



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

CONTENTS

	<i>Pages.</i>
BILLS :	
No. 30 of 2014—Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014	148-150
No. 31 of 2014—Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Second Amendment) Act, 2014	151-152
No. 32 of 2014—Tamil Nadu Appropriation (No. 4) Act, 2014	153-158

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

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 8th December 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 30 of 2014

A Bill to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

Short title,
extent and
commence
ment

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014

(2) It extends to the whole of the State of Tamil Nadu

(3) It shall be deemed to have come into force on the 1st day of January 2014.

Insertion of
New section
105-A

2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), after section 105, the following section shall be inserted, namely:-

Central Act
30 of 2013

“105-A. Provisions of this Act not to apply to certain Tamil Nadu Acts or to apply with certain modifications.- (1) Subject to sub-section (2), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fifth Schedule.

(2) The State 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 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 compensation or rehabilitation and resettlement as may be specified in the notification as the case may be.

(3) A copy of the notification proposed to be issued under sub-section (2) shall be laid in draft before the Legislative Assembly of the State of Tamil Nadu and if the Legislative Assembly agrees in disapproving the issue of the notification or the Legislative Assembly agrees in making any modifications 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 the Legislative Assembly.”

Addition of
Fifth
Schedule

3. After the Fourth Schedule to the principal Act, the following Schedule shall be added, namely:-

“THE FIFTH SCHEDULE

(See section 105-A)

**LIST OF TAMIL NADU ENACTMENTS REGULATING LAND ACQUISITION IN THE
STATE OF TAMIL NADU**

1. The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978).

2. The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999)

3. The Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002).”

STATEMENT OF OBJECTS AND REASONS.

In order to continue acquisition of land under 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), after the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and to apply the provisions of the Central Act 30 of 2013 for determination of compensation to the cases of land acquisition under the said Tamil Nadu Acts, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 (L.A. Bill No.5 of 2014) was passed by the Legislative Assembly on 20.02.2014 and reserved by the Governor for the consideration of the President.

2. The Government have now decided to apply the provisions of Central Act 30 of 2013 relating to rehabilitation and resettlement also to the cases of land acquisition under the said Tamil Nadu Acts, in addition to compensation. Accordingly, the Government have taken a policy decision to withdraw the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 (L.A. Bill No.5 of 2014) and to introduce a fresh amendment Bill, incorporating certain changes, on the lines of the provisions of section 105 of the Central Act 30 of 2013.

3. The Bill authorizes the State Government to issue a notification to apply the provisions of Central Act 30 of 2013 relating to determination of compensation, rehabilitation and resettlement to the cases of land acquisition under the above said Tamil Nadu Acts.

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

R.B. UDHAYAKUMAR,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New section 105-A proposed to be inserted in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) by clause 2 of the Bill authorizes the State Government to issue notification for the purposes specified therein.

2. The power delegated is normal and not of an exceptional character.

R.B. UDHAYAKUMAR,
Minister for Revenue.

A.M.P. JAMALUDEEN,
Secretary.

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 8th December 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 31 of 2014

A Bill 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 Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth 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 (Tamil Nadu Second Amendment) Act, 2014.

Short title and commencement.

(2) It extends to the whole of the State of Tamil Nadu

(3) It shall be deemed to have come into force on the 1st day of January 2014.

Central Act
30 of 2013

2. In section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in sub-section (2), after the proviso, the following proviso and Explanation shall added, namely:-

Amendment of section 24

“Provided further that nothing contained in this sub-section shall apply, in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (Central I of 1894), where the land acquisition or dispossession of land is under litigation before the court as on the 1st day of January 2014 or where the land owner has not made any claim for compensation or has not claimed the compensation amount as on the 1st day of January 2014; or where the possession of the land has been taken, but the land or any portion thereof has been later encroached; or where physical possession of land or any portion of the land has not been taken on account of any encroachment.

