

APPENDIX-XVIII
The Land Acquisition
(Himachal Pradesh Amendment) Act, 1986.

(As assented to by the President on 11th July, 1986)

An

Act

to amend the Land Acquisition Act, 1894 (Act No. 1 of 1894) in its application to the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the thirty-seventh Year of the Republic of India; as follows:-

1. *Short title.*—This Act may be called the Land Acquisition (Himachal Pradesh Amendment) Act, 1986.

2. *Amendment of Section 18.*—In section 18 of the Land Acquisition Act, 1894 (1 of 1894) (hereinafter called the principal Act), for the sign “.” occurring at the end of existing proviso to sub-section (2), the sign “:” shall be substituted and thereafter, the following second proviso shall be added, namely:-

“Provided further that the Collector may entertain an application under this section, after the expiry of the period of six weeks but within a period of six months, if he is satisfied that the applicant was prevented by sufficient cause from mailing the application in time.”

3. *Amendment of section 31.*—In section 31 of the principal Act,—

(a) after sub-section (3), the following sub-section (3-A) shall be inserted:-

“(3-A) Notwithstanding anything in this section, if the person interested in the land is willing to accept the compensation in kind, instead of money, the Collector may, further with the sanction of the appropriate Government, instead of awarding a money compensation in respect of any land, give some other land of equivalent value in exchange of the land acquired and thereby pay the compensation awarded in whole or in part in accordance with the market value of the land so given in exchange.”; and (b) for sub-section (4), the following sub-section shall be substituted, namely:

“(4) Nothing in sub-sections (3) and (3-A) shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.”

4. *Insertion of new section 52-A.*—After section 52 of the principal Act, the following new section shall be inserted, namely:-

“52-A. Protection of compensation.—No compensation awarded or awardable under this Act—

- (a) before it is actually paid to the person entitled to receive the same; or
- (b) before or after it is actually paid to the person entitled to receive the same in respect of any land which is not liable, under the law for the time being in force, to attachment or sale in execution of a decree or order of any court; shall be liable to seizure, attachment or sequestration by process of any court, at the instance of a creditor, for any demand against the person entitled to compensation, or in satisfaction of a decree or order of any court, and, notwithstanding anything to the contrary in any law for the time being in force, neither the official assignee nor any receiver appointed under any law shall be entitled to proceed against or to have any claim on any such compensation."

5. Repeal and savings.—The Land Acquisition (Himachal Pradesh amendment) act, 1979 (4 of 1980) is hereby repealed:

Provided that all appointments, rules and orders made, all notifications and notices issued, all transactions entered into and all suits and proceedings instituted under the act so repealed under this section, so far as they are consistent with the provisions of this act, shall be deemed to have been respectively made, issued, entered into and instituted under this Act.