

HARYANA GOVERNMENT
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

No. 514-R-5-2015/15369

To

1. All the Divisional Commissioners in the State.
2. All the Deputy Commissioners in the State.
3. All the Sub-Divisional Officers (C) in the State.
4. All the Sub Divisional Magistrates (C) in the State.
5. All the District Revenue Officers/ Land Acquisition Officers in the State.

Chandigarh dated the 28-8-15

Subject:- Clarifications on Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Sir/Madam,

As well known that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) has come into force w.e.f. 01.01.2014 and has repealed the old Land Acquisition Act, 1894. Section 24 of the ibid Act is reproduced as under:-

24. (1) Notwithstanding anything contained in this Act in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,-

- (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
- (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such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 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.

2. The State Government has decided to issue clarifications on the above provisions for guidance of the Land Acquisition Collectors and other concerned as under:-

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- i) **Cases where proceedings under the provisions of the Land Acquisition Act, 1894 has been initiated prior to 01.01.2014 and where no award has been made.**

In cases where proceedings which have been initiated under the old Land Acquisition Act, 1894 prior to 01.01.2014 and where no award has been made under the said Act of 1894, shall continue till the stage of determination of compensation. However, compensation shall be awarded on or after 01.01.2014 under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short RFCTLARR Act, 2013) i.e. all provisions of RFCTLARR Act, 2013 relating to the determination of compensation shall apply where no award under section 11 of the old Land Acquisition Act, 1894 has been made.

- ii) **Cases where award under Section 11 of the Land Acquisition Act, 1894 has been made.**

In cases where award has been made prior to 01.01.2014 under Section 11 of the old Land Acquisition Act, 1894, then the proceedings shall continue under the provisions of the said Act of 1894.

- iii) **Cases where award under Section 11 of the Land Acquisition Act, 1894 has been made five years or more prior to the commencement of RFCTLARR Act, 2013 but the physical possession of the land has not been taken or the compensation has not been made.**

In cases where award under Section 11 of the Land Acquisition Act, 1894 has been made five years or more prior to the commencement of RFCTLARR Act, 2013 but the physical possession of the land has not been taken or the compensation has not been paid, then such proceedings shall be deemed to have been lapsed and the competent authority have to initiate land acquisition proceedings afresh in accordance with the provisions of the RFCTLARR Act, 2013 if so choose.

- iv) **Cases where award under Section 11 of the Land Acquisition Act, 1894 has been made but compensation in respect of the majority of land holdings has not been paid to the beneficiaries.**

In cases where award under Section 11 of the Land Acquisition Act, 1894 has been made but compensation in respect of the majority of land holdings has not been paid to the beneficiaries,

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then all beneficiaries specified in the notification for acquisition under section 4 of the old Land Acquisition Act, 1894, shall be entitled to compensation in accordance with the provisions of RFCTLARR Act, 2013.

The above instruction may please be brought to the notice of all concerned for compliance.

dc Under Secretary Revenue,
for Additional Chief Secretary and Financial Commissioner to
Govt., Haryana, Revenue and Disaster Management Department.

A copy is forwarded to all the Additional Chief Secretaries/Principal Secretaries to Government Haryana for information and necessary action.

dc Under Secretary Revenue,
for Additional Chief Secretary and Financial Commissioner to
Govt., Haryana, Revenue and Disaster Management Department.

To

All the Additional Chief Secretaries/Principal Secretaries to
Government Haryana.

U.O. No. 514-R-5-2015/ 2550 Chandigarh dated the 28-8-15

A copy is forwarded to the PS/Hon'ble Revenue Minister, Haryana for
information.

dc Under Secretary Revenue,
for Additional Chief Secretary and Financial Commissioner to
Govt., Haryana, Revenue and Disaster Management Department.

To

The PS/Hon'ble Revenue Minister, Haryana,
Chandigarh.

U.O. No. 514-R-5-2015/ 2551 Chandigarh dated the 28-8-15

A copy is forwarded to the PS/PSCM, Haryana for information.

dc Under Secretary Revenue,
for Additional Chief Secretary and Financial Commissioner to
Govt., Haryana, Revenue and Disaster Management Department.

To

The PS/PSCM, Haryana,
Chandigarh.

U.O. No. 514-R-5-2015/ 2552 Chandigarh dated the 28-8-15

31/8/15