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Part IV—Section 1 Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 21st April, 2023 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 21 of 2023

A Bill to Consolidate Lands for Implementation of Projects of Significance in the State and for the Matters Connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fourth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Land Consolidation (for Special Projects) Act, 2023.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Collector" means the Collector of a district and includes any Officer specially appointed by the Government to perform the functions of the Collector under this Act;

(b) "competent authority" means any Officer, committee or authority specified by the Government, by notification, to exercise the powers and perform the functions of a competent authority under this Act;

(c) "Expert committee" means a committee constituted under sub-section (2) of section 4;

(d) "Government" means the State Government;

(e) "Government land" for the purpose of this Act, means lands owned by or vested in the Government, but does not include any land under the purview of the Forest (Conservation) Act, 1980.

Central Act 69 of
1980.

(f) "interested person" means any person ordinarily residing in a project land or within a radius of ten kilometers therefrom and includes any person beyond such distance if he has an easement in or owns, any portion of the Project land;

(g) "land acquisition law" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 including any Act in the Fourth Schedule of that Act, the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Highways Act, 2001;

Central Act 30 of
2013.

(h) "project land" means the overall lands required for a project, including,—

Tamil Nadu Act
31 of 1978.

(i) the land owned by the Project proponent;

Tamil Nadu Act
10 of 1999.

(ii) lands owned by any person other than the Government or a quasi-Government agency, provided the Government have granted administrative sanction for acquisition of such lands under a land acquisition law;

Tamil Nadu Act
34 of 2002.

(iii) Government lands or quasi-Government lands interspersed therein or abutting the lands referred to in sub-clauses (i) and (ii);

(i) "Project proponent" means any person proposing to implement a project of infrastructural, industrial, commercial or agricultural in nature, which requires an extent of not less than one hundred hectares;

(j) "quasi-Government agency" means and includes a local authority, university, Government company, or a board or authority constituted under a statute of the State legislature and is under the control of the Government;

(k) "quasi-Government land" means the land owned by a quasi- Government agency;

(l) "Special project" means any project which requires not less than one hundred hectares of land and notified as such by the Government.

3. (1) A Project proponent may submit an application in the prescribed form, a proposal for consolidation of the project land, to the Government. Application for consolidation of project land.

(2) The proposal for consolidation of project land, shall contain,—

(a) a hydrological plan, in the prescribed form, along with a certificate that,—

(i) the overall storage of water in the project land will not be reduced; and

(ii) the carrying capacity of the channels, canals or any other arrangement for the flow of water will not be diminished in any manner both upstream and downstream of the project land;

(b) land ownership plan, in the prescribed form, containing the details of ownership of the project land.

(c) land use plan, in the prescribed form, containing the details of usage of the project land.

4. (1) On receipt of an application under section 3, on consideration of the factors and conditions prescribed, if the Government are satisfied that the project will be of significance for the State, may notify the project as a Special project for the purposes of this Act and shall forward the application to the Collector of the district in which the project is to be implemented. Notification of Special Project.

(2) As soon as may be, on notification of the Special project, the Government shall constitute an Expert committee consisting of five members, namely:—

(i) Superintending Engineer, Water Resources Department, having jurisdiction over the project land-Chairperson;

(ii) Joint Director, Animal Husbandry and Veterinary Services, having jurisdiction over the project land-Member;

(iii) an eminent person in the field of ecological conservation or water management, nominated by the Government- Member;

(iv) an eminent academic in the field of civil engineering, hydrology, ecology, environment, or allied subjects, nominated by the Government- Member; and

(v) District Revenue Officer, who shall act as the convenor of the committee.

5. (1) The Expert Committee shall cause, publication of the land consolidation proposal of the Project proponent and conduct of public hearing by the convenor, after giving adequate publicity about the date, time and venue for the public hearing, in the manner as may be prescribed, to ascertain the views of the interested persons. Publication of land consolidation proposal.

(2) The Convenor of the Expert Committee shall also consult the quasi-government agency, if any, on whom the project land vests and also seek their concurrence to dispense with their land for the project.

