



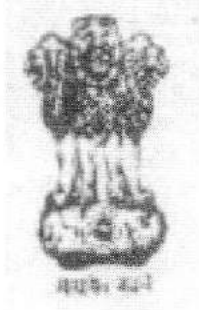
**LA Act, 1894**  
**CBA (A&D) Act, 1957**  
**RFCTLARR Act, 2013**  
**GOVERNMENT GUIDELINES**



**Department of Land & Revenue, MCL**

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**THE LAND ACQUISITION  
ACT, 1894**



**THE LAND ACQUISITION  
ACT, 1894  
(1 OF 1894)**

(As modified up to the 1st September, 1985)  
Subordinate legislation – being published separately)

GOVERNMENT OF INDIA  
MINISTRY OF Law and Justice

THE LAND ACQUISITION ACT, 1894

ARRANGEMENT OF SECTIONS

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## THE LAND ACQUISITION ACT, 1894

### PART I:

#### Preliminary

1. Short title, extent and commencement -

(1) This Act may be called the Land Acquisition Act, 1894.

(2) It extends to the whole of India except (the state of Jammu and Kashmir).

(3) It shall come into force on the first day of March 1894.

2. [Repeal and Saving] Repealed by the Repealing and Amending Act, 1914 (10 of 1914), s.3 and Sch. II, and partly by the Repealing act, 1938 (1 of 1938) s.2 and Sch.

3. Definitions. - In this Act, unless there is something repugnant in the subject or context, -

(a) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth,

[(aa) the expression "local authority" includes a town planning authority (by whatever name called) set up under any law for the time being in force];

(b) the expression "person interested" includes all persons claiming an interest in compensation to be made on

account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;

(c) the expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the [appropriate Government] to perform the functions of a Collector under this Act;

[(cc) the expression "corporation owned or controlled by the "State" means any body corporate established by or under a Central, Provincial or State Act, and includes a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), a society registered under the Societies Regulation Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, being a society established or administered by Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, being a co-operative society in which not less than fifty-one per centum of the paid-up share capital is held by the Central Government, or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments].

(d) the expression "Court" means a principal Civil Court of original jurisdiction unless, the [appropriate Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform functions of the Court under this Act;

[(e) the expression "Company" means -

(i) a company as defined in section 3 of the Companies Act, 1956 (1 of 1956), other than a Government company referred to in clause (cc);

(ii) a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a State, other than a society referred to in clause (cc);

(iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, other than a co-operative society referred to in clause (cc);

[(ee) the expression "appropriate Government" means, in relating to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government;]

[(f) the expression "public purpose" includes-

(i) the provision of village-sites, or the extension, planned development or improvement of existing village-sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored by Government or by any authority established by Government for carrying out any such scheme, or with the prior approval of the appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any corresponding law for the time being in force in a state, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;

(vii) the provision of land for any other scheme of development sponsored by Government or with the prior approval of the appropriate Government, by a local authority;

(viii) the provision of any premises or building for locating a public office, but does not include acquisition of land for companies;]

(g) the following persons shall be deemed person "entitled to act" as and to the extent hereinafter provided (that is to say)-

trustees for other persons beneficially interested shall be deemed the person entitled to act with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability.

a married woman, in cases to which the English law is applicable, shall be deemed the persons, so entitled to act, and whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted:

Provided that –

(i) no person shall be deemed "entitled to act" whose interest in the subject matter shall be shown to the satisfaction of the Collector or court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of [Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall, mutatis mutandis, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

(iv) no person "entitled to act" shall be competent to receive the compensation money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase money on a voluntary sale.

## PART II

### Acquisition

#### Preliminary investigation

#### 4. Publication of preliminary notification and power of officers thereupon. -

(1) Whenever it appears to the [appropriate Government] the land in any locality [is needed or] is likely to be needed for any public purpose [or for a company], a notification to that effect shall be published in the Official Gazette [and in two daily newspapers circulating in that locality of which at least one shall be in the regional language], and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality [(the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification)].

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workman, -

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken 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.

5. Payment for damage. - The officer so authorized shall at the time of such entry pay or tender payment for all necessary damaged to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

#### [Objections

5A. Hearing of objections. - (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a Company may, [within thirty days from the date of the publication of the notification], object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard [in person or by any person authorized by him in this behalf] or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, [either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government]. The decision of the [appropriate Government] on the objections shall be final.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.]

#### Declaration of intended acquisition

6. Declaration that land is required for a public purpose. - (1) Subject to the provision of Part VII of this Act, [appropriate Government] is satisfied, after considering the report, if any, made under section 5A, sub-section (2)], that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders [and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1) irrespective of whether one report or different reports has or have been made (wherever required) under section 5A, sub-section (2)];

[Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1)-

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), but before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of three years from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), shall be made after the expiry of one year from the date of the publication of the notification:]

Provided further that] no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

[Explanation 1. - In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub-section (1), is stayed by an order of a Court shall be excluded.

Explanation 2. - Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.]

(2) [Every declaration] shall be published in the Official Gazette [and in two daily newspapers circulating in the locality in which the land is situated of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state] the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a company, as the case may be; and, after making such declaration, the [appropriate Government] may acquire the land in manner hereinafter appearing.

7. After declaration, Collector to take order for acquisition. - Whenever any land shall have been so declared to be needed for public purpose, or for a Company, the [appropriate Government], or some officer authorized by the [appropriate Government] in this behalf, shall direct the Collector to take order for the acquisition of the land.

8. Land to be marked out, measured and planned. - The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof), a plan to be made of the same.

9. Notice to persons interested. - (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post

in letter addressed to him at his last known residence, address or place of business and [registered under sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898)].

