

THE LAND ACQUISITION (KARNATAKA AMENDMENT AND VALIDATION) ACT, 1967.

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 6.
3. Validation.

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STATEMENT OF OBJECTS AND REASONS

Act 10 of 1968.- The practice generally followed in acquisition of lands under the Land Acquisition Act, 1894 is that, a single notification is issued under section 4(1) of the Act which indicates that a particular area of the land is needed or is likely to be needed for public purpose. This is then followed by one declaration under section 6 of the Act in respect of the land specified in the aforesaid notification to the effect that such land is needed for a public purpose or for a Company. The Supreme Court has recently held that when once a declaration under section 6 of the Act is issued, whether it be in respect of a part of the land comprised in the notification under section 4(1) or in respect of whole of it, the effect of the initial notification is exhausted and no further declarations under section 6 of the Act are sustainable. In other words, Government cannot acquire land by means of successive declarations following the notifications under section 4(1) in respect of particular area. In view of this it would be difficult to acquire lands required, particularly, for bigger projects, where consistent with the requirements of the situation, land will have to be acquired in stages and a single notification under section 4(1) will have to be followed with more than one declaration under section 6 of the Act. By doing so, not only much time could be saved but also the necessity of notifying the required extents under section 4(1) several times is dispensed with, besides having the advantage of freezing the land value of the required extents by issue of a single notification. It would be difficult to reopen cases where more than one declaration has been issued and to start proceedings afresh. This would seriously affect the schedule of the projects for which lands are urgently required.

Consequently, to overcome the difficulty existing under the provisions of the Land Acquisition Act and in view of the urgency of the situation affecting many important projects and also to facilitate early payment of compensation to the land owners, the Land Acquisition Act, 1894 has to be amended. It is proposed to provide that, if necessary, more than one declaration may be issued from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1) of the Act. The Parliament has made similar amendments to the Act by the Land Acquisition (Amendment and Validation) Act, 1967. Care has been taken to ensure that land acquisition proceedings do not linger on for unduly long time. This amendment therefore provides that no declaration under section 6 of the Act should be issued in respect of any particular land covered by a notification under section 4(1) published after the commencement of the amended Act, after the expiry of three years from the date of such publication. In case of pending proceedings, it has been provided that no declaration under section 6 of the Act in respect of any land which has been notified before the commencement of the amended Act under sub-section (1) of section 4 of the Act may be issued after the expiry of two years from the commencement of the amended Act. The proposed amendment will achieve this object.

Provision for certain incidental matters like payment of interest and validation of proceedings already taken has also to be made.

Hence this Bill.

(Obtained from File No. LAW 69 LGN 67.)

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¹[KARNATAKA]¹ ACT No. 10 OF 1968.

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-first Day of March 1968)

THE LAND ACQUISITION (¹[KARNATAKA]¹ AMENDMENT AND VALIDATION) ACT, 1967.

(Received the assent of the President on the Twelfth Day of March 1968)

An Act further to amend the Land Acquisition Act, 1894 (Central Act 1 of 1894), in its application to the ¹[State of Karnataka]¹ and to validate certain acquisitions made.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894 (Central Act 1 of 1894);

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Eighteenth year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Land Acquisition (¹[Karnataka]¹ Amendment and Validation) Act, 1967.

(2) It shall come into force at once.

2. Amendment of section 6.- In section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), as in force in the ¹[State of Karnataka]¹,

(i) in sub-section (1A) after the words "for a company", the following shall be added, namely :-

"and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under sub-section (1) of section 4:

Provided that no declaration in respect of any particular land covered by a notification under sub-section (1) of section 4, published after the commencement of the Land Acquisition (¹[Karnataka]¹ Amendment and Validation) Act, 1967, shall be made after the expiry of three years from the date of such publication.

Explanation.- In computing the period of three years specified in this sub-section, any period during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of section 4 is held up on account of stay or injunction by order of a Court shall be excluded."

(ii) in sub-section (2), for the words "The declaration," the words "Every declaration" shall be substituted.

3. Validation.- (1) Notwithstanding any judgment, order or decree of any Court to the contrary,-

(a) no acquisition of land made or purporting to have been made under the Land Acquisition Act, 1894 (Central Act 1 of 1894), hereinafter referred to as the said Act or under the said Act as amended and extended to the ¹[State of Karnataka]¹ by the Land Acquisition (Extension and Amendment) Act, 1961 (¹[Karnataka]¹ Act 17 of 1961), hereinafter referred to as the amended Act, before the commencement of this Act and no action taken or thing done (including any order made, agreement entered into, or notification published) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground that one or more declarations have been made under section 6 of the said Act or the amended Act as the case may be, in respect of different parcels of the land covered by the same notification under sub-section (1) of section 4 of the said Act or the amended Act ;

(b) any acquisition in pursuance of any notification published under sub-section (1) of section 4 of the said Act or the amended Act before the commencement of this Act may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into, or notification published),

whether before or after such commencement, in connection with such acquisition shall be deemed to be invalid merely on the ground referred to in clause (a).

(2) Notwithstanding anything in clause (b) of sub-section (1), no declaration under section 6 of the amended Act in respect of any land which has been notified before the commencement of this Act under sub-section (1) of section 4 of the said Act or the amended Act shall be made after the expiry of two years from the commencement of this Act.

Explanation.- In computing the period of two years specified in this section, any period during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of section 4 of the said Act is held up on account of stay or injunction by order of a Court shall be excluded.

(3) Where acquisition of any particular land covered by a notification under sub-section (1) of section 4 of the principal Act, or the amended Act before the commencement of the Act is or has been made in pursuance of any declaration under section 6 of the principal Act or the amended Act, whether made before or after such commencement and such declaration is or has been made after the expiry of three years from the date of publication of such notification, there shall be paid simple interest, calculated at six per centum per annum on the market value of such land, as determined under section 23 of the principal Act or the amended Act, from the date of expiry of the said period of three years to the date of tender of payment of compensation awarded by the Deputy Commissioner for the acquisition of such land :

Provided that no such interest shall be payable for any period during which the proceeding for the acquisition of any land were held up on account of stay or injunction by order of a Court :

Provided further that nothing in this sub-section shall apply to the acquisition of any land where the amount of compensation has been paid to the persons interested before the commencement of this Act.

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1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 01.11.1973.