

Gazette Notifications Issued by Ministries and Public Authorities under Government of India

Relating to Land Acquisition for Developmental Projects (01 January, 2015 – 30 June, 2015)

A Preliminary Study with a Ready Reckoner¹

Background:

Parliament enacted the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act* (RFCTLARR Act) in September 2013. The Hon'ble President of India gave his assent to the Bill on the 26th of that month and the enactment was notified in the Official Gazette a day later on the 27th of September. The Government of India (GoI) enforced this Act fully on 01 January, 2014. This law repealed the *Land Acquisition Act* of 1894. However at the time of its enactment, 13 other laws under which various Ministries and Departments of GOI could acquire land for public purpose such as building roads, railways, prospecting and/or mining for coal, laying pipelines for transporting petroleum natural gas liquefied petroleum gas (LPG) etc were excluded from its ambit. By an Ordinance issued on 31st December, 2014, GoI made several amendments to the RFCTLARR Act. One major aspect of these amendments was the inclusion of all 13 laws listed in the 4th Schedule within the RFCTLARR Act for the twin purposes of calculating and paying compensating persons whose lands are acquired for “public purpose” as defined in the Act and also for ensuring their rehabilitation and resettlement (if they are displaced as a result of the land acquisition). The earlier chapters such as conducting Social Impact Assessment (SIA) and preparing a mitigation plan required under RFCTLARR Act do not apply to these Ministries administering these 13 laws.

The amendments to the RFCTLARR Act also permit the appropriate governments (Central State and UTs and in certain cases even the District Collector), to exclude, if they deem it necessary, through appropriate notification, five categories of projects from the requirement of conducting SIAs. These include projects vital for national security or defence of India including preparation for defence or defence production; rural infrastructure including electrification, affordable housing and housing for poor people, industrial corridors and infrastructure projects including PPPs where land ownership continues to vest with the concerned Governments. In May 2015, RFCTLARR Act was further amended

¹ Prepared by Venkatesh Nayak, Programme Coordinator, Access to Information Programme, Commonwealth Human Rights Initiative, New Delhi in July, 2015 for the purpose of public debate and discussion on the amendments to the RFCTLARR Act, pending in Parliament. This piece must be read with the accompanying data table which contains the land acquisition related information culled out of 219 notifications issued between 01 January – 30 June, 2015. The author is grateful to Interns Ms. Dolvi Oswal, Ms. Shreya Joshi and Ms. Angel Kharya who helped compile and cross check the raw data and the tabulation and calculations.

through the RFCTLARR (Amendment) 2nd Ordinance which incorporated some of the amendments passed by the Lok Sabha which debated the Bill to amend the RFCTLARR Act, 2013 during the budget session of Parliament between February – April.

RFCTLARR Act is not only important because it seeks to bring about a sea change in the manner in which appropriate governments acquire land from people for public purposes and how the affected and interested individuals and families must be compensated and rehabilitated and resettled, if displaced, but also because it places enormous emphasis on the transparency of all actions and decisions taken under this law. The Amendments made by Gol through the Ordinances do not take away from these transparency provisions. Every document relating to land acquisition under this law is required to be accessible to any person, let alone those affected by land acquisition, is to be made accessible to people on request or in a large majority of circumstances, publicised through various means including websites of the Ministries which acquire land for public purposes.

Under the RFCTLARR Act, Governments are required to comply with several procedures for identifying and acquiring land apart from compensating, rehabilitating and resettling the affected and interested people and families. This study looks at the manner in which Ministries under Gol have acquired land after the RFCTLARR Act was amended in December 2015. For the purpose of the study the Research Team has looked up all notifications published by various Ministries under Gol relating to land acquisition from 01 January – 30 June 2015 as published on <http://www.egazette.nic.in/>. The relevant websites of the Ministries have also been checked for similar information to ensure comprehensiveness of the research. As the Gazette notifications of State Governments are not always easily accessible on their official websites, their use of the RFCTLARR Act has not been examined in this study.

In this study we have covered gazette notifications of Ministries and public authorities under Gol declaring:

- a) Intent to acquire land for “public purpose” (NOIs) ;
- b) The competent authority for the purpose of land acquisition (NOCAs); and
- c) That they have acquired the land (NOAs) for the public purpose declared in the NOI.

These abbreviations have been coined for this study as no other official abbreviation was available for these land acquisition related actions in the public domain.

Preliminary Findings – I relating to NOAs:

- The study indicates that only the **Ministries of Road Transport and Highways, Railways, Coal and Petroleum and Natural Gas** (said Ministries) under Gol have acquired land for “public purpose” during the said period. We have found 219 such notifications published during the period 01 January – 30 June, 2015. No other Ministry under Gol seems to have acquired land for a public purpose during the same period unless those orders have not been placed in the public domain yet.
- **This study does not reveal any instance of the use of the RFCTLARR Act by these ministries for the purpose of acquiring land for developmental projects.** All 219 acquisitions have been made under the sector-specific land acquisition laws administered by each Ministry. The relevant provisions relating to land acquisition contained in these sector-specific laws are given at the end of this report (see Table 1 below).
- The said Ministries have acquired land only for the purpose of building new highways or widening existing ones; prospecting or actually mining for coal; laying down railway tracks (segments of the Eastern and Western Dedicated Freight Corridors amongst others) and pipelines for transporting petroleum, natural gas and liquefied petroleum gas (LPG).
- Land has been acquired by these four Ministries in **1,584 villages** situated in **more than 263 talukas** in **141 districts** across **22 States**.
- **Uttar Pradesh** tops the list of States with **38 projects** followed by **Rajasthan with 27 projects, Gujarat with 22 projects, Jharkhand with 17 projects and Karnataka with 16 projects** occupying the remaining slots in the top-5 list.
- **Land has been acquired for the most number of projects in June (51) followed by May (44) and March (37)** (See Table 2).
- There are no gazette notifications published on the E-Gazette website of the Government of India relating to acquisition of land for public purpose in the States of Arunachal Pradesh, Goa, Jammu and Kashmir, Manipur, Mizoram, Nagaland and Sikkim during this 6 month period.
- **The Ministry of Road Transport and Highways has acquired land for the most number of projects at 138 followed by the Ministry of Petroleum and Natural Gas (43), Ministry of Railways (31) and Ministry of Coal (7)** (See Table 2&3).
- **None of the notifications indicate that land has been acquired by any Ministry under Gol for defence purposes or rural electrification or affordable housing or housing for the poor – “special categories of public purposes” for which the appropriate governments may**

waive the requirement for doing SIAs and the subsequent procedures. These exceptions were introduced into the RFCTLARR Act through the Ordinances.

