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LAW DEPARTMENT

NOTIFICATION

The 31st July 2008

No. 8964—I-Legis.-26/2008-L.—The following Acts of Parliament which are assented by the President on the 28th March 2008 and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the *Gazette of India*, Extraordinary, Part-II, Section I, dated the 28th March 2008 are hereby republished for general information.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government

Assented to on the 28th March 2008

## THE DELIMITATION (AMENDMENT) ACT, 2008

( ACT No. 9 OF 2008 )

*An Act further to amend the Delimitation Act, 2002*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Delimitation (Amendment) Act, 2008

(2) It shall be deemed to have come into force on the 14th day of January, 2008.

Amendment  
of Section 10.

2. In Section 10 of the Delimitation Act, 2002 (hereinafter referred to as the principal Act),—

(i) in sub-section (4) the following proviso shall be inserted, namely :

“Provided that nothing in this sub-section shall apply to the delimitation orders published in relation to the State of Jharkhand.”;

(ii) in sub-section (6), for the words “within two years of the constitution of the Commission”, the words “within a period not later than the 31st day of July, 2008” shall be substituted.

Insertion of new Sections 10A and 10B.

**3.** After Section 10 of the principal Act, the following sections shall be inserted, namely :—

Deferment of delimitation in certain cases.

“10A. (1) Notwithstanding anything contained in Sections 4, 8 and 9, if the President is satisfied that a situation has arisen whereby the unity and integrity of India is threatened or there is a serious threat to the peace and public order, he may, by order, defer the delimitation exercise in a State.

(2) Every order made under this section shall be laid before each House of Parliament.

Delimitation Commission's order with respect to the State of Jharkhand not to have any legal effect.

10B. Notwithstanding anything contained in sub-section (2) of Section 10, the final orders relating to readjustment of number of seats and delimitation of constituencies in respect of the State of Jharkhand published under the said section vide Order O.N. 63(E), dated the 30th April, 2007 and O.N. 110(E), dated the 17th August, 2007 shall have no legal effect and the delimitation of the constituencies as it stood before the publication of the said Orders shall continue to be in force until the year 2026 in relation to every election to the House of the People or to the Legislative Assembly, as the case may be, held after the commencement of the Delimitation (Amendment) Act, 2008.”.

Repeal and savings.

**4.** (1) The Delimitation (Amendment) Ordinance, 2008 is hereby repealed. Ordinance 1 of 2008.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

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Assented to on the 28th March 2008

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2008**

( ACT No. 10 OF 2008 )

*An Act further to amend the Representation of the People Act, 1950*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

**1. (1)** This Act may be called the Representation of the People (Amendment) Act, 2008.

**(2)** It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment  
of Section 4.

**2.** In Section 4 of the Representation of the People Act, 1950 (hereinafter<sup>43 of 1950</sup> referred to as the principal Act), for sub-section (5), the following sub-section shall be substituted, namely :—

“(5) Save as provided in sub-section (4), the extent of all parliamentary constituencies except the parliamentary constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 2002<sup>33 of 2002</sup> and the extent of the parliamentary constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 having regard to the provisions of Sections 10A and 10B of the Delimitation Act, 2002.”.

Amendment  
of Section 7.

**3.** In Section 7 of the principal Act,—

(i) in sub-section (1B), in clause (a), for the words “thirty-nine seats”, the words “fifty-nine seats” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The extent of each assembly constituency in all the States and Union Territories except the assembly constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as determined by the orders of the Delimitation Commission, made under the provisions of the Delimitation Act, 2002 and the extent of<sup>33 of 2002</sup> each assembly constituency in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 having regard to the provisions of Sections 10A and 10B of the Delimitation Act, 2002.”.

Amendment  
of Section 8.

