

Rules and Procedure of L.A Act-1894

The land Acquisition Act was originally made in the Year 1894 i.e., more than (100) Years back called as "THE LAND ACQUISITION ACT, 1894 (Act No. 1 of 1894)". Certain provisions of Act were amended several times since then, enabling both by the Central and State Governments to make it viable to the Changing time and circumstances. The Act was last amended by the Government of India in the name & style as "THE LAND ACQUISITION (AMENDMENT) Act, 1984" (Act No.68 of 1984), which came in to force w.e.f. 30-04-1982, the day it was introduced in parliament.

Due to progressive legislation of both the Central and State Governments and with the contemplation of several projects under the public and quasi Government Sectors and formulation and grounding of Major and Medium Irrigation Projects and also due to Government's commitment to the people, such as providing House Sites, Drinking Water, Farm Lands to the down trodden etc., the need to acquire the land for public purpose has increased by many folds.

Rules and Procedure

1. REQUISITION IN FORM (1) :-

Whenever land is required, for public purpose, the authority is required to send requisition in Form -1, to the Collector / Special Collector, duly indicating the location of the land, Survey Number, extent of the land, purpose boundaries of the land, sketch of the land, and importantly, the funds provided to L.A.O. for acquisition. Any lapse in the part of requisitioning authority, while filing the regularizing causes unnecessary delay.

After receiving a proper requisition the Land Acquisition Officer has to identify the land inspect and also verify the Village Accounts. For this a time limit of (8) days is fixed.

2. SECTION 4. (1)(DRAFT NOTIFICATION)

Soon after receiving a proper requisition, the Collector must satisfy himself, with all aspects of proposed acquisition, and then should proceed with publication of notification U/s. 4 (1), within 6 days from the receipt of proper requisition of Form -1. (No statutory time limits provided in the Act) Simultaneously, the L.A.O. can prepare the D.D. under Section 6 of the L.A. Act to save time.

Thus, it is desirable to prescribe a time limit of 5 days for D.N. from the date of receipt of requisition in Form -1.

3. Section 6 (DRAFT DECLARATION)

Two days is needed for preparation of draft declaration by L.A.Os and for "approval" by the Collectors, and Subsequent publication of D.D. in newspapers, 5 days time limit is prescribed.

Thus totally, a time limit of 7 days, for preparation, approval and publication of D.D. is to be prescribed.

3. Section 5-A (ENQUIRY)

The statutory time limit of 30 days, is provided U/s 5 A of the L.A. Act. Any person, Interested in the land, notified U/s 4 (1), might object to the acquisition, to the Collector.

The Collector, shall given an opportunity to the objector of being heard in person, or by an authorized agent. The Spl.C.S. and CCLA desires that, this work, should be completed in (15)days by the LAO's while observing the statutory time limit of (30) days on paper, to met the legal requirements. If urgency clause invoke U/s 17 of the Act the 5 A enquiry is dispensed with.

5. (SURVEY & SUB- DIVISION):-

After receiving a proper requisition, the Land Acquisition Officer, has to identify the land, inspect it, and also verify the village accounts. He can take up survey operations immediately. With the introduction of "total machines" which is technologically advanced survey equipment, "the entire survey work pertaining to large chunks of land, including plotting can be completed, within 2 days. So the delay in preparing S.D. records can be avoided and with in 3 days S.D. records can be made ready now.

The Collectors, have to make use of this equipment and wherever, this is not available, they should approach the Commissioner Survey & Settlements, for obtaining the equipment. They should bestow personal attention, on management of the services of available Surveyors, stapes should be taken, to deploy more number of surveyors, in the land acquisition area, after drawing them, from now land acquisition areas. They should be trained in " total machines" equipment handling also.

The Land Acquisition Officers should keep in mind, that.

1. S.D. record is required, only when a part survey number is under acquisition.
2. S.D. records, is not required, when entire survey number is under acquisition.
3. The District Surveyors should scrutinize the S.D. records, comprising extents and independent plot tab1e date, within 3 days.
4. Notices are to be issued to the concerned pattadars U/s 6 of S & B Act simultaneously.

All these measures will help in avoiding errors at the time of publication of D.N & DD and future litigation. This will also enable us, to complete the post – award action promptly.

5. The L.A.O. and the Executive Engineer shall inspect the lands, the trees and structures if any jointly within (1) day.

Thus a time limit of (6) days is prescribed for the following stages, from the date of receipt of requisition.