- The said Ministries initiated the process of land acquisition after January 2015, (i.e., after their sector-specific law were brought within the ambit of the RFCTLARR Act through the Ordinances) in the following States: **Uttar Pradesh (4 including 1 National Highways project in Amethi); Chhattisgarh (2); Andhra Pradesh, Karnataka, Rajasthan, Tamil Nadu and West Bengal (1 each)**. In all other the process of acquiring land was initiated by the respective Ministries mostly in 2014 and in some cases in 2013 (see Table 1).

Observation:

- 1) **Given these findings, it is intriguing that GoI had impressed upon the Hon'ble President of India about the urgency of amending the RFCTLARR Act through an Ordinance repeatedly, while its own Ministries have not shown any interest in acquiring land under this law to demonstrate that the 'urgency' is very real.**
- 2) It is not as if land cannot be acquired under RFCTLARR for linear projects such as constructing highways, laying railway tracks or pipelines for transporting petroleum products or natural gas. Section 2(1)(b)(i) of the RFCTLARR states the Central Government may acquire land for the infrastructure projects listed by the Department of Economic Affairs, Union Ministry of Finance in its notification dated 27/3/2012.² These infrastructure projects include roads and bridges, railway tracks, oil and gas pipelines. Further, Section 10 of the RFCTLARR Act states that the prohibition on acquiring irrigated multi-cropped land for projects of "public purpose" will not apply for linear projects. **Nevertheless, the Ministries of Road Transport and Highways, Railways, Coal and Petroleum and Natural Gas have elected to acquire land under their special laws instead of RFCTLARR. So for whose benefit was the RFCTLARR amended repeatedly through the Ordinance route is a big question that is begging urgent answers.**

Preliminary Findings – II relating to NOAs:

- **Very few land acquisition notifications (NOAs) actually mention the number of objections received against the notice of the Ministries' intention to acquire land for public purposes. Even in these cases a majority of the notifications indicate that the**

² See Categories 1 and 2 of the Harmonised Master List of infrastructure sub-sectors available on ASCI's website – Regional Documentation Centre, Land Acquisition, Resettlement and Rehabilitation at: [http://rlarrdc.org.in/images/DEA_Notification - List of Infrastructure Projects001.pdf](http://rlarrdc.org.in/images/DEA_Notification_-_List_of_Infrastructure_Projects001.pdf), accessed on 27 June, 2015.

competent authority/government considered these objections and disallowed them. Only in a couple of instances the notifications indicate that the objections were resolved. Here too the manner of resolution of objections is not explained.

- **Two of the developmental projects are in Schedule V areas (inhabited by members of Scheduled Tribes) in Chhattisgarh and Jharkhand.** According to Section 41 of the RFCTLARR Act, land may be acquired in a Scheduled Area only as a last resort and that too after obtaining prior consent of the Gram Sabha or the panchayat. Nothing in the Gazette notifications studied here mention details of such a process having been undertaken prior to the acquisition of land.
- **A large number of segments of land acquired are wetland or irrigated agricultural plots.**
- **A couple of notifications of the Ministry of Petroleum and Natural Gas indicate acquisition of land for a private corporation namely, M/s. Reliance Industries Ltd. for the purpose of laying pipelines for transporting natural gas through Madhya Pradesh. It is not clear whether all provisions that place obligations on private entities regarding compensation and R&R were undertaken as per the RFCTLARR Act.**
- **We could not find any information about the amount of compensation determined for the project affected persons either on the official websites of the concerned Ministries or in any gazette notification published by these Ministries during the six month period.** Perhaps these awards are not published in any gazette notification. According to Section 37(3) of the RFCTLARR Act, the District Collector is responsible for ensuring that a summary of the land acquisition proceedings undertaken and the amount of compensation awarded to the affected persons along with the details of the land finally acquired for the project is publicly displayed on the website created for this purpose. We hope researchers based in the concerned States will undertake such a website search to ascertain compliance by the Collectors of the 141 districts where land has been acquired for these 219 projects. **However, under Section 4(1)(c) of the Right to Information Act, 2005, the said Ministries also have a duty to make these details public as the developmental projects are under their charge.**

Observations:

- 1) According to Section 41 of the RFCTLARR Act, “as far as possible no land shall be acquired in the Scheduled Areas”. However, Section 41(2) permits acquisition of land in Scheduled areas as a demonstrable last resort. While acquiring land in this manner, prior consent of the Gram Sabha or panchayat must be taken before issuing “a notification” under this Act. As Section 41 is situated in Chapter V of the Act, it is applicable to the Ministries of Road Transport and Highways, railways, Coal and Petroleum and Natural Gas whose special land acquisition law have been brought under the RFCTLARR Act through the Ordinances. **There is no mention of any such process having**

been undertaken in the 2 NOA notifications that relate to land in the Scheduled Areas of Chhattisgarh and Jharkhand.

- 2) Further, there is no centralised database about the extent of land acquired by various Ministries under the Central Government. There is an urgent need for developing a central database in GOI for publicising details of land acquired for various developmental projects by Ministries, Departments and Public Authorities under its control.

