

The Land Acquisition (Punjab Amendment) Act, 1962

Punjab Act 7 of 1962

Received the assent of the President of India on the 13th July, 1962, and was first published in the Punjab Government Gazette Extraordinary, dated the 21st July 1962.

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

Be it enacted by the Legislature of the State of Punjab in the Thirteenth Year of Republic of India as follows: -

Statement of Objects and Reasons: –

1. At present, there is no provision in the Land Acquisition Act whereby any clerical or arithmetical mistakes in the award can be corrected by the Land Acquisition Collector. It is proposed to add another section 'section 12-A', which would empower the Collector to correct any such clerical or arithmetical mistakes.
2. According to the provisions of the existing Act, 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 determination of the Court and upon such an application a reference is made to Civil Court by the Collector. As regards the Acquiring Department, the award of the Collector is final. As the Land Acquisition Collector is supposed to act on behalf of the Government, it was considered that his award should be acceptable to the Government. It has, however, been noticed in the recent past that some of the Special Collectors have been awarding compensation at excessive rates to which the Acquiring Departments have been taking exceptions. So it is considered that it would be fit and proper that a right similar to the one given to the other interested parties should vest in the Government also. In any case where the Acquiring Department feels that the award of the Special Collector is excessive, Government should also be in a position to ask the Collector to make a reference to the Civil Court. It is, therefore, proposed that section 18 of the Land Acquisition Act may be suitably amended to provide for such a contingency.
3. It is further proposed to amend section 25 of the existing Act so that a Civil Court can also award compensation at a rate lesser than the one awarded by the Collector. This is only a corollary to the amendment of section 18. (Punjab Government Gazette Extraordinary, dated the 4th may, 1962).

1. Short title: – This Act may be called the Land Acquisition (Punjab Amendment) Act, 1962.

2. Amendment of section 12 of Central Act 1 of 1894: – In sub section (2) of section 12 of the Land Acquisition Act, 1894, in its application to the State of Punjab (hereinafter referred to as the principal Act), after the word “made” the words “and, where the acquisition of land is not for the purposes of the Union, also send a copy of the award to the State Government” shall be added.

3. Insertion of section 12-A in Central Act 1 of 1894: – After section 12 of the principal Act, the following section shall be inserted namely: -

12-A. Power to correct award: –

(1) The Collector may, at any time but not later than six months from the date of award, or, where a reference is required to be made under section 18, before the making of such reference, correct any clerical or arithmetical mistake in the award either of his own motion or on the application of any person interested.

(2) The Collector shall give immediate notice of any correction made in the award to all persons interested and, where the acquisition of land is not for the purposes of the Union, also to the State Government.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), such person shall be liable to refund the excess, and if he defaults or refuses to pay, the same may be realised as an arrear of land revenue.”

4. Amendment of section 18 of Central Act 1 of 1894: – In Section 18 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely: -

“(2A) Without prejudice to the provisions of sub-section (1), the State Government may, where the requisition of land is not for the purposes of the Union and it considers the amount of compensations allowed by the award under section 11 to be excessive, require the Collector by written application that the matter be referred by him to the Court for determination of the amount of compensation.

Explanation. – In any case of land under Part VII, that requisition under this sub-section may be made by the State Government at the request of the Company on its undertaking to pay all the cost consequent upon such requisition.

(2B) The requisition shall state the grounds on which objection to the award is taken and

shall be made within six months of the date of award.”

5. Amendment of section 25 of Central Act 1 of 1894. – In sub-section (1) of section 25 of the principal Act, the words “or be less than the amount awarded by the Collector under section 11” shall be omitted.