**4. In Section 8 of the principal Act,—**

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Having regard to all the orders referred to in sub-section (5) of Section 4 and sub-section (3) of Section 7 relating to the delimitation of Parliamentary and Assembly constituencies in all States and Union Territories, except the State of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland, made by the Delimitation Commission and published in the Official Gazette, the Election Commission shall—

(a) after making such amendments as appear to it to be necessary for bringing up-to-date the description of the extent of the Parliamentary and Assembly constituencies as given in such orders, without, however, altering the extent of any such constituency ;

(b) after taking into account the provisions of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as made applicable pursuant to the orders made by the President under Section 10A of the Delimitation Act, 2002 relating to Delimitation of Parliamentary and Assembly Constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland, and the provisions of Section 10B of the said Act relating to Delimitation of Parliamentary and Assembly Constituencies in the State of Jharkhand,

consolidate all such orders into one single order to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 and shall send authentic copies of that Order to the Central Government and to the Government of each State having a Legislative Assembly; and thereupon that Order shall supersede all the orders referred to in sub-section (5) of Section 4 and sub-section (3) of Section 7 and shall have the force of law and shall not be called in question in any court.”;

(ii) in sub-section (3), for the words, brackets and figures “as provided in sub-section (5) of Section 10 of the Delimitation Act, 1972”, the words, brackets and figures “as provided in sub-section (5) of Section 10 of the Delimitation Act, 2002” shall be substituted.

Insertion of  
new Section  
8A.

Delimitation  
of  
Parliamentary  
and  
Assembly  
Constituencies  
in the State  
of Arunachal  
Pradesh,  
Assam,  
Manipur or  
Nagaland.

**5. After Section 8 of the principal Act, the following section shall be inserted, namely :—**

“8A. (1) If the President is satisfied that the situation and the conditions prevailing in the State of Arunachal Pradesh, Assam, Manipur or Nagaland are conducive for the conduct of delimitation exercise, he may, by order, rescind the deferment order issued under the provisions of Section 10A of the Delimitation Act, 2002 in relation to that State, and provide for the conduct of delimitation exercise in the State by the Election Commission.

(2) As soon as may be after the deferment order in respect of a State is rescinded under sub-section (1), the Election Commission may, by order, determine—

(a) the parliamentary constituencies into which such State to which more than one seat is allotted in the First Schedule shall be divided;

(b) the extent of each constituency; and

(c) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes.

(3) As soon as may be after the deferment order in respect of a State is rescinded under sub-section (1), the Election Commission may, by order, determine—

(a) the assembly constituencies into which such State shall be divided for the purpose of elections to the Legislative Assembly of that State;

(b) the extent of each constituency; and

(c) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes.

(4) Subject to the provisions of sub-section (1), the Election Commission shall, having regard to the provisions of the Constitution and the principles specified in clauses (c) and (d) of sub-section (1) of Section 9 of the Delimitation Act, 2002 determine the parliamentary and Assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes. 33 of 2002

(5) The Election Commission shall,—

(a) publish its proposals under sub-sections (2), (3) and (4) with respect to any State in the Official Gazette and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified;

(d) hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit;

(e) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the Delimitation of Parliamentary and Assembly Constituencies in the State and also the constituency or constituencies in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 shall be deemed to have been amended accordingly.

(6) Every order made under sub-sections (1) and (2) and clause (e) of sub-section (5) shall be laid before each House of Parliament.

(7) Every order made under sub-sections (1) and (3) and clause (e) of sub-section (5) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned.”.

Amendment  
of Section 9.

**6.** In Section 9 of the principal Act, in sub-section (1), for clauses (a) and (aa), the following clauses shall be substituted, namely :—

“(a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 or any error arising therein from inadvertent slip or omission;

(aa) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as appear to it to be necessary or expedient for consolidating with that Order any notification or order relating to delimitation of Parliamentary or Assembly Constituencies (including reservation of seats for the Scheduled Castes or the Scheduled Tribes in such constituencies) issued under Section 8A of this Act or any other Central Act;”.

Omission of  
Sections 9A  
and 9B.

**7.** Section 9A and Section 9B of the principal Act shall be omitted

Substitution  
of new  
Schedules  
for the First  
Schedule  
and the  
Second  
Schedule.