Abbreviations:

MOC = Ministry of Coal

MOR = Ministry of Railways

MP&NG = Ministry Of Petroleum and Natural Gas

MRT&H = Ministry of Road Transport and Highways

NOA = Notice of Land Acquisition

NOI = Notice of Intent to Acquire Land for public purpose

NOCA = Notice about appointment of competent authority for land acquisition purposes

Table -1

State-wise data of the Notifications of Land Acquisition (NOA) issued by various Ministries under Government of India

Sl. No.	Name of State/UT (with no. of projects in each district)	Gazette notifications per month	No. of NOAs	Ministry/Authority is involved + No. of notifications and purpose	No. of objections received prior to NOA
1	Andhra Pradesh East Godavari (1) Guntur (1) Krishna (2) West Godavari (1) Total - 4 districts	February-1 March-1 April-1 May-1 June- 1	5	MRT&H : 5 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 2 or 4, 6-laning existing highways, maintenance, management and operation. Total- 5 projects involving mostly privately owned dry/wet land or patta land in 24 villages	MRT&H No. of objections received in 2 projects is not specified in the gazette notification. In 3 projects an unspecified number of objections were received and disallowed. NOI for West Godavari project issued in March 2015. All other NOIs are from 2014.
2	Assam Sonitpur (1) Total - 1 district	January-1	1	MRT&H: 1 NOA Purpose: for building widening/ 4 laning etc.), maintenance, management and operation of NH No. 37A, 52 and 52A Total- 1 project involving private and government land of various types including agricultural land in 130 villages of 6 talukas	MRT&H Gazette notification states that an unspecified number of objections was received and disallowed. NOI issued in 2014.
3	Bihar Gopalgunj (1) Kaimur (1) Madhepura (1) Madhubani (1) Patna (1) Sheohar (1)	January-2 March-3 April-1 May-2	8	MP&NG: 3 NOAs Purpose: construction of pipeline for transport of Petroleum Items MOR: 1 NOA Purpose: Execution, maintenance, management and operation of Eastern	MP&NG Gazette notifications do not mention any objections received from anybody. MOR and MRT&H Gazette notifications refer to unspecified number of objections all of which were considered and disallowed.

	Sitamarhi (1) Siwan (1) Total: 8 districts			Dedicated Fright Corridor special railway project MRT&H: 4 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 2 or 4, 6-laning existing highways Total – 8 projects involving private agricultural and residential land in more than 86 villages in 13 talukas and 3 mouzas	All MOR and MRT&H NOIs issued in 2014.
4	Chhattisgarh Balodabazar (1) Bemetara(2) Bilaspur(2) Dhamtari (1) Janjgir-Champa (2) Kabirdham (1) Raipur (1) Raigarh (1) Surguja (2) Total - 9 districts	March – 3 April – 2 May – 2 June - 6	13	MOR: 2 NOAs Purpose: Execution, maintenance, management and operation of 2 Special Railway Projects MRT&H: 11 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 2 or 4-laning existing highways Total – 13 projects involving mostly private plots of agricultural land and some government land of varying types in 80 villages in more than 14 talukas.	MOR Gazette notifications report 2 objections received in 1 project which was disallowed. MRT&H Gazette notifications indicate receipt of 13 objections in 1 project which were resolved. In others either the number of objections is not reported or an unspecified number of objections are said to have been received and disallowed. NOIs for 1 MOR project in Bilaspur and 1 MRT&H project in Kabirdham issued in April and February respectively. NOIs in remaining 6 projects issued in 2014. <u>The entire district of Suguja is a Schedule V area.</u>
5	Gujarat	January – 4	22	MP&NG: 1 NOA	MP&NG Gazette notifications indicate

	<p>Amreli (1) Banaskantha (2) Bharuch (1) Bhavnagar (1) Gandhinagar (1) Gir Somnath (6) Junagadh (3) Kheda (1) Mehsana (1) Navsari (2) Porbandar (1) Surat (1) Vadodara (1)</p> <p>Total - 13 districts</p>	<p>February - 3 March – 7 May – 3 June - 5</p>		<p>Purpose: construction of pipeline for transport of natural gas</p> <p>MOR: 7 NOAs Purpose: Execution, maintenance, management and operation of Special Railway Projects including the Western Dedicated Freight Corridor project</p> <p>MRT&H: 14 NOAs Purpose: Construction, maintenance and operation of highways and bypasses or widening – 4 or 6-laning existing highways</p> <p>Total – 22 projects involving mostly privately owned agricultural land, dry land and some grazing land and government land in 130 villages in more than 40 talukas</p>	<p>receipt of an unspecified number of objections which were considered and disallowed</p> <p>MOR Gazette notifications indicate 237 objections received in 5 projects all of which were disallowed. No objections reported in the remaining projects.</p> <p>MRT&H Gazette notifications indicate receipt of an unspecified number of objections in 11 projects all of which were disallowed. No objections were received in 3 projects.</p> <p>NOIs in 19 projects issued in 2014 and NOIs in 2 MRT&H projects issued in 2013.</p>
6	<p>Haryana Ambala (2) Bhiwani (1) Fatehabad (2) Gurgaon (1) Jind (2) Rohtak (1) Sirsa (1)</p> <p>Total- 7 districts</p>	<p>January – 1 February – 2 March – 1 April – 1 May – 3 June – 2</p>	10	<p>MRT&H: 10 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 4 or 6-laning existing highways</p> <p>Total – 10 projects involving privately owned irrigated and on-irrigated land, government and panchayat land in 51 villages in more than 9 talukas</p>	<p>MRT&H Gazette notifications indicate that an unspecified number of objections were received and disallowed in four projects. No objections were received in other projects</p> <p>NOIs in 2 projects in Rohtak and Fatehabad issued in January 2015. NOIs in the remaining projects issued in 2014.</p>
7	Himachal Pradesh	February – 1	2	MRT&H: 2 NOAs	MRT&H Gazette notifications indicate that

	Bilaspur (2) Total - 1 district	June - 1		Purpose: Construction, maintenance and operation of highways and bypasses, widening 4-laning existing highways Total – 2 projects involving mostly privately owned agricultural land and some government land in 44 villages in 7 talukas	an unspecified number of objections were received and disallowed in one project. NO objections were received in the other project. NOI issued in 2014.
8	Jharkhand Bokaro (2) Dhanbad (3) Hazaribagh (2) Giridh (2) Koderma (2) Pakur (1) Ramgarh (4) Total - 7 districts	January – 1 February – 2 March – 2 April – 5 May – 1 June - 5	17	MOC: 6 NOAs Purpose: for prospecting and/or extraction of for coal. MOR: 5 NOAs Purpose: Execution, maintenance, management and operation of the Special Railway Project – Eastern Dedicated freight Corridor MRT&H: 6 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 4 or 6-laning existing highways Total – 17 projects involving in more than 75 villages in more than 13 talukas and mouzas	MOC and MOR Gazette notifications do not refer to any objections received in any project NOIs in MOC and MOR projects issued in 2014. <u>Pakur district is covered entirely a Schedule V area. MOC has acquired a total of 30.503 hectares of land for mining purposes.</u> MRT&H Gazette notifications indicate an unspecified number of objections received in two projects all of which were disallowed. No objections were received in the remaining projects. NOIs in 3 MRT&H projects in Ramgarh (2 projects) and 1 project in Dhanbad and 1 project in Bokaro issued in February 2015 and April 2015 respectively.