Explanation:- Where the compensation payable under the Land Acquisition Act, 1894 (Central I of 1894) has been deposited in a treasury or in a court, such compensation shall be deemed to have been deposited in the account of the beneficiaries and paid in accordance with the provision of the said Land Acquisition Act, for the purpose of this sub-section.”

STATEMENT OF OBJECTS AND REASONS.

As per sub-section (2) of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the land acquisition proceedings initiated under the Land Acquisition Act, 1894 (Central Act I of 1894), where an award has been made five years or more prior to the commencement of the Central Act 30 of 2013 and either of the two contingencies is satisfied viz., (i) physical possession of the land has not been taken, or (ii) the compensation has not been paid, such land acquisition proceedings shall be deemed to have lapsed.

2. In many land acquisition proceedings initiated under the said Land Acquisition Act, 1894, award has been made five years prior to the commencement of the said Central Act 30 of 2013 but the physical possession of the land has not been taken in view of encroachments or after taking possession, the land or portion of the land has been encroached or possession has not been taken due to litigation pending in the courts or for the reason that the land owners do not made any claim for compensation or do not appear for receiving the compensation amount. Further, the land acquisition authorities have deposited the compensation in the treasury as revenue deposits payable to land owners or where the land owner has refused or disputed the award, deposited in the Court under section 31(2) of the Land Acquisition Act, 1894. In order to save the cases of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (Central Act I of 1894), where physical possession of the land has not been taken on account of pendency of any litigation or for the reason that the land owner has not made any claim for compensation or has not received the compensation amount or where possession of the land has been taken but the land or portion thereof has been encroached or where physical possession of land or any portion thereof has not been taken on account of any encroachment or where the compensation amount has been deposited in the treasury or in the court without actually paid to the land owners, from the application of sub-section (2) of section 24 of the said Central Act 30 of 2013, the Government have decided to amend sub-section (2) of section 24, suitably.

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

R.B. UDHAYAKUMAR,
Minister for Revenue.

A.M.P. JAMALUDEEN,
Secretary.

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 8th December 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 32 of 2014

A Bill to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2014.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Tamil Nadu Appropriation (No. 4) Act, 2014.

Short title.

2. The State Government may appropriate out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2014, a further sum not exceeding one thousand seven hundred and fifty one crore Eighteen lakh and Eighty Two thousand rupees, being moneys required to meet—

Supplementary appropriation out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2014.

- (a) the supplementary grants made by the Tamil Nadu Legislative Assembly for that year, as set forth in column (3) of the Schedule; and
- (b) the supplementary expenditure *charged* on the Consolidated Fund of the State for that year, as set forth in column (4) of the Schedule.

THE SCHEDULE

(See section 2)

Demand Number	Services and Purposes	Sums not exceeding			
		Voted by the Legislative Assembly	Charged on the Consolidated Fund of the State	Total	
(1)	(2)	(3)	(4)	(5)	
		Rs.	Rs.	Rs.	
1	STATE LEGISLATURE	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
3	ADMINISTRATION OF JUSTICE	Revenue	2,000	2,000	4,000
		Capital	...	...	...
		Loan	...	...	...
4	ADI-DRAVIDAR AND TRIBAL WELFARE DEPARTMENT	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
5	AGRICULTURE DEPARTMENT	Revenue	15,000	...	15,000
		Capital	3,000	...	3,000
		Loan	...	...	...
6	ANIMAL HUSBANDRY (Animal Husbandry, Dairying and Fisheries Department)	Revenue	12,000	...	12,000
		Capital	...	...	...
		Loan	...	...	...
7	FISHERIES (Animal Husbandry, Dairying and Fisheries Department)	Revenue	21,42,05,000	...	21,42,05,000
		Capital	2,000	...	2,000
		Loan	...	...	...
8	DAIRY DEVELOPMENT (Animal Husbandry, Dairying and Fisheries Department)	Revenue	2,000	...	2,000
		Capital	...	...	...
		Loan	32,93,00,000	...	32,93,00,000
9	BACKWARD CLASSES, MOST BACKWARD CLASSES AND MINORITIES WELFARE DEPARTMENT	Revenue	6,000	...	6,000
		Capital	...	...	...
		Loan	...	...	...
12	CO-OPERATION (Co-operation, Food and Consumer Protection Department)	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
13	FOOD AND CONSUMER PROTECTION (Co-operation, Food and Consumer Protection Department)	Revenue	1,000	...	1,000
		Capital	1,000	...	1,000
		Loan	...	...	...