**8.** For the First Schedule and the Second Schedule of the principal Act, the following Schedules shall be substituted, namely :—

## "THE FIRST SCHEDULE

( See Section 3 )

*Allocation of seats in the House of the People*

Name of the State/Union Territory	Number of seats in the House as constituted in 2004 on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
I. STATES :						
1. Andhra Pradesh	42	6	2	42	7	3
2. Arunachal Pradesh	2	..	..	2	..	..
3. Assam	14	1	2	14	1	2
4. Bihar	40	7	..	40	6	..
5. Chhattisgarh	11	2	4	11	1	4
6. Goa	2	..	..	2	..	..
7. Gujarat	26	2	4	26	2	4
8. Haryana	10	2	..	10	2	..
9. Himachal Pradesh	4	1	..	4	1	..
10. Jammu & Kashmir	6	..	..	6	..	..
11. Jharkhand	14	1	5	14	1	5
12. Karnataka	28	4	..	28	5	2
13. Kerala	20	2	..	20	2	..
14. Madhya Pradesh	29	4	5	29	4	6
15. Maharashtra	48	3	4	48	5	4
16. Manipur	2	..	1	2	..	1
17. Meghalaya	2	..	..	2	..	2
18. Mizoram	1	..	1	1	..	1
19. Nagaland	1	..	..	1	..	..
20. Orissa	21	3	5	21	3	5
21. Punjab	13	3	..	13	4	..
22. Rajasthan	25	4	3	25	4	3
23. Sikkim	1	..	..	1	..	..
24. Tamil Nadu	39	7	..	39	7	..
25. Tripura	2	..	1	2	..	1
26. Uttarakhand	5	..	..	5	1	..
27. Uttar Pradesh	80	18	..	80	17	..
28. West Bengal	42	8	2	42	10	2

1	2	3	4	5	6	7
II. UNION TERRITORIES:						
1. Andaman and Nicobar Islands	1	..	..	1	..	..
2. Chandigarh	1	..	..	1	..	..
3. Dadra and Nagar Haveli	1	..	1	1	..	1
4. Delhi	7	1	..	7	1	..
5. Daman and Diu	1	..	..	1	..	..
6. Lakshadweep	1	..	1	1	..	1
7. Puducherry	1	..	..	1	..	..
TOTAL :	543	79	41	543	84	47

## THE SECOND SCHEDULE

( See Sections 7 and 7A )

### *Total number of seats in the Legislative Assemblies*

Name of the State/Union Territory	Number of seats in the House as constituted on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
I. STATES :						
1. Andhra Pradesh	294	39	15	294	48	19
2. Arunachal Pradesh	60	..	59	60	..	59
3. Assam	126	8	16	126	8	16
4. Bihar	243	39	..	243	38	2
5. Chhattisgarh	90	10	34	90	10	29
6. Goa	40	1	..	40	1	..
7. Gujarat	182	13	26	182	13	27
8. Haryana	90	17	..	90	17	..
9. Himachal Pradesh	68	16	3	68	17	3
10. Jammu & Kashmir*	76	6	..	..	..	..
11. Jharkhand	81	9	28	81	9	28
12. Karnataka	224	33	2	224	36	15
13. Kerala	140	13	1	140	14	2
14. Madhya Pradesh	230	34	41	230	35	47
15. Maharashtra	288	18	22	288	29	25



1	2	3	4	5	6	7
16. Manipur	60	1	19	60	1	19
17. Meghalaya	60	..	55	60	..	55
18. Mizoram	40	..	39	40	..	38
19. Nagaland	60	..	59	60	..	59
20. Orissa	147	22	34	147	24	33
21. Punjab	117	29	..	117	34	..
22. Rajasthan	200	33	24	200	34	25
23. Sikkim	32	2	12**	32	2	12**
24. Tamil Nadu	234	42	3	234	44	2
25. Tripura	60	7	20	60	10	20
26. Uttarakhand	70	12	3	70	13	2
27. Uttar Pradesh	403	89	..	403	85	..
28. West Bengal	294	59	17	294	68	16

## II. UNION TERRITORIES

1. Delhi	70	13	..	70	12	..
2. Puducherry	30	5	..	30	5	..

\*Under the Constitution of Jammu & Kashmir, the number of seats in the Legislative Assembly of that State excluding the 24 seats earmarked for Pakistan occupied territory is 87 out of which 7 seats have been reserved for the Scheduled Castes in pursuance of the Jammu & Kashmir Representation of the People Act, 1957.