9	Karnataka Bidar and Gulbarga (2) Bangalore Rural (2), Chamarajanagara and Mandya (1) Chikkamagalur (2) Dakshina Kannada (5) Hassan (2) Shimoga (1) Tumkur (1) Total -10 districts	January – 5 February – 1 March – 1 April – 2 May – 4 June – 3	16	MP&NG: 6 NOAs Purpose: construction of pipeline for transport of LPG and natural gas MRT&H:10 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 2 or 4-laning existing highways and construction of bridges Total – 16 projects involving mostly privately owned wet and dry land and some government land in 258 villages in more than 23 talukas (in some notifications, the nature of land or ownership is not specified)	MP&NG only 1 Gazette notification mentions an unspecified number of objections received and disallowed. Remaining notifications do not mention any objections received. NOI in 3 project in MP&NG project in Tumkur issued in January 2015. MRT&H Gazette notifications mention an unspecified number of projects which were disallowed in 6 projects. There is no mention of objections in any other project. NOI in the Chamrajanagara –Mandya project of MRT&H issued in March 2015. NOIs for 6 projects issued in 2014 and 1 project in 2013.
10	Kerala Palakad and Thrissur (1) Total- 2 districts	February - 1	1	MP&NG: 1 NOA Purpose: construction of pipeline for transport of LPG Total – 1 project involving 20 villages in 4 talukas. Nature of land and ownership not mentioned.	MP&NG Gazette notification does not mention the number of objections received NOI date not mentioned in the MP&NG Gazette notifications.
12	Madhya Pradesh Betul (1) Jabalpur (1) Katni (1)	January – 1 February – 2 March – 1 April – 1	8	MP&NG: 3 NOAs Purpose: construction of pipeline for transport of natural gas from CBM blocks of Ms. Reliance Industries Ltd. for consumers in	MP&NG Gazette notifications indicate an unspecified number of objections received and disallowed in one project. No objections mentioned in relation to 2 projects.

	Rajgarh (1) Rewa (2) Shahdol (1) Vidisha (1) Total- 7 districts	June – 3		various parts of the country MRT&H: 5 NOAs Purpose: Construction, maintenance and operation of highways, widening – 4-laning existing highways. Total – 8 projects involving mostly privately owned irrigated agricultural land and some dry land and some government land in 54 villages in 10 talukas.	NOI in one project dated in 2014. NO mention of NOI date in the remaining projects. MRT&H Gazette notifications indicate an unspecified number of objections received and disallowed in 4 projects. No objections mentioned in relation to the 5 th project. NOIs in all projects issued in 2014.
13	Maharashtra Beed (1) Chandrapur (1) Osmanabad (1) Pune (3) Raigad (1) Solapur (1) Total- 6 districts	January – 1 February – 3 March – 1 April – 1 May – 1 June – 1	8	MOC: 1 NOA Purpose: for prospecting and mining for coal (2,151.92 hectares) MP&NG: 1 NOA Purpose: for laying pipeline for transporting petroleum products for Hindustan Petroleum Corporation Ltd. MRT&H: 6 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening – 4-laning existing highways Total – 8 projects involving mostly private land wet and dry both agricultural and non-agricultural in nature in 29 villages in 14	MOC Gazette notification does not mention the number of objections received. NOI issued in 2014. No newspaper advertisements mentioned in the NOA. MP&NG Gazette notification mentions an unspecified number of objections received and disallowed. NOI issued in 2013 and again in 2014. MRT&H Gazette notifications in 5 projects mention an unspecified number of objections received and disallowed. No objections were received in the 6 th project. NOIs issued in 2014.

				talukas. Nature of land in coal prospecting area is not mentioned.	
14	Odisha Deogarh(1) Total-1 district	May – 1	1	MRT&H: 1 NOA Purpose: Construction, maintenance and operation of highways and bypasses, widening – 2-laning existing highway Total- 1 project in 2 villages involving all privately owned cultivable land of varying types in 1 taluka.	MRT&H Gazette notification mentions an unspecified number of objections received and disallowed. NOI issued in 2013.
15	Punjab Amritsar (1) Fatehgarh Sahib (1) Gurdaspur (3) Hoshiarpur (1) Jalandhar (1) Ludhiana (1) Moga (1) Pathankot (2) Roop Nagar (1) S.A.S Nagar (2) Total- 10 districts	January – 4 March – 1 April – 4 May – 5	14	MP&NG: 5 NOAs Purpose: construction of pipeline for transport of natural gas from Bhatinda to Jammu for GSPL India GASNet Ltd. MRT&H: 9 NOAs Purpose: Construction, maintenance and operation of highways and bypasses, widening –4 or 6-laning existing highways Total- 14 projects involving mostly privately owned wet lands and some uncultivable land and some land owned by panchatays and the government in 147 villages in 24 talukas.	MP&NG Gazette notifications do not indicate any objections received in any project NOIs issued in 2014. MRT&H Gazette notifications mention an unspecified number of objections received and disallowed in 8 projects. No mention of any objection received in the 9 th project. NOIs issued in 2014.
16	Rajasthan Alwar (1) Ajmer (1) Barmer (6) Bharatpur (1)	January – 4 February – 1 March – 2 April – 2 May – 9	27	MP&NG: 10 NOAs Purpose: construction of pipeline for transport of crude oil from Rajasthan to Gujarat by Cairn India Ltd. and ONGC Ltd. (3 projects) for Bharat Petroleum Corporation	MP&NG Gazette notifications do not mention any objection received in relation to any project. NOIs issued in 2014.

