

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1933**

**The Land Acquisition
(Amendment) Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1933.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Hedjaz Pilgrims (<u>Muallims</u>) Bill.	6.2.33.	
2.	The Workmen's Compensation (Amendment) Bill.	14.2.33.	
3.	The Land Acquisition (Amendment) Bill.	14.2.33.	
4.	The Auxiliary Force (Amendment) Bill.	14.2.33.	
5.	The Indian Wireless Telegraphy Bill.	23.2.33.	
6.	The Indian Railways (Amendment) Bill (Sec. 51).	24.3.33.	
7.	The Indian Income-tax (Amendment) Bill.	1.4.33.	
8.	The Indian Income-tax (Second Amendment) Bill.	10.4.33.	
9.	The Indian Medical Council Bill.	1.9.33.	
10.	The Indian Merchant Shipping (Second Amendment) Bill.	4.9.33.	
11.	The Murshidabad Estate Administration Bill.	7.9.33.	
12.	The Reserve Bank of India Bill.	20.11.33.	Report of the Joint Committee
13.	The Imperial Bank of India Bill.	20.11.33.	-do-
14.	The Indian Khaddar (Name Protection) Bill by Mr. Gaya Prasad Singh.	29.11.33.	
15.	The Indian Tariff (Second Amendment) Bill.	1.12.33.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Land Acquisition Act, 1894, for certain purposes was referred, have considered the Bill and the Papers Nos. I-III. papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Clause 2.—(i) Considerable apprehension has been expressed that the extension of the definition of Company to include concerns owned by individuals might lead to the Act being used in favour of mushroom concerns. In order to provide a safeguard we have limited the application of the new section 38A to industrial concerns employing at least 100 workmen.

(ii) We have also made it clearer that land may be acquired for the purpose of providing sanitation, sewage and other services at any time.

(iii) The words “so far as concerns the acquisition of such land” which we have inserted are designed to place it beyond doubt that the extension of the Act to concerns not being companies is strictly limited to schemes connected with housing and does not cover acquisition for works likely to prove useful to the public.

Clause 3.—The amendment is consequential on the change referred to under paragraph (ii) of our observations on clause 2.

Clause 4.—In the new clause (4) of section 41 we have added further safeguards to enable Local Governments to ensure that the houses shall be properly built and used.

The other amendments to clause 4 are consequential on earlier amendments in the Bill.

Some of the opinions received upon the Bill when circulated mention possible difficulties connected with the resumption of land which is being misused. We consider that the Act gives adequate powers to Local Governments to secure the resumption of land in such cases and we understand that it is usual to give the first option of repurchase to the original owner. In these circumstances we have not considered it necessary to make an amendment relating to this matter.

2. The Bill was published in the Gazette of India, dated the 10th September, 1932, and as follows :—

IN ENGLISH.

Gazette.	Date.
Fort St. George Gazette . . .	4th October, 1932.
Bombay Government Gazette . .	24th November, 1932.
Calcutta Gazette	27th October, 1932.
United Provinces Gazette . . .	29th October, 1932.
Punjab Government Gazette . .	23rd September, 1932.
Burma Gazette	1st October, 1932.
Central Provinces Gazette . . .	17th September, 1932.
Assam Gazette	23rd November, 1932.
Bihar and Orissa Gazette . . .	5th October, 1932.
Coorg District Gazette	1st November, 1932.
Sind Official Gazette	1st December, 1932.
North-West Frontier Gazette . .	18th November, 1932.

IN THE VERNACULARS.

Province.	Language.	Date.
Madras	Tamil	25th October, 1932.
	Tolugu.	25th October, 1932.
	Hindustani	25th October, 1932.
	Kanarese	25th October, 1932.
Bombay	Marathi	8th December, 1932.
	Gujarathi	24th November, 1932.
	Kanarese	24th November, 1932.
	Urdu	24th November, 1932.
United Provinces Gazette . .	Urdu	29th December, 1932.
Punjab	Urdu	25th November, 1932.
Sindh	Sindhi	1st December, 1932.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

G. MORGAN.

F. NOYCE.

N. M. JOSHI.

A. G. LEACH.

A. G. CLOW.

*LALOHAND NAVALRAI.

KRISHNAMACHARI.

LAL CHAND.

The 10th February, 1933.

*Subject to minute of dissent.

MINUTE OF DISSENT.

I agree to the Bill as amended by the Select Committee subject to my objection that the Bill should apply only to vacant sites or arable land and not land on which there are already dwelling houses. In cases of compulsory acquisition all safeguard should be taken to see that new concerns as contemplated by this Bill should not establish themselves on the site nearby land already

occupied by dwelling houses and disturb the original owners of the houses by compulsory acquisition. In growing towns it is more in the public interest that such concerns should be established at or removed to a more suitable distant site than to acquire the adjoining dwelling houses better used by owners for housing labourers.

LALCHAND NAVALKAR

[Words printed in italics indicate the amendments suggested by the Committee.]

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BILL

*Further to amend the Land Acquisition Act, 1894,
for certain purposes.*

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Land Acquisition (Amendment) Act, 1933.

Short title.

2. After section 38 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), the following section shall be inserted,

Insertion of new section 38A in Act I of 1894.

namely :—

“ 38A. An industrial concern, *ordinarily employing not less than one hundred workmen* owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for * * * the erection of dwelling houses for workmen employed by the concern *or for the provision of amenities directly connected therewith* shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this Part, and the references to Company in sections 5A, 6, 7, 17 and 50 shall be interpreted as references also to such concern.”

3. In sub-section (1) of section 40 of the said Act, for clauses (a)

Amendment of section 40, Act I of 1894. and (b) the following clauses shall be substituted, namely :—

- “(a) that the purpose of the acquisition is to obtain land for * * * the erection of dwelling houses for * workmen employed by the Company *or for the provision of amenities directly connected therewith*, or
- (b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.”

4. In section 41 of the said Act,—

Amendment of section 41, Act I of 1894.

- (a) after the word “ that ” where it first occurs, the following words shall be inserted, namely :—

“ the purpose of the proposed acquisition is to obtain land for * * * the erection of dwelling houses for * workmen employed by the Company *or for the provision of amenities directly connected therewith*, or that ” ; and

(b) for clauses (4) and (5) the following clauses shall be substituted, namely :—

“(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided ; and

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained, and the terms on which the public shall be entitled to use the work.”

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Land Acquisition Act, 1894, for certain purposes,
with the Bill as amended.