

# ACT No. XXXVIII OF 1923.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th August, 1923.)

An Act further to amend the Land Acquisition Act, 1894, for certain purposes.

I of 1894. **W**HEREAS it is expedient further to amend the Land Acquisition Act, 1894, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1923. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

I of 1894. 2. In sub-section (1) of section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), after the word "locality", where it first occurs, the words "is needed or" shall be inserted. Amendment of section 4, Act I of 1894.

3. After section 5 of the said Act the following heading and section shall be inserted, namely:— Insertion of new section 5A in Act I of 1894.

## "Objections.

5A. (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a Company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be. Hearing of objections.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard either

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either in person or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Local Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Local Government on the objections shall be final.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act."

Amendment  
of section 6,  
Act I of 1894.

4. In sub-section (1) of section 6 of the said Act, for the words " whenever it appears to the Local Government " the following shall be substituted, namely:—

" when the Local Government is satisfied, after considering the report, if any, made under section 5A, sub-section (2)."

Amendment  
of section 11,  
Act I of 1894.

5. In section 11 of the said Act, after the words " the value of the land," the words " at the date of the publication of the notification under section 4, sub-section (1) " shall be inserted.

Amendment  
of section 17,  
Act I of 1894.

6. To section 17 of the said Act the following sub-section shall be added, namely:—

" (4) In the case of any land to which, in the opinion of the Local Government, the provisions of sub-section (1) or sub-section (2) are applicable, the Local Government may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time after the publication of the notification under section 4, sub-section (1)."

Amendment  
of section 23,  
Act I of 1894.

7. In clause *first* of sub-section (1) of section 23 of the said Act, for the words " declaration relating thereto under section 6; " the words " notification under section 4, sub-section (1), " shall be substituted.

Amendment  
of section 24,  
Act I of 1894.

8. In clause *seventhly* of section 24 of the said Act, for the words " declaration under section 6 " the

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the words " notification under section 4, sub-section (1)," shall be substituted.

9. In sub-section (1) of section 40 of the said Act, after the word "satisfied," the words "either on the report of the Collector under section 5A, sub-section (2), or " shall be inserted. Amendment of section 40, Act I of 1894.

10. In section 41 of the said Act,—

- (a) the words " Such officer shall report to the Local Government the result of the inquiry, and," shall be omitted; and Amendment of section 41, Act I of 1894.
- (b) after the word "satisfied" the following words shall be inserted, namely:—

" after considering the report, if any, of the Collector under section 5A, sub-section (2), or on the report of the officer making an inquiry under section 40."