	Bhilwara (1) Bikaner (1) Bundi (1) Churu (3) Jaipur (1) Jaisalmer(1) Nagaur (1) Pali (1) Sikar (3) Sriganga Nagar (1) Tonk (3) Udaipur (1) Total- 16 districts	June – 9		Ltd. (5 projects), Hindustan Petroleum Corporation Ltd. (2) and Indian Oil Corporation Ltd. (1 project) MOR: 1 NOA Purpose: Execution, maintenance, management and operation of Special Railway Project under the Western Dedicated Freight Corridor project MRT&H: 16 NOAs Purpose: Construction, maintenance and operation of highways, widening – 2 or 4-laning existing highways with paved shoulders Total- 27 projects involving mostly privately owned land cultivated and non-cultivable and dry land and some government land 147 villages in more than 29 talukas	MOR Gazette notification mentions that 10 objections were received and disallowed. NOI issued in 2014. MRT&H Gazette notifications mention an unspecified number of objections which were received and disallowed in 9 projects. No objections are reported in relation to 7 projects. NOI in Ajmer project of MRT&H issued in February 2015. All other NOIs issued in 2014.
17	Tamil Nadu Cuddalore (3) Ramanathpuram (2) Sivaganga (1) Tirunelveli (1) Tiruvarur (1) Total- 5 districts	February – 1 March – 2 April – 2 June - 3	8	MP&NG: 2 NOAs Purpose: construction of pipeline for transport of LPG for Indian Oil Corporation Ltd. and another pipeline for transportation of natural gas for Gas Authority of India Ltd. (GAIL). MRT&H: 6 NOAs Purpose: Construction, maintenance and	MP&NG Gazette notification mentions an unspecified number of objections received and disallowed in relation to one project. NO objections are reported in relation to the 2 nd project. NOIs issued in 2014. MRT&H Gazette notifications mention an unspecified number of objections received

				operation of highways widening – 2 or 4-laning existing highways Total- 8 projects involving mostly privately owned wet and dry land and some government land in 39 villages in 11 talukas	and disallowed in 4 projects. No objections are reported in relation to 2 projects. NOI in Tiruvarur project issued in January 2015. Other NOIs issued in 2014.
18	Telangana Nalgonda (2) Warangal (3) Total- 2 districts	January – 2 February – 1 May – 1 June – 1	5	MRT&H: 5 NOAs Purpose: Construction, maintenance and operation of highways, widening – 4 or 6-laning existing highways Total- 5 projects involving mostly privately owned or patta land either wet or dry in nature and some government land in 27 villages in 12 talukas.	MRT&H Gazette notifications mention an unspecified number of objections received and disallowed in relation to 3 projects. No objections are reported in relation to 2 projects. NOIs issued in 2014.
19	Tripura Sipahijhala (1) South Tripura (1) Total- 2 districts	June – 2	2	MP&NG: 2 NOAs Purpose: construction of pipeline for transportation of natural gas by ONGC Ltd. Total – 2 projects in 2 villages involving mostly <i>nal</i> land (highly fertile land located close to river banks) - ownership is unclear	MP&NG Gazette notifications do not mention any objections received in relation to either project. Both NOIs issued in January 2015.
20	Uttar Pradesh Agra (1) Aligarh (2) Allahabad (1) Amethi (1) Auraiya (1) Bahraich (2) Barabanki (1)	January – 3 February – 5 March – 9 April – 5 May – 11 June – 5	38	MP&NG: 6 NOAs Purpose: construction of pipeline for transport of Petroleum products for Hindustan Petroleum Corporation Ltd. (all projects) MOR: 11 NOAs Purpose: Execution, maintenance,	MP&NG Gazette notifications do not mention the number of objections received for any project. NOI in Kanpur Dehat project was issued in January 2015. NOIs in other projects issued in 2014. MOR Gazette notifications mention 47

	<p>Bhim Nagar (1) Bulandshahr (2) Chandauli (1) Etawah (1) Fatehpur (2) Firozabad (2) Gautam Buddha Nagar (3) Hathras (2) Jaunpur (2) Kanpur Dehat (2) Lucknow (1) Mirzapur (2) Moradabad (1) Rae Bareli (1) Rampur (1) Siddarth Nagar (2) Varanasi (3)</p> <p>Total- 24 districts</p>			<p>management and operation of Special Railway Projects under the Eastern Dedicated Freight Corridor project</p> <p>MRT&H: 21 NOAs Purpose: Construction, maintenance and operation of highways and widening, 4-laning existing highways</p> <p>Total- 38 projects involving mostly privately owned agricultural land or inhabited areas or uncultivable land and some government land in 263 villages in 52 talukas.</p>	<p>objections received and disallowed in 3 projects. An unspecified number of objections were received and disallowed in one project. No objections are said to have been received in 7 projects.</p> <p>NOIs issued in 2014.</p> <p>MRT&H Gazette notifications mention an unspecified number of objections received and disallowed in 14 projects. No objections are said to have been received in 7 projects.</p> <p>NOIs in 2 MRT&H projects in Varanasi and 1 project each in Amethi and Fatehpur issued in January 2015. All other NOIs issued in 2014.</p>
21	<p>Uttarakhand Udham Singh Nagar (1)</p> <p>Total- 1 district</p>	April – 1	1	<p>MRT&H: 1 NOA Purpose: Construction, maintenance and operation of highways, widening/2-laning existing highway</p> <p>Total – 1 project involving both privately owned agricultural land and government land in 1 village of 1 taluka.</p>	<p>MRT&H Gazette notification indicates an unspecified number of objections received and disallowed.</p> <p>NOI issued in January 2015.</p>
22	<p>West Bengal Bankura (1) Darjeeling (1)</p>	<p>January – 1 March – 2 May – 1</p>	5	<p>MRT&H: 5 NOAs Purpose: Construction, maintenance and operation of highways, widening – 2-laning</p>	<p>MRT&H Gazette notification in one project indicates that 3 objections were received, considered and disallowed. IN the remaining</p>

Jalpaiguri (1) Malda (1) Purulia (1) Total-5 districts	June – 1	existing highways with paved shoulders Total – 5 projects involving in mostly private agricultural land, some inhabited area and some tea garden land in 28 villages in 6 talukas and more than 3 block/sub-divisions.	projects an unspecified number of objections were received and disallowed. NOI in the Darjeeling project issued in April 2015. NOIs in all other projects issued in 2014.
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Tables 2 & 3: Month-wise and Ministry-wise NOAs