\*\*Reserved 1 seat for Sanghas and 12 seats for the Sikkimese of Bhutia Lepcha origin.

Assented to on the 28th March 2008

**THE RAILWAYS (AMENDMENT) ACT, 2008**

( ACT No. 11 OF 2008 )

*An Act further to amend the Railways Act, 1989*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

**1. (1)** This Act may be called the Railways (Amendment) Act, 2008

(2) It shall be deemed to have come into force on the 31st day of January, 2008.

Amendment  
of Section 2.

**2.** In Section 2 of the Railways Act, 1989 (hereinafter referred to as the 24 of 1989 principal Act),—

(a) after Clause (7), the following clause shall be inserted, namely :—

‘(7A) “competent authority” means any person authorised by the Central Government, by notification, to perform the functions of the competent authority for such area as may be specified in the notification;’;

(b) after Clause (29), the following clause shall be inserted, namely :—

‘(29A) “person interested” includes,—

(i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) tribals and other traditional forest dwellers, who have lost any traditional rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

2 of 2007

(iii) a person interested in an easement affecting the land; and

(iv) persons having tenancy rights under the relevant State laws;’;

(c) after Clause (37), the following clause shall be inserted, namely :—

‘(37A) “special railway project” means a project, notified as such by the Central Government from time to time, for providing national infrastructure for a public purpose in a specified time-frame, covering one or more States or the Union Territories;’.

Insertion of  
new  
Chapter IVA.

**3.** After Chapter IV of the principal Act, the following Chapter shall be inserted, namely :—

## 'CHAPTER IVA

## LAND ACQUISITION FOR A SPECIAL RAILWAY PROJECT

Power to  
acquire land,  
etc.

20A. (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.

Power to  
enter for  
survey, etc.

20B. On the issue of a notification under sub-section (1) of Section 20A, it shall be lawful for any person, authorised by the competent authority in this behalf, to—

(a) make any inspection, survey, measurement, valuation or enquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such levels, boundaries and lines placing marks and cutting trenches; or

(f) do such other acts or things as may be considered necessary by the competent authority.

Evaluation of  
damages  
during  
survey,  
measurement,  
etc.

20C. The damages caused while carrying out works on land such as survey, digging or boring sub-soil, marking boundaries or cutting trenches or clearing away any standing crop, fence or forest or doing such other acts or things which may cause damages while acting under Section 20B particularly relating to land which is excluded from acquisition proceeding, shall be evaluated and compensation shall be paid to the persons having interest in that land, within six months from the completion of the said works.

Hearing of  
objections  
etc.

20D. (1) Any person interested in the land may, within a period of thirty days from the date of publication of the notification under sub-section (1) of Section 20A, 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.

Declaration  
of  
acquisition.

20E. (1) Where no objection under sub-section (1) of Section 20D 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 20A.

(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 20A 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 sub-section (1) of Section 20A 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.

Determination  
of amount  
payable as  
compensation.

20F. (1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) The competent authority shall make an award under this section within a period of one year from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse :

Provided that the competent authority may, after the expiry of the period of limitation, if he is satisfied that the delay has been caused due to unavoidable circumstances, and for the reasons to be recorded in writing, he may make the award within an extended period of six months :

Provided further that where an award is made within the extended period, the entitled person shall, in the interest of justice, be paid an additional compensation for the delay in making of the award, every month for the period so extended, at the rate of not less than five per cent. of the value of the award, for each month of such delay.

