

Land Acquisition (Punjab Amendment) Act 1953

The Land Acquisition (Punjab Amendment) Act, 1953

Punjab Act 2 of 1954

Received the assent of the President on the 1st January, 1954, and was first published in the Punjab Government Gazette (Ext.), dated the 9th January, 1954.

An Act to amend the Land Acquisition Act, 1894, in its application to Punjab.

It is hereby enacted as follows: -

Statement of Objects and Reasons. –

1. *Section 17*-Section 17(2) of the Land Acquisition Act, 1894 lays down the special procedure to be followed for taking immediate possession of any land which is required for any Railway Administration. Government consider it necessary that this special procedure should be applied also to land required for the purpose of any library or educational institution or for the construction, extension or improvement of any building or other structure in any village for the common use of the inhabitants of such village or any godown for any society registered under the Co-operative Societies Act, 1912, or any dwelling house for the poor, or the construction of labour Colonies under a Government sponsored Scheme; or any irrigation tank, irrigation or drainage channel, or any well, or any public road. Opportunity is taken to explain the scope of the words

‘waste or arable land’ occurring in clause 17(1) of the Act. It is proposed to make it clear that the mere existence of trees or temporary structures, such as huts, pandals or sheds, on waste or arable land will not alter its character as such.

2. *Section 18.* – In their Full Bench judgement, the Calcutta high Court have held that in dealing with an application made to him under section 18 of the Land Acquisition Act, 1894, the Collector does not act as a Court and, even if he does, he does not do so as a Court subordinate to the High Court. They have, therefore, suggested that it is essential in the ends of justice that the Collector should be placed under some measure of control and his order made revisable by a Court. The Government of India are of the view, with which Punjab Government agree, that a provision should be made by the insertion of sub-section (3) to section 18 of the Act so that the Collector’s order under this section should be made revisable by a High Court.

3. *Section 34.* – Section 34 of Land Acquisition Act, 1894, provides that when the amount of compensation is not paid or deposited on or before taking possession of the Land, the Collector has to pay the amount awarded with interest thereon at the rate of six per cent per annum from the date of taking possession till the date of payment or deposit, as the case may be. Government consider that the rate of interest at six per cent per annum is out of date as bank rate has considerably fallen and that the section should, therefore, be amended so that interest is paid according to the prevailing bank rates. Government consider that the rate of interest be reduced from six per cent to four per cent per annum.

4. *Section 28.* – Mention of the rate of interest has also been made in section 28 of the Land Acquisition Act, 1894, as given in section 34 of the Act. As an amendment of the rate of interest under section 34 is being proposed, amendment to section 28 is also necessary. (Punjab Government Gazette Extraordinary dated the 21st May 1953).

2. Amendment of section 17 of Act 1 of 1894. – In section 17 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”): -

(i) To sub-section (1), the following explanation shall be added -

Explanation. – This sub-section shall apply to any waste or arable land, notwithstanding the existence therein of scattered trees or temporary structures, such as huts, pandals or sheds ;

(ii) For sub-section (2), the following shall be substituted namely:-

In the following cases, that is to say,

(a) Whenever owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purposes of making thereon a riverside or ghat, station or of providing convenient connection with or access to any such station;

(b) Whenever in the opinion of the Collector it becomes necessary to acquire the immediate possession of any land for the purposes of any library or educational institution or for the construction, extension or improvement of any building or other structure in any village for the common use of the inhabitants of such village, or any godown for any society registered under the Co-operative Societies Act, 1912 (Act II of 1912), or of any dwelling-house for the poor, or the construction of labour colonies under a Government sponsored Housing Scheme, or any irrigation tank, irrigation or drainage channel or any well, or any public road, the Collector may, immediately before the publication of the notice mentioned in sub-section (1) and with the previous sanction of the appropriate Government, enter upon and take possession of such land, which shall thereon vest absolutely in the Government free from all encumbrances :

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to

remove his movable property from such building without unnecessary inconvenience.

3. Amendment of Section 18 of Act 1 of 1894. – In section 18 of the said Act, the following sub-section shall be added, namely: -

“(3) An order made by the Collector on an application under this section shall be subject to revision by the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908 (V of 1908)”.

4. Amendment of section 28 of Act 1 of 1894. – In section 28 of the said Act, for the word “six” the word “four” shall be substituted.

5. Amendment of section 34 of Act 1 of 1894. – In section 34 of the said Act, for the word “six”, the word “four” shall be substituted.