Name of the Month	No. of NOAs
January	NOA – 33
February	NOA – 23
March	NOA – 37
April	NOA – 31
May	NOA – 44
June	NOA – 51
Total for 6 months	NOAs – 219

Name of the Ministry	No. of NOAs
Ministry of Railways	NOA – 31
Ministry of Coal	NOA – 7
Ministry of Petroleum & Natural Gas	NOA – 43
Ministry of Road Transport & Highways	NOA – 138
Total for 4 Ministries	NOAs – 219

Preliminary Findings – III – related to NOIs and NOCAs:

- Between 01 January and 30 June, 2015 the Ministries of Railways, Road Transport and Highways, Coal, Petroleum and Natural Gas and the Metro Railway issued **274 gazette notifications declaring their intention to acquire land** for various developmental projects in more than **2,320 villages** in more than **403 talukas** in **157 districts across 21 States** (see Table 4).
- **During the entire six month period, these Ministries declared their intention to acquire land under their sector-specific land acquisition laws instead of the RFCTLARR Act, 2013** despite being brought under this law through the Ordinances issued in December 2014 and again in April and again June 2015 for the purpose determining compensation and ensuring rehabilitation and resettlement of the displaced persons, if any.
- The said Ministries have declared their intent to acquire land for the purpose of building new highways or widening existing ones; prospecting or actually mining for coal; laying down railway tracks (segments of the Eastern and Western Dedicated Freight Corridors amongst others) and pipelines for transporting petroleum, natural gas and liquefied petroleum gas (LPG) or expanding the Metro Railway network (in Kolkata).
- **During this period none of the ministries or public authorities under GoI declared their intent to acquire land for defence purposes or rural electrification or affordable housing or housing for the poor which were introduced into the RFCTLARR Act through the Ordinances as special categories for which land may be acquired by the appropriate governments without having to undertake Social Impact Assessment (SIA).**
- During the same period some of these ministries issued Gazette notifications indicating the competent authorities (**NOCA**) in the project area who would be responsible for the land acquisition in **six States** (see Tables 4, 5 & 6.) **under the sector-specific laws.**
- The most number of NOIs in a State during the six month period under study pertain to **Uttar Pradesh (34) followed by Rajasthan (33), Gujarat (27), Karnataka (24) and Tamil Nadu (19)** occupying the remaining **top 5 slots**.
- In terms of the **most number of villages** in any State affected by the NOIs issued during this period, **Uttar Pradesh tops** the list with more than **553 villages** followed by **Karnataka (349 villages), Chhattisgarh (25 villages), Rajasthan (172 villages) and Gujarat (166 villages)** occupying the **top 5 slots**.
- The **Ministry of Road Transport and Highways (178)** issued the most number of NOIs followed by the **Ministry of Petroleum & Natural Gas (55) and the Ministry of Railways (35)** (see Table 6).
- The **most number of NOIs** were issued in **February (57)** followed by **January (54)** and **June (44)** (see Table 5).

- **3 projects in Jharkhand, i.e., 2 in Ranchi and 1 in East Singhbhum, and 4 projects in Chhattisgarh in the districts of Jashpur (2), Korba (1) and Surguja (1) are situated in areas covered by the Schedule V of the Constitution.**
- No NOIs were issued by these Ministries in the States of Arunachal Pradesh, Goa, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim during the period under study.
- **5 notifications of the Ministry of Petroleum and Natural Gas indicate intent to acquire land for a private corporation namely, M/s. Reliance Industries Ltd. for the purpose of laying pipelines for transporting natural gas through Madhya Pradesh.**

Table 4

State-wise data of the Notifications relating to land acquisition issued by various Ministries under the Central Government

[274 notifications of intent (NOIs) and 12 notifications of competent authority (NOCA) issued between 01 January – 30 June, 2015]

Sl. No.	States and Number of Projects in which NOIs/NOCA have been issued	Ministry-wise Number of projects (NOIs)	Villages/Talukas/Districts
1.	Andhra Pradesh (12 projects) (NOCA in 4 projects)	MRT&H: 10 NOIs MP&NG: 2 NOIs	Villages – 109 Talukas – 42 Districts – 9 (Anantapur, Chittoor, East Godavari, Krishna, Kurnool, Kadapa, Nellore and West Godavari,)
2.	Assam (2 projects)	MRT&H: 2 NOIs	Villages – 74 Talukas – 10 Districts – 2 (Nagaon and Sonitpur)
3.	Bihar	MOR: 5 NOIs	Villages – 88 + (names of villages not

	(11 projects) (NOCA in 1 project)	MRT&H: 6 NOIs	indicated in all notifications) Talukas – 9 Districts – 5 (Aurangabad, Gaya, Kaimoor, Madhepura and Nalanda)
4.	Chhattisgarh (17 projects)	MOR: 3 NOIs MRT&H: 14 NOIs	Villages – 250 Talukas – 25 Districts – 10 (Bilaspur, Dhamtari, Janjgir-Champa, Jashpur, Kondagaon, Korba, Mahasamand, Raigarh, Raipur and Surguja)
5.	Gujarat (27 projects) Jashpur, Korba and Suguja districts are completely covered by the 5th Schedule of the Constitution	MP&NG: 4 NOIs MOR: 9 NOIs MRT&H: 14 NOIs	Villages – 166 Talukas – 51 Districts – 12 (Anand, Banaskantha, Bharuch, Bhavnagar, Devbhumi Dwarka, Gir Somnath, Junagadh, Navsari, Surat, Vadodara, Valsad)
6.	Haryana (2 projects)	MRT&H: 2 NOIs	Villages – 22 Talukas – 3 Districts – 2 (Karnal and Panchkula)
7.	Himachal Pradesh (3 projects)	MRT&H: 3 NOIs	Villages – 51 villages Talukas – 7 Districts – (Kullu, Shimla and Solan)
8.	Jharkhand (15 projects) Ranchi and East Singhbhum districts are completely covered by the 5th Schedule of the Constitution	MOC: 3 NOIs MOR: 1 NOI MRT&H: 11 NOIs	Villages – 76 + (names of villages not indicated in all notifications) Talukas – 21 Districts – 7 (Bokaro, Chatra, Giridih, Hazaribagh, Ramgarh, Ranchi and Singhbhum)