(3) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition, an amount calculated at ten per cent of the amount determined under sub-section (1), for that land.

(4) Before proceeding to determine the amount under sub-section (1) or sub-section (3), as the case may be, the competent authority shall give a public notice published in two local newspapers, one of which shall be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(5) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of Section 20D, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(6) If the amount determined by the competent authority under sub-section (1) or as the case may be, sub-section (3) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government in such manner as may be prescribed.

(7) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 shall apply to every arbitration under this Act.

26 of 1996

(8) The competent authority or the arbitrator while determining the amount of compensation under sub-section (1) or sub-section (6), as the case may be, shall take into consideration—

(a) the market value of the land on the date of publication of the notification under Section 20A;

(b) the damage, if any sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

(9) In addition to the market value of the land as above provided, the competent authority or the arbitrator, as the case may be, shall in every case award a sum of sixty per centum on such market value, in consideration of the compulsory nature of the acquisition.

Criterion for  
determination  
of market-  
value of  
land.

20G. (1) The competent authority shall adopt the following criteria in assessing and determining the market value of the land,—

(i) the minimum land value, if any, specified in the Indian Stamp Act, 1899, for the registration of sale deeds in the area, where the land is situated; or

(ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than fifty per cent of the sale deeds registered during the preceding three years, where higher price has been paid, whichever is higher.

(2) Where the provisions of sub-section (1) are not applicable for the reason that :—

(i) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(ii) the registered sale deeds for similar land as mentioned in clause (i) of sub-section (1) are not available for the preceding three years; or

(iii) the minimum land value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,

2 of 1899

the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated in the adjoining areas or vicinity, ascertained from not less than fifty per cent. of the sale deeds registered during the preceding three years where higher price has been paid, and the competent authority may calculate the value of the land accordingly.

(3) The competent authority shall, before assessing and determining the market value of the land being acquired under this Act,—

(a) ascertain the intended land use category of such land; and

(b) take into account the value of the land of the intended category in the adjoining areas or vicinity,

for the purpose of determination of the market value of the land being acquired.

(4) In determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, the competent authority may use the services of a competent Engineer or any other specialist in the relevant field, as may be considered necessary by the competent authority.

(5) The competent authority may, for the purpose of determining the value of trees and plants, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(6) For the purpose of assessing the value of the standing crops damaged during the process of land acquisition proceedings, the competent authority may utilise the services of experienced persons in the field of agriculture as he considers necessary.

Deposit and  
payment of  
amount.

20H. (1) The amount determined under Section 20F shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under Section 20F by the arbitrator is in excess of the amount determined by the competent authority; the arbitrator may award interest at nine per cent per annum on such excess amount from the date of taking possession under Section 20-I till the date of actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government, in such manner as may be prescribed by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

Power to  
take  
Possession.

20 I. (1) Where any land has vested in the Central Government under sub-section (2) of Section 20E, and the amount determined by the competent authority under Section 20F with respect to such land has been deposited under sub-section (1) of Section 20H with the competent authority by the Central Government, the competent authority may, by notice in writing, direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within a period of sixty days of the service of the notice.



(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply—

(a) in case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;

(b) in case of any land situated in any area other than the area referred to in clause (a), to the Collector of a district,

and such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.

Right to enter into land where land has vested in Central Government. 20J. Where the land has vested in the Central Government under Section 20E, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of the special railway project or part thereof or any other work connected therewith.

Competent authority to have certain powers of Civil Court. 20K. The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely :—

5 of 1908

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) reception of evidence on affidavits;

(d) requisitioning any public record from any court or office;

(e) issuing commission for examination of witnesses.

Utilisation of land for the purpose it is acquired. 20L. (1) The land acquired under this Act shall not be transferred to any other purpose except for a public purpose and after obtaining the prior approval of the Central Government.

(2) When any land or part thereof, acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall return to the Central Government by reversion.