10. Power to require and enforce the making of statements as to names and interests. -

(1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any), received or receivable on account thereof for three years next preceding the date of the statement.

(2) Every person required to make or deliver a statement under this section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code (45 of 1860).

Enquiry into measurements, value and claims, and award by the Collector

11. Enquiry and award by Collector. - [(1)] On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objection (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land [at the date of the publication of the notification under section 4, sub-section (1)], and into the respective interests of the persons claiming the compensation and shall make an award under his hand of-

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him :

[Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorize in this behalf:

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.

[(2) Notwithstanding anything contained in sub-section (1), if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(4) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-section (2) shall be liable to registration under that Act.]

[11A. Period shall be which an award within made. - The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceeding for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), the award shall be made within a period of two years from such commencement.

Explanation - In computing the period of two years referred to in this section, the period during which any action or

proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.]

12. Award of Collector when to be final. - (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the appointment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

13. Adjournment of enquiry. - The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

[13A. Correction of clerical errors, etc. - (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority:

Provided that no correction, which is likely to affect prejudicially any person, shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.]

14. Power to summon and enforce attendance of witnesses and production of documents. - For the purpose of enquiries under this Act the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested of any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the 1[Code of Civil Procedure 1908 (5 of 1908)].

15. Matters to be considered and neglected. - In determining the amount of compensation, the collector shall be guided by the provisions contained in section 23 and 24.

[15A Power to call for records, etc. - The appropriate Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.]

#### Taking Possession

16. Power to take possession. - When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the [Government]], free from all encumbrances.

17. Special powers in case of urgency. - (1) In cases of urgency whenever the [appropriate Government], so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section 1). [take possession of any land needed for a public purpose]. Such land shall thereupon [vest absolutely in the [Government]], free from all encumbrances.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the

maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or accesses to any such station, [or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage, road communication or electricity,] the Collector may immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the [appropriate Government], enter upon and take possession of such land, which shall thereupon [vest absolutely in the [Government]] free from all encumbrances :

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall at that time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and from any other damage sustained by them caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

3[(3A) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-section (3)-

(a) tender payment of eighty per centum of the compensation for such land as estimated by him to the person interested entitled thereto, and

(b) pay it to them, unless prevented by some one or more of the contingencies mentioned in section 31, sub-section (2),

and where the Collector is so prevented, the provisions of section 31, sub-section (2), (except the second proviso thereto), shall apply as they apply to the payment of compensation under that section.

(3B) The amount paid or deposited under section (3A), shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of Collector's award, be recovered as an arrear of land revenue].

[(4) In the case of any land to which, in the opinion of the [appropriate Government], the provisions of sub-section (1) or sub-section (2) are applicable, the [appropriate Government] may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time [after the date of the publication of the notification] under section 4, sub-section (1).]

### PART III

#### Reference to Court and Procedure Thereon

18. Reference to Court. - (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

19. Collector's statement to the court. - (1) In making the reference, the Collector shall state for the information of the court, in writing under his hand -

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11;

[(cc) the amount paid or deposited under sub-section (3A) of section 17; and]

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the parties interested respectively.

20. Service of notice. - The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely: -

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) If the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. Restriction on scope of proceedings. - The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection.

22. Proceedings to be in open Court. - Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plea and

act (as the case may be) in such proceeding.

23. Matters to be considered on determining compensation. - (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration-

first, the market-value of the land at the date of the publication of the [notification under section 4, sub-section (1)];

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of serving such land from his other land;

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

fifthly, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change, and

sixthly, the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

[(1A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation. - In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.]

(2) In addition to the market value of the land as above provided, the Court shall in every case award a sum of [thirty per centum] on such market value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation. - But the Court shall not take into consideration -

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the [notification under section 4, sub-section (1); [or]

[eighthly, any increase to the value of the land on account of its being put to any use, which is forbidden by law or opposed to public policy.]

[25. Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector. - The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.]

26. Forms of awards. - [(1)] Every award under this part shall be in writing signed by the Judge, and shall specify the amount awarded under clause first of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

[(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2, clause (2), and section 2, clause (9), respectively of the Code of Civil Procedure 1908 (5 of 1908).]

27. Costs. - (1) Every such award shall also state the amount of costs incurred in the proceeding under this Part, and by what persons and in what proportions they are to be paid.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Court shall be opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

28. Collector may be directed to pay interest on excess compensation. - If the sum, which the Collector did award as compensation, the award of the Court may direct that the collector shall pay interest on such excess at the rate of [nine per centum] per annum from the date on which he

took possession of the land to the date of payment of such excess into Court:

[Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.]

[28A. Re-determination of the amount of compensation on the basis of the award of the Court. - (1) where in an award under this part, the court allows to the applicant any amount of compensation in excess of the amount awarded by the collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, required that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.]

#### **PART IV**

##### **Appointment of Compensation**

29. Particulars of apportionment to be specified. - When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

30. Dispute as to apportionment. - When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof, is payable, the Collector may refer such dispute to the decision of the Court.

#### **PART V**

## Payment

31. Payment of compensation or deposit of same in Court. - (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the Collector may, with the sanction of the [appropriate Government] instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section 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.

32. Investment of money deposited in respect of lands belonging to person incompetent to alternate. - (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall-

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government of other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said

land, and such moneys shall remain so deposited and invested until the same be applied-

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the Collector, namely: -

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

33. Investment of money deposited in other cases. - When any money shall have been deposited in Court under this Act for any cause other than mentioned in the last proceeding section, the court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit the reform as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

34. Payment of interest - When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of [nine per centum] per annum from the time of so taking possession until it shall have been so paid or deposited:

[Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]

## PART VI

### TEMPORARY OCCUPATION OF LAND

35. Temporary occupation of waste or arable land. Procedure when difference as to