Demand Number	Services and Purposes	Sums not exceeding			
		Voted by the Legislative Assembly	Charged on the Consolidated Fund of the State	Total	
(1)	(2)	(3)	(4)	(5)	
		Rs.	Rs.	Rs.	
14	ENERGY DEPARTMENT	Revenue	..	..	..
		Capital	..	..	..
		Loan	1,000,00,00,000	..	1,000,00,00,000
15	ENVIRONMENT (Environment and Forests Department)	Revenue	2,000	..	2,000
		Capital	..	..	..
		Loan	..	..	..
16	FINANCE DEPARTMENT	Revenue	1,000	..	1,000
		Capital	..	..	..
		Loan	..	..	..
18	KHADI, VILLAGE INDUSTRIES AND HANDICRAFTS (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	1,000	..	1,000
		Capital	..	..	..
		Loan	..	..	..
19	HEALTH AND FAMILY WELFARE DEPARTMENT	Revenue	22,23,000	30,26,000	52,49,000
		Capital	2,000	..	2,000
		Loan	..	..	..
20	HIGHER EDUCATION DEPARTMENT	Revenue	4,000	..	4,000
		Capital	4,000	..	4,000
		Loan	..	..	..
21	HIGHWAYS AND MINOR PORTS DEPARTMENT	Revenue	90,01,000	..	90,01,000
		Capital	13,09,000	97,08,000	1,10,17,000
		Loan	..	..	..
22	POLICE (Home, Prohibition and Excise Department)	Revenue	11,000	..	11,000
		Capital	1,000	..	1,000
		Loan	..	..	..
23	FIRE AND RESCUE SERVICES (Home, Prohibition and Excise Department)	Revenue	1,000	..	1,000
		Capital	..	..	..
		Loan	..	..	..
25	MOTOR VEHICLES ACTS-ADMINISTRATION (Home, Prohibition and Excise Department)	Revenue	2,000	..	2,000
		Capital	..	..	..
		Loan	..	..	..
26	HOUSING AND URBAN DEVELOPMENT DEPARTMENT	Revenue	1,000	..	1,000
		Capital	..	..	..
		Loan	1,000	..	1,000

Demand Number	Services and Purposes	Sums not exceeding			
		Voted by the Legislative Assembly	Charged on the Consolidated Fund of the State	Total	
		(3) Rs.	(4) Rs.	(5) Rs.	
27	INDUSTRIES DEPARTMENT	Revenue	2,000	...	2,000
		Capital	1,000	...	1,000
		Loan	...	...	...
28	INFORMATION AND PUBLICITY (Tamil Development and Information Department)	Revenue	5,000	...	5,000
		Capital	...	...	...
		Loan	...	...	...
29	TOURISM - ART AND CULTURE (Tourism, Culture and Religious Endowments Department)	Revenue	12,03,000	...	12,03,000
		Capital	1,000	...	1,000
		Loan	...	...	...
30	STATIONERY AND PRINTING (Tamil Development and Information Department)	Revenue	1,000	...	1,000
		Capital	2,50,01,000	...	2,50,01,000
		Loan	...	...	...
31	INFORMATION TECHNOLOGY DEPARTMENT	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
32	LABOUR AND EMPLOYMENT DEPARTMENT	Revenue	3,000	...	3,000
		Capital	2,000	...	2,000
		Loan	...	...	...
33	LAW DEPARTMENT	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
34	MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT	Revenue	333,96,39,000	...	333,96,39,000
		Capital	172,87,69,000	...	172,87,69,000
		Loan	...	...	...
35	PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT	Revenue	1,000	1,000	2,000
		Capital	...	...	...
		Loan	...	...	...
36	PLANNING, DEVELOPMENT AND SPECIAL INITIATIVES DEPARTMENT	Revenue	2,000	...	2,000
		Capital	4,000	...	4,000
		Loan	...	...	...
37	PROHIBITION AND EXCISE (Home, Prohibition and Excise Department)	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...