9.	Karnataka (24 projects)	MP&NG: 13 NOIs MRT&H: 11 NOIs	Villages – 349 Talukas – 44 Districts – 17 (Bellary, Bengaluru Rural, Bidar, Bijapur, Chitradurga, Dakshina Kannada, Davanagere, Gadag, Gulbarga, Hassan, Kolar, Koppal, Mandya, Mysore, Shimoga, Tumkur and Udupi)
10.	Kerala (4 projects)	MP&NG: 4 NOIs	Villages – 25 Talukas – 4 Districts – 1 (Ernakulam)
11.	Madhya Pradesh (17 projects) (NOCA in 1 project)	MP&NG: 5 NOIs (5 projects are for M/s Reliance Industries Ltd. for laying pipeline for transportation of natural gas) MRT&H: 11 NOIs MOC: 1 NOI	Villages – 51 Talukas – 20 Districts – 10 (Anuppur, Guna, Jabalpur, Narsinghpur, Raisen, Rewa, Shahdol, Sidhi, Shivpuri and Vidisha)
12.	Maharashtra (17 projects) (NOCA in 1 project)	MOC: 1 NOI MOR: 3 NOIs MRT&H: 13 NOIs	Villages – 131 + (names of villages not indicated in one MOC notification) Talukas – 25 Districts – 11 (Ahmednagar, Beed, Chandrapur, Jalgaon, Nagpur, Osmanabad, Palghar, Pune, Raigadh, Solapur and Thane)
13.	Odisha (4 projects) (NOCA in 1 project)	MRT&H: 4 NOIs	Villages – 5 Talukas – 3 Districts – 4 (Anugul, Balasore, Dhenkanal and Mayurbhanj)
14.	Punjab (6 projects + inclusion of 2 villages in a project for which NOI had been issued previously)	MRT&H: 7 NOIs	Villages – 23 Talukas – 7 Districts – 5 (Hoshiarpur, Jalandhar, Ludhiana, Patiala and Ropnagar)

15.	Rajasthan (33 projects)	MP&NG: 7 NOIs MOR: 4 NOIs MRT&H: 22 NOIs	Villages – 172 Talukas – 37 Districts – 14 (Ajmer, Bharatpur, Bhilwara, Bundi, Dausa, Hanumangarh, Jaipur, Jaisalmer, Kota, Nagaur, Pali, Rajsamand, Sikar and Tonk)
16.	Tamil Nadu (19 projects + insertion of 2 villages in a project for which NOI had been issued previously)	MP&NG: 4 NOIs MRT&H: 16 NOIs	Villages – 88 Talukas – 29 Districts – 8 (Ariyalur, Cuddalore, Krishnagiri, Nagapattinam, Pudukottai, Tiruchirapalli, Tiruvallur, Villupuram)
17.	Telangana (4 projects)	MRT&H: 4 NOIs	Villages – 27 Talukas – 10 Districts – 4 (Mahbubnagar, Nalgonda, Nizamabad and Warangal)
18.	Tripura (7 projects)	MP&NG: 6 NOIs MRT&H: 1 NOI	Villages – 5+ (names of all villages not indicated in the notifications) Talukas – 2+ (names of all talukas not indicated in the notifications) Districts – 4 (Gomati, Sipahijhala, South Tripura and West Tripura)
19.	Uttar Pradesh (34 projects)	MP&NG: 8 NOIs MOR: 8 NOIs MRT&H: 18 NOIs	Villages – 553 + (names of villages not mentioned in some notifications) Talukas – 43 + (names of talukas not mentioned in some notifications) Districts – 24 (Agra, Allahabad, Ambedkar Nagar, Amethi, Auraiya, Basti, Bhim Nagar, Chandauli, Etawah, Fatehpur, Firozabad, Ghaziabad, Gorakhpur, Kanpur Nagar, Kanpur)

			Dehat, Kaushambi, Mau, Mathura, Meerut, Moradabad, Muzaffarnagar, Rae Bareli, Saharanpur and Siddharth Nagar)
20.	Uttarakhand (1 project) (NOCAs issued in 4 projects)	MP&NG: 1 NOI	Villages – 4 Talukas – 1 Districts – 1 (Haridwar)
21.	West Bengal (12 projects)	Metro Railways: 1 NOI MOR: 2 NOIs MRT&H: 9 NOIs	Villages – 74 Talukas – 10 Districts – 7 (Alipurduar, Burdwan, Cooch Behar, Jalpaiguri, Malda, Murshidabad and South 24 Paraganas)

Tables 5 & 6: Month-wise and Ministry-wise NOIs and NOCAs

Month	No. of NOIs & NOCAs
January	NOI – 54 NOCA – 4
February	NOI – 57
March	NOI – 39 NOCA – 1
April	NOI – 41
May	NOI – 39
June	NOI – 44 NOCA – 7
Total	NOIs – 274 NOCAs – 12

Ministry/Public Authority	No. of NOIs & NOCAs
Ministry of Railways	NOI – 35 NOCA – 1
Ministry of Coal	NOI – 5
Ministry of Petroleum and Natural Gas	NOI – 55 NOCA – 1
Metro Railway	NOI – 1
Ministry of Road Transport and Highways	NOI – 178 NOCA – 10
Total	NOIs – 274 NOCAs – 12

Land Acquisition Provisions Contained in Ministry-specific laws:

Ministry of Railways: *The Railways Act, 1989*

Section 20 A. Power to acquire land, etc

Power to acquire land, etc. (1) Where the Central Government is satisfied that for a public purpose any land is required for execution of a special railway project, it may, by notification, declare its intention to acquire such land.

(2) Every notification under sub-section (1), shall give a brief description of the land and of the special railway project for which the land is intended to be acquired.

(3) The State Government or the Union territory, as the case may be, shall for the purposes of this section, provide the details of the land records to the competent authority, whenever required.

(4) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.

Section 20 D. Hearing of objections, etc

Hearing of objections, etc. (1) Any person interested in the land may, within a period of thirty days from the date of publication of the notification under subsection (1) of Section 20-A, object to the acquisition of land for the purpose mentioned in that sub-section.

