



Legislative Assembly of Goa

The Land Acquisition (Goa Amendment) Bill, 2001

(Bill No. 19 of 2001)

(By Shri Luis Alex Cardozo)

M. L. A.

^{As}
~~Is~~ introduced in the Legislative Assembly of Goa

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM-GOA
MARCH, 2001.**

The Land Acquisition (Goa Amendment)
Bill, 2001

(Bill No. 15 of 2001)

A

Bill

*further to amend the Land Acquisition Act, 1894
(Central Act No. 1 of 1894)*

Be it enacted by the Legislative Assembly of
Goa in the Fifty-second year of the Republic of
India as follows:

1. *Short title and commencement.*— (1) This
Act may be called the Land Acquisition (Goa
Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of section 18.*— In section 18
of the Land Acquisition Act, 1894 (Central Act
No. 1 of 1894) (hereinafter referred to as the
principal Act), after the existing sub-section (2),
the following sub-section shall be inserted:

“(3)(a) Every application made under
sub-section (1) shall be decided by the Collector
within thirty days from the date of receipt of
the application and any order made by the
Collector on the application shall be
communicated to the person who made the
application by the Collector within seven days
of making of his order on that application; and

(b) any ^{order} ~~other~~ made by the Collector on an application under sub-section (1) shall be subject to revision by the High Court as if the Collector were a Court subordinate to the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908 (5 of 1908).".

3. *Amendment of section 28 A.*— In section 28A of the principal Act, after the existing proviso to sub-section (1), the following proviso shall be inserted:

"Provided further that the Collector shall immediately on receipt of a copy of the award from the Court communicate the same to all those persons interested in all the other land covered by the same notification under sub-section (1) of section 4.".

Statement of Objects and Reasons

The Land Acquisition Act, 1894 is a Central Act. Section 18 of the Act enables persons who are aggrieved with the award of the Collector to file applications before him for reference to the appropriate Court for reviewing the award given by the Collector. However, the Act does not envisage remedial action for the applicants in case the Collector does not refer their applications to the Court as required under section 18. Clause 2 of the Bill seeks to insert a suitable sub-section in section 18 to enable the applicants to seek remedy in the High Court concerned.

2. Section 28A of the Land Acquisition Act, 1894 deals with extending the benefit of excess award determined by Court on reference of applications of the aggrieved persons by the Collector under section 18 as aforesaid, also to those persons interested in all the other land covered by the same notification issued under section 4(1) of the Act though they are not applicants before the Court. However, several such interested persons do not get the benefit of excess award because they could not file applications before the Collector within the stipulated time as there is no mechanism to make them take specific notice of the pronouncement of the excess award. Courts while examining the matter have expressed their desire that Legislatures should incorporate suitable provisions in the relevant law so that proper notice of the excess award is given to

those interested persons who are not applicants under section 18 but who are entitled to receive the benefit under section 28A of the Act. Clause 3 of the Bill seeks to achieve this objective.

Financial Memorandum

No financial implication is involved in the Bill and hence, no financial memorandum is appended to the Bill.

Memorandum Regarding Delegated Legislation

No delegation of legislative powers is involved in the Bill and, hence, no memorandum regarding delegated legislation is involved.

Porvorim-Goa
26 February, 2001.

LUIS ALEX CARDOZO
M.L.A.

Assembly Hall,
Porvorim-Goa
28 February, 2001

R. KOTHANDARAMAN
Secretary (Legislature).

ANNEXURE

[Extracts from the Land Acquisition Act, 1894
(Central Act No. 1 of 1894)]

Section 18

"18. *Reference to Court.*— (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award:

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire."

Section 28A(1)

"28A. *Re-determination of the amount of compensation on the basis of the award of the Court.*— (1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also

aggrieved by the award of the Collector, may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded."

Assembly Hall,
Porvorim-Goa
28 February, 2001.

R. KOTHANDARAMAN
Secretary (Legislature).