Demand Number	Services and Purposes	Sums not exceeding			
		Voted by the Legislative Assembly	Charged on the Consolidated Fund of the State	Total	
		(3) Rs.	(4) Rs.	(5) Rs.	
38	PUBLIC DEPARTMENT	Revenue	8,000	...	8,000
		Capital	...	...	...
		Loan	...	...	...
39	BUILDINGS (Public Works Department)	Revenue	...	...	...
		Capital	10,000	...	10,000
		Loan	...	...	...
40	IRRIGATION (Public Works Department)	Revenue	3,000	...	3,000
		Capital	20,000	2,74,07,000	2,74,27,000
		Loan	...	...	...
41	REVENUE DEPARTMENT	Revenue	10,14,000	1,01,54,000	1,11,68,000
		Capital	1,000	...	1,000
		Loan	...	...	...
42	RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
43	SCHOOL EDUCATION DEPARTMENT	Revenue	7,000	...	7,000
		Capital	3,000	...	3,000
		Loan	...	...	...
44	MICRO, SMALL AND MEDIUM ENTERPRISES DEPARTMENT	Revenue	8,00,02,000	...	8,00,02,000
		Capital	...	...	...
		Loan	...	...	...
45	SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME DEPARTMENT	Revenue	45,33,68,000	...	45,33,68,000
		Capital	12,81,80,000	...	12,81,80,000
		Loan	...	...	...
46	TAMIL DEVELOPMENT (Tamil Development and Information Department)	Revenue	1,000	...	1,000
		Capital	...	...	...
		Loan	...	...	...
48	TRANSPORT DEPARTMENT	Revenue	...	...	...
		Capital	...	...	...
		Loan	39,73,00,000	...	39,73,00,000
49	YOUTH WELFARE AND SPORTS DEVELOPMENT DEPARTMENT	Revenue	11,000	...	11,000
		Capital	...	...	...
		Loan	...	...	...

Demand Number	Services and Purposes	Sums not exceeding			
		Voted by the Legislative Assembly	Charged on the Consolidated Fund of the State	Total	
		(3) Rs.	(4) Rs.	(5) Rs.	
50	PENSION AND OTHER RETIREMENT BENEFITS	Revenue	75,76,000	...	75,76,000
		Capital	...	...	...
		Loan	...	...	...
51	RELIEF ON ACCOUNT OF NATURAL CALAMITIES	Revenue	69,09,22,000	...	69,09,22,000
		Capital	...	...	...
		Loan	...	...	...
52	DEPARTMENT FOR THE WELFARE OF DIFFERENTLY ABLED PERSONS	Revenue	24,02,000	...	24,02,000
		Capital	...	...	...
		Loan	...	...	...
54	FORESTS (Environment and Forests Department)	Revenue	1,000	...	1,000
		Capital	5,00,01,000	...	5,00,01,000
		Loan	...	...	...
	Total	Revenue	480,16,68,000	1,31,83,000	481,48,51,000
		Capital	193,33,15,000	3,71,15,000	197,04,30,000
		Loan	1,072,66,01,000	...	1,072,66,01,000
	Grand Total		1,746,15,84,000	5,02,98,000	1,751,18,82,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 205, read with clause (1) of Article 204, of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State, of the moneys required to meet--

- (a) the supplementary grants made by the Tamil Nadu Legislative Assembly for the financial year which commenced on the 1st day of April 2014; and
- (b) the supplementary expenditure charged on the Consolidated Fund of the State for that year.

O. PANNEERSELVAM,
Chief Minister.

A.M.P. JAMALUDEEN,
Secretary.