(2) Every objection under sub-section (1), shall be made to the competent authority in writing, and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.-For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (i) of sub-section (1) of Section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

Section 20 E. Declaration of acquisition

Declaration of acquisition. (1) Where no objection under sub-section (1) of Section 20-D has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, the competent

authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification, that the land should be acquired for the purpose mentioned in sub-section (1) of Section 20-A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under subsection (1) of Section 20-A for its acquisition, but no declaration under sub-section (1) of this section has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period during which any action or proceedings to be taken in pursuance of the notification issued under subsection (1) of Section 20-A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

Section 20 N. Land Acquisition Act 1 of 1894 not to apply

Land Acquisition Act 1 of 1894 not to apply. Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.

Ministry of Road Transport and Highway: *The National Highways Act, 1956*

Section 3A. Power to acquire land, etc.

(1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

Section 3D. Declaration of Acquisition.

(1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 3A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

Section 3J. Land Acquisition Act 1 of 1894 not to apply.

Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.

Ministry Of Petroleum and Natural Gas: *The Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962*

Section 3. Publication of notification for acquisition.— (1) Whenever it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from one locality to another locality pipelines may be laid by that Government or by any State Government or a corporation and that for the purpose of laying such pipelines it is necessary to acquire the right of user in any land under which such pipelines may be laid, it may, by notification in the Official Gazette, declare its intention to acquire the right of user therein.

Section 6. Declaration of acquisition of right of user. - Where no objections under sub-section (1) of section 5 have been made to the competent authority with the period specified therein or where the competent authority has disallowed the objection under sub-section (2) that section, the authority shall, as soon as may be [either make a report in respect of the land described in the notification under such-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government] and upon receipt of such report the Central Government shall, [if satisfied that such land is required for laying any pipelines for the transport of petroleum or any mineral] declare, by notification in the Official Gazette, that the right of user in the land for laying the pipelines should be acquired [and different declarations may be made from time to time in respect of different parcels of the land described in the notification

issued under sub-section (1) of section 3, irrespective of whether one report or different reports have been made by the competent authority under this section.

18. Application of other laws not barred. – The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to acquisition of land.

Ministry of Coal: *The Coal Bearing Areas (Acquisition and Development) Act, 1957*

Section 4. Preliminary notification respecting intention to prospect for coal in any area and Powers of competent authorities thereupon.

- (1) Whenever it appears to the Central Government that coal is likely to be obtained from land in any locality, it may, by notification in the Official Gazette, give notice of its intention to prospect for coal therein.
- (2) Every notification under sub-section (1) shall give a brief description of the land and state its approximate area.
- (3) On the issue of a notification under sub-section (1), it shall be lawful for the competent authority and for his servants and workmen-
 - (a) to enter upon and survey any land in such locality;
 - (b) to dig or bore into the sub-soil;
 - (c) to do all other acts necessary to prospect for coal in the land;
 - (d) to set out the boundaries of the land in which prospecting is proposed to be done and the intended line of the work, if any, proposed to be made thereon;
 - (e) to mark such boundaries and line by placing marks; and where otherwise the survey cannot be completed and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle: Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Section 9. (1) Declaration of acquisition. When the Central Government is satisfied, after considering the report, if any, made under section 8 that any land or any rights in or over such land should be acquired, a declaration shall be made by it to that effect, and different declarations may be made from time to time in respect of different parcels of any land, or of rights in or over such land, covered by the same notification under sub-section (1) of section 7, irrespective of whether one report or different reports has or have been made (wherever required) under sub-section (2) of section 8]:

Provided that no declaration in respect of any particular land, or rights in or over such land, covered by a notification under sub-section (1) of section 7, issued after the commencement of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, shall be made after the expiry of three years from the date of the said notification.

Provided further that, where a declaration] relates to any land or to any rights in or over land belonging to a State Government which has or have not been leased out, no such declaration shall be made except after previous consultation with the State Government.

(2) Every declaration shall be published in the Official Gazette and-

(a) in any case where land is to be acquired, shall state the district or other territorial division in which the land is situate and its approximate area; and, where a plan shall have been made of the land, the place where such plan may be inspected;

(b) in any case where rights in or over such land are to be acquired, shall state the nature and extent of the rights in addition to the matters relating to the land specified' in clause (a); and a copy of every such declaration shall be sent to the State Government concerned.

Section 10. Vesting of land or rights in Central Government.

(1) On the publication in the Official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government² free from all encumbrances.

(2) Where the rights under any mining lease³ granted or deemed to have been granted by a State Government] to any person are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules.

Section 28. Notifications under Act 1 of 1894 in which proceedings are pending to be treated as notifications under this Act.

(1) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 4 of the Land Acquisition Act, 1894 (1 of 1894 .) (hereinafter referred to as the said Act), in which lands were stated to be needed for the prospecting of coal seams for the development of collieries to be worked by the Union of India shall be deemed to have been issued by the Central Government under section 4 of this Act as if this Act had been in force on the date of the notification.

(2) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 6 of the said Act in which lands were stated to be needed for the development of coal shall be deemed to have been issued under section 9 of this Act as if this Act had been in force on the date of the notification.

- (3) Any objection preferred under section 5A of the said Act in respect of any land covered by any notification issued under section 4 of the said Act shall be deemed to be an objection preferred under section 8 of this Act to the relevant competent authority and may be¹ disposed of by him as if the objection had been made in relation to a notification issued under section 7 of this Act² in respect of such land or of any rights in or over such land; and the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part]].
- (3A) Where in respect of any land covered by any notification issued under section 4 of the said Act, no objection has been preferred under section 5A thereof within the period specified in that section, then it shall be deemed that a notification had been issued under section 7 of this Act in respect of such land or of any rights in or over such land and that no objection to the acquisition of the land or any rights in or over the land had been preferred under section 8 of this Act, and accordingly the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part.]
- (4) Subject to the other provisions contained in this section, the provisions of this Act (including provisions relating to compensation) shall apply in relation to any such notification as is referred to in sub- section (1) or sub- section (2) as they apply in relation to any notification issued under section 4 or section 9, as the case may be, of this Act.