land is proposed to be acquired invoking the urgency provisions under section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment study.</p> <p style="text-align: center;"><b><u>CHAPTER III</u></b> SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY</p> <p><b>10. Special provision to safeguard food security.</b>–(1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act. (2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in sub-</p>	<p>In the principal Act, after Chapter III, the following new Chapter III A shall be inserted, namely:-</p> <p style="text-align: center;"><b>“CHAPTER III A PROVISIONS OF CHAPTER II AND CHAPTER III NOT TO APPLY TO CERTAIN PROJECTS</b></p> <p><b>10A.</b> The State Government may, in the public interest, by notification in the <i>Official Gazette</i>, exempt any of the</p>
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	<p>section (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.</p> <p>(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.</p> <p>(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government: Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.</p>	<p>following projects from the application of the provisions of <b>Chapter II and Chapter III</b> of this Act, namely:-</p> <p>“Such projects vital to national security or defence of India and every part thereof, including preparation for defence or defence production.”</p>
4.	<p><b>23. Enquiry and land acquisition award by Collector: –</b></p> <p>On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his hand of—</p> <p>(a) the true area of the land;</p> <p>(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and</p> <p>(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.</p>	<p>In the principal Act, after section 23, the following section shall be inserted, namely:-</p> <p><b>“23A.</b> (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 by rules made by the State Government, he may, without making further enquiry, make an award according to the terms of such agreement.</p> <p>(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.</p> <p>(3) Notwithstanding anything contained, in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (1) shall be liable to registration under that Act.”</p>

5.	<p><b>24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—</b></p> <p>(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894)—</p> <p>(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or</p> <p>(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.</p> <p>(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act: Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.</p>	<p>In the principal Act, in section 24, in sub-section (2)</p> <p>(1) In the existing proviso, for the phrase “where an award has been made” the phrase “where the said award has been made 5 years or more prior to the commencement of this Act” shall be substituted;</p> <p>(2) after the existing proviso, the following proviso shall be inserted, namely:</p> <p>“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.”</p>
6	<p>Determination of value of things attached to land or buildings – (1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.</p> <p>(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.</p> <p>(3) The Collector for the purpose of assessing the value of the standing crops</p>	<p>In the principal Act, in section 29, in sub-section (1), after fourth line, the following shall be inserted, namely:-</p> <p>“Explanation:-</p> <p>The valuation of immovable assets attached to the land shall be calculated on pro-rata basis with depreciation as notified from time to time by the State Government.”</p>

	<p>damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.</p>	
7.	<p><b>30. Award of solatium.</b>—(1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a — ‘Solatium’ amount equivalent to one hundred per cent. of the compensation amount.</p> <p>Explanation.—For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.</p> <p>(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.</p> <p>(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.</p>	<p>In the principal Act, after section 30, the following new Chapter IV A shall be inserted, namely:-</p> <p style="text-align: center;"><b>“CHAPTER IV A VOLUNTARY ACQUISITION OF LAND</b></p> <p><b>30A.</b> (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.</p> <p>(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 agreement shall vest with the State, free from all encumbrances.</p> <p>(3) Notwithstanding anything contained in the Registration Act, 1908, no agreement entered under sub-section (1) shall be liable to registration under that Act.</p> <p>(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 lump sum amount towards rehabilitation and resettlement, if any, as prescribed in the rules framed hereunder:</p> <p style="padding-left: 40px;">Provided that no agreement or the lump-sum amount towards rehabilitation and resettlement as may be prescribed, shall be abnormally at variance to the disadvantage of the land owners.”</p>
8.	<p><b>31. Rehabilitation and Resettlement Award for affected families by Collector.</b>—(1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.</p> <p>(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:—</p>	<p>In the principal Act, after <b>section 31</b>, the following section shall be inserted, namely:-</p> <p><b>“31A.</b> 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 lump-sum amount as may be prescribed in the rules in lieu of Rehabilitation and Resettlement.</p>



	<p>(a) rehabilitation and resettlement amount payable to the family;</p> <p>(b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;</p> <p>(c) particulars of house site and house to be allotted, in case of displaced families;</p> <p>(d) particulars of land allotted to the displaced families;</p> <p>(e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;</p> <p>(f) particulars of payment for cattle shed and petty shops;</p> <p>(g) particulars of one-time amount to artisans and small traders;</p> <p>(h) details of mandatory employment to be provided to the members of the affected families;</p> <p>(i) particulars of any fishing rights that may be involved;</p> <p>(j) particulars of annuity and other entitlements to be provided;</p> <p>(k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:</p> <p>Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as —not applicable:</p> <p>Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.</p>	<p>Provided that the payment of such lump-sum amount in lieu of Rehabilitation &amp; Resettlement as may be prescribed, shall not be abnormally at variance to the disadvantage of the affected families.”</p>
9.	<p>40. Special powers in case of urgency to acquire land in certain cases.—(1) In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.</p> <p>(2) The powers of the appropriate Government under sub-section (1) shall be restricted to the minimum area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the</p>	<p>In the principal Act, in section <b>40</b>, in sub-section <b>(2)</b> after the words "approval of Parliament", the words "or to comply with the directions given by the Central Government to the State Government" shall be added.</p>