- (a) Survey and preparation of S.D. Records3 days
Duly issuing notices U/s. 6 of S & B Act.
- (b) Scrutiny by District Surveyors2 days
- (c) Joint Inspection of the land and structures / trees by the LAO & E.E.

6. PRELIMINARY VALUATION STATEMENT:-

1. After Completion of Award enquiry the P.V. statement should be submitted along with notification U/s. 4 (1) and 6, where emergency provisions, are invoked.
2. Where the 5A is not dispensed with, the P.V. statement should be submitted with 10 days.
 - (a) In this first stage, for gathering of sales statistics, from Sub-Register's Office, will take 2 days. This can be taken up concurrently, soon after receipt of requisition and at the time of inspection of land.
 - (b) Preparation of estimates by the L.A.O. with respect of structures and trees.
 - (c) The L.A.O. will prepare a P.V. statement, basing on sale particulars, of the lands proposed for acquisition, and after personal inspection of the lands. The same will be submitted to the Collector for approval. This entire exercise, may take 2 days time.
 - (d) Approval of the P.V. statement can be govern, after personal inspection, within 2 days only.

Thus, the entire process of P.V. statement, that is, right from gathering of sales statistics, P.V. inspection, by L.A.O. Collector, and final approval of P.V. should be within time limit of '8' days.

7. Section 9 (1) & 10 OF L.A. ACT (Notices)

Soon after the D.N. & D.D. are published, notices U/s. 9 (1) and 10 and U/s. 19 (2) have to be issued mandatory. A notice in Form 6 shall be served, not only on the pattedar of the land, but also on occupant of the land, and all the persons having interest in the land, to state their nature of interest in the land, before the Collector, with in 15 days. To speed up the process and to complete this entire exercise in (10) days the Dy. Tahsildars and the Revenue Inspectors should go personally and serve the notices to the pattedars without entrusting the work to Village Secretaries and Servants.

8. AWARD:-

Provision made to Pass awards i.e., General Award U/s 11 (1) of the Act and consent award U/s 11 (2) of the Act.

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Section 11 (1) (General Award):-

After the approval of P.V. and award is completed, U/s 11 by the L.A.O., the draft award, must be made, within 7 days, as it is the most important proceedings in the L.A. process. The Collector in turn will have to approve and communicate to L.A.O., within 2 days of the receipt.

Section 11 (2) (Consent Award):-

Consent Award passed as per negotiations and agreement with the persons interested. Consent Awards not only taxation but also additional expenditure towards enhancement of compensation besides ending the ryots to get compensation immediately.

Finally, the award should be pronounced by the L.A.O. within (3) days and land acquired should be handed over to the requisitioning department.

The role of Spl.C.S. & CCLA arises only in Post- Award Cases, when the cases referred to court U/s 18 of the Act For Re-determination of market Value. In fact LAO plays key role right from requisition stage to the finalization of L.A. Proceedings. When a Court; Sub –Court or High Court re- determines the Market Value and the L.A.O. sends a proposal claiming decretal charges the office of the Spl.C.S. & CCLA after due scrutiny of the proposals received from the Collectors and Spl. Collectors recommends the proposals to the Government for sanction of the decretal amount (or) address the Collectors for filing of Special Leave Petition in the Supreme Court of India.

Section 16 (Taking Possession):-

When the Collector has made an Award U/s 11 (1) (or) 11 (2). He may take possession of the land, which shall there a post vacant absolutely in the Government true from all encumbrances.

Section 17 (Urgency Clause) :-

In cases of urgency, though no such Award has ban made, the Collector may on explanation of (15) days from the publication of notice mentioned in section a sub section (11) take possession of the land by paying 80% of the compensation.

Section 18 (Reference to Court):-

If the Awarded not satisfied while the qualities of compensation awarded by the LAO, they are at liberty to file application for re determination of compensations measurements of land, the persons to wherein it is payable or the apportion of compensation.

Section 23:-

Matters to be considered for the determining compensation as on date of publication of 4 (1) of the Act.

Section 28-A

The persons interested in the land covered by the same notification who are aggrieved with the amount of Compensation that nor made an application U/s 18 may by written applications to the Collectors with (3) months from the date of the Award of the Reference Government the amount of compensation payable may be re- determined on the cases of the Compensation Awarded of the Court.

Section 30:-

Any dispute arises with regard to the apportionment of compensation the LAO may refer such dispute to the discussion of the Court.

Section 31:-

It there is any dispute with regard to the title of the land, the LAO shall deposit the amount of Compensation in the Court which reference U/s 18 submitted.