Sharing with land owners the difference in price of a land when transferred for a higher consideration. 20M. Whenever any Land acquired under this Act is transferred to any person for a consideration, eighty per cent of the difference in the acquisition cost and the consideration received, which in no case shall be less than the acquisition cost, shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired, and for the purpose, a separate fund may be maintained which shall be administered by the competent authority in such manner as may be prescribed by the Central Government,

Land Acquisition Act 1 of 1894 not to apply. 20N. Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.



Application of the National Rehabilitation and Resettlement Policy, 2007 to persons affected due to land acquisition.

20O. The provisions of the National Rehabilitation and Resettlement Policy, 2007 for project affected families, notified by the Government of India in the Ministry of Rural Development vide number F. 26011-4-2007-LRD., dated the 31st October, 2007, shall apply in respect of acquisition of land by the Central Government under this Act.

Power to make rules in respect of matters in this Chapter.

20P. (1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner of appointment of arbitrator under sub-section (6) of Section 20F;

(b) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of Section 20H;

(c) the manner of maintenance and administration of separate fund for the purposes of Section 20M.1.

Repeal and savings.

4. (1) The Railways (Amendment) Ordinance, 2008 is hereby repealed. Ordinance 2 of 2008.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Assented to on the 28th March 2008

**THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA)  
AMENDMENT ACT, 2008**

( ACT No. 12 OF 2008 )

*An Act further to amend the Prasar Bharati  
(Broadcasting Corporation of India) Act, 1990*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows :—

Short title  
and  
commence-  
ment.

**1. (1)** This Act may be called the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008.

(2) It shall be deemed to have come into force on the 7th day of February, 2008.

Amendment  
of Section 6.

**2.** In Section 6 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990,—

25 of 1990

(a) for sub-section (1), the following shall be substituted, namely :—

“(1) The Chairman shall be part-time Member and shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Provided that any person holding office as a Chairman immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008, shall, insofar as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Chairman and shall not be entitled to any compensation because of his ceasing to hold such office.”;

(b) in sub-section (2), the words “The Executive Member,” shall be omitted;

(c) after sub-section (2), the following shall be inserted, namely :—

“(2A) The Executive Member shall be a Whole-time Member and shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier :

Provided that any person holding office as an Executive Member immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008, shall, insofar as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Executive Member and shall not be entitled to any compensation because of his ceasing to hold such office.”.

Repeal and  
saving.

**3. (1)** The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008, is hereby repealed.

Ordinance 5  
of 2008.

(2) Notwithstanding such repeal, anything done or any action taken under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 as amended <sup>25 of 1990</sup> by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

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Assented to on the 28th March 2008

**THE FOOD SAFETY AND STANDARDS (AMENDMENT) ACT, 2008**

( ACT No. 137 OF 2008 )

*An Act to amend the Food Safety and Standards Act, 2006*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows :—

Short title and commencement.

**1. (1)** This Act may be called the Food Safety and Standards (Amendment) Act, 2008.

**(2)** It shall be deemed to have come into force on the 7th day of February, 2008.

Amendment of Section 3.

**2.** In the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in Section 3, in sub-section (1), for clause (ze), the following clause shall be substituted, namely :—

‘(ze) “Member” includes a part-time Member and the Chairperson of the Food Authority;’.

Amendment of Section 5.

**3.** In Section 5 of the principal Act, for sub-sections (4) and (5), the following sub-sections shall be substituted, namely :—

“(4) The Chairperson and the Members including part-time Members other than the *ex officio* Members of the Food Authority may be appointed by the Central Government on the recommendations of the Selection Committee.

(5) The Chairperson of the Food Authority shall not hold any other office.”

Amendment of Section 7.

**4.** In Section 7 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

“Provided that the Chairperson shall not hold office as such after he has attained the age of sixty-five years.”

Repeal and saving.

**5. (1)** The Food Safety and Standards (Amendment) Ordinance, 2008 is hereby repealed. Ordinance 6 of 2008.

**(2)** Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.