	<p>6. (1) The Expert Committee shall prepare a draft land consolidation scheme based on the proposal of project proponent, also incorporating the views of the interested persons, the concurrence or otherwise of the quasi-government agencies, if applicable and the views of the Committee and submit the same to the Collector for approval.</p> <p>(2) On approval, the Collector shall cause the same to be published in the District Gazette and in two leading daily newspapers of which one shall be in Tamil. Any interested person may within a period of thirty days from the date of publication of the draft Land Consolidation Scheme, submit their objections or suggestions in writing to the Collector:</p> <p>Provided that the draft Land Consolidation Scheme shall not be published unless the lands of persons, if any, other than that of the project proponent are vested on the Government.</p>	Draft Land Consolidation Scheme.
Final Land Consolidation Scheme.	<p>7. (1) The Collector, shall, on expiry of thirty days from the date of publication of the draft Land Consolidation Scheme, send the draft Land Consolidation Scheme and objections and suggestions, if any received, together with his recommendation thereon to the competent authority.</p> <p>(2) The competent authority shall, within two months from the date of receipt of the draft Land Consolidation Scheme, either approve or approve with such conditions, as it may deem fit, to be complied with by the Project proponent within a specified period.</p> <p>(3) On approval of the draft Land Consolidation Scheme by the competent authority under sub-section (2), it becomes final and the final Land Consolidation Scheme shall be published in the <i>Tamil Nadu Government Gazette</i> and in two leading daily newspapers of the area, of which one shall be in Tamil:</p> <p>Provided that the competent authority may cancel or modify the final Land Consolidation Scheme wholly or partly, if any of the conditions has not been complied with by the Project proponent.</p> <p>Provided further that no such cancellation or modification shall be done unless an opportunity of being heard is given to the Project proponent.</p>	
Appeal.	<p>8. (1) Any person aggrieved by an order of the competent authority made under sub-section (2) of section 7 may, within thirty days from the date of publication of the final Land Consolidation Scheme, appeal to the Government in such manner, as may be prescribed.</p> <p>(2) On receipt of an appeal under sub-section (1), the Government shall, within a period of two months, dispose of the appeal after giving the appellant an opportunity of being heard.</p>	
Power of Government to call for record.	<p>9. The Government may, either <i>suo-motu</i> or on application made by any person, at any time, for the purpose of satisfying themselves as to the legality or propriety of any order passed, scheme prepared or approved by the Collector, Expert Committee or competent authority, call for and examine the record of any case pending before or disposed of by the competent authority and may pass such order in reference thereto, as they think fit:</p> <p>Provided that no order or scheme shall be varied or reversed without giving the affected persons an opportunity of being heard.</p>	
Protection of water bodies.	<p>10. (1) In cases where a river, stream or other waterway changes its course due to natural events and passes through a land owned by any person, the owner of the land, may make an application in the form and manner prescribed to the Collector, seeking grant of land at the disposal of the Government in exchange of the land owned by him.</p> <p>(2) The Collector shall, on verification of the revenue records and after causing a topographical survey, if there exists a prima facie case for proceeding in the matter, send a report along with the application, to the Government.</p>	

(3) On receipt of the report from the Collector, the Government shall constitute an Expert committee consisting of members as specified in sub-section (2) of section 4, to examine the request of the applicant and make a recommendation to the Government with in a period of sixty days therefrom.

(4) The Government shall thereafter pass appropriate final orders based on the recommendation of the Expert committee.

Central Act XLV
of 1860.

11. Every officer and employee acting under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Officers and
employees
to be public
servants.

12. No suit, prosecution or other legal proceeding shall lie against any authority, officer or other employee for anything done or intended to be done in good faith under this Act.

Protection of
action taken in
good faith.

13. If any difficulty arises in giving effect to any provision of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provision not inconsistent with the provisions of this Act, as may be necessary or expedient for the purpose of removing the difficulty:

Power to remove
difficulties.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

14. (1) The Government may make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

STATEMENT OF OBJECTS AND REASONS

Land is an important factor of production and critical for the economic development of the State. The existing procedures pertaining to consolidation and disposal of Government lands, such as exchange, alienation, re-routing, assignment, and lease, have evolved over two centuries through executive instructions issued from time to time right from the colonial days. Land is also governed by various statutes such as local body Acts, which vest Government land in such local bodies. This multiplicity of executive instructions and references to land in multiple laws lead to delay and uncertainty in consolidation of lands, leading to time and cost overruns and loss of public money.

2. Further, many water bodies, especially rivers and streams, change their extent and course due to natural events, in the course of time. Such water bodies need to be protected in public interest. Standing order (26-A) of the Board of Revenue provides for grant of land at the disposal of the Government for land owned privately, if water changes its course through the private holding. It is considered that with a view to regulate the process of such exchange of land and to effectively protect such water bodies, statutory backing may be provided therefor.

3. In the said circumstances, the Government have, decided to enact a law to streamline the process of consolidation of Government lands for large projects which will be of significance for the State and also to protect such water bodies.

4. The Bill seeks to give effect to the above decision.

K.K.S.S.R. RAMACHANDRAN,
*Minister for Revenue and
Disaster Management.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(2), 2(b) and (l), 3, 4(1), 5(1), 8(1), 9, 10(1) and (4), 13 and 14 of Bill authorise the Government to make rules or to issue notifications or orders, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

K.K.S.S.R. RAMACHANDRAN,
*Minister for Revenue and
Disaster Management.*

Secretariat,
Chennai-600 009,
21st April 2023.

K. SRINIVASAN,
Secretary.