	approval of Parliament:	
10	<p>46. Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.</p> <p>6. If any land has been purchased through price negotiations by a person on or after the 5<sup>th</sup> day of September, 2011, which is, more than such limits referred to in sub-section (1) and, if the same land is acquired within three years from the date of commencement of this Act, then, forty percent. Of the compensation paid for such land acquired shall be shared with the original land owners.</p> <p>Explanation – For the purpose of this section, the expression -</p> <p>(a) “original land owner” refers to the owner of the land as on the 5<sup>th</sup> day of September, 2011;</p> <p>(b) “specified persons’ includes any person other than –</p> <p>(i) appropriate Government;</p> <p>(ii) Government company;</p> <p>(iii) Association of persons r trust or society as registered under the Societies Registration Act, 1860 (21 of 1860), wholly or partially aided by the appropriate Government or controlled by the appropriate Government.</p>	10. 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.
11.	<p><b>87. Offences by Government Departments.</b>—(1) Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a</p>	<p>In the Principal Act, for section 87, the following section shall be substituted, namely: -</p> <p>“<b>87.</b> Where any offence under this Act has been committed by any person who is or was employee 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 of the Code of the Criminal Procedure, 1973 is followed”.</p>

	<p>Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>	
12.	<p><b>101. Return of unutilised land.</b>— When any land acquired under this Act remains unutilised <b>for a period of five years</b> from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.</p> <p>Explanation.—For the purpose of this section, “Land Bank” means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.</p>	<p>In the Principal Act, in section <b>101</b>, 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.</p>
13.	<p><b>105. Provisions of this Act not to apply in certain cases or to apply with certain modifications.</b>—(1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the <b>Fourth Schedule</b>.</p> <p>(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.</p> <p>(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or</p>	<p>After section 105 of the principal Act, the following section shall be inserted, namely :—</p> <p><b>“105-A.</b> (1) Subject to sub-section (2), <b>the provisions of this Act shall not apply to acquisition of land under the enactment specified in the Fifth Schedule.</b></p> <p>(2) The State Government may, by notification, within one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Act, 2021, direct that any of the provisions of this Act, relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fifth Schedule or shall apply with such exceptions or modifications that do not reduce the</p>

	<p>modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.</p> <p>(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.</p>	<p>compensation or dilute the provisions of this Act relating to the compensation, rehabilitation and resettlement as may be specified in the notification, as the case may be.</p> <p>Provided that, no such notification shall be issued except on a resolution passed by the State Legislature.”.</p>
14.	<p style="text-align: center;"><b>THE FOURTH SCHEDULE</b> (See section 105) <b>LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND REHABILITATION AND RESETTLEMENT</b></p> <ol style="list-style-type: none"> <li>1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).</li> <li>2. The Atomic Energy Act, 1962 (33 of 1962).</li> <li>3. The Damodar Valley Corporation Act, 1948 (14 of 1948).</li> <li>4. The Indian Tramways Act, 1886 (11 of 1886)</li> <li>5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).</li> <li>6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).</li> <li>7. The National Highways Act, 1956 (48 of 1956).</li> <li>8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).</li> <li>9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).</li> <li>10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).</li> <li>11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).</li> <li>12. The Electricity Act, 2003 (36 of 2003).</li> <li>13. The Railways Act, 1989 (24 of 1989).</li> </ol>	<p>After the Fourth Schedule to the principal Act, the following Schedule shall be added, namely :—</p> <p style="text-align: center;"><b>“THE FIFTH SCHEDULE</b> (See section 105-A)</p> <p>List of Assam Enactment Regulating Land Acquisition in the State of Assam</p> <ul style="list-style-type: none"> <li>• The Assam Land (Requisition &amp; Acquisition) Act, 1964 (Assam Act XV of 1964)”</li> </ul>
15.	<p><b>109. Power of appropriate Government to make rules.</b>— (1) Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of this Act</p>	<p>In the Principal Act, in <b>section 109</b>, in sub-section (2), after clause (u) the following clause shall be added, namely: - “(v) to give effect to the Right to Fair</p>

<p>2) In particular, and without prejudice to the generality of the foregoing, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;</p> <p>(b) the limits of land in rural areas or urban areas under clause (a) of sub-section (3) of section 2;</p> <p>(c) the manner and the time limit for carrying out social impact assessment study under sub-section (1) of section 4;</p> <p>(d) the manner of preparing and publishing social impact assessment study reports under sub-section (1) of section 6;</p> <p>(e) the manner and time for conducting survey and undertaking census under sub-section (2) of section 16;</p> <p>(f) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (5) of section 16;</p> <p>(g) the manner of conducting public hearing under sub-section (5) of section 16;</p> <p>(h) the manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;</p> <p>(i) the manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;</p> <p>(j) the form in which the Development Plan shall be prepared under sub-section (2) of section 41;</p> <p>(k) the powers, duties and responsibilities of Administrator under sub-section (2) of section 43;</p> <p>(l) the procedure of Rehabilitation and Resettlement Committee under sub-section (3) of section 45;</p> <p>(m) the procedure to be followed by the Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;</p> <p>(n) the procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 50;</p> <p>(o) the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;</p> <p>(p) the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;</p> <p>(q) any other matter under clause (g) of</p>	<p>Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Assam Amendment) Act, 2023”.</p>
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	<p>sub-section (1) of section 60;</p> <p>(r) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;</p> <p>(s) the manner of returning the unutilised land by reversion under section 101;</p> <p>(t) manner of publication wherever the provisions of this Act provide for;</p> <p>(u) any other matter which is required to be or may be specified under this Act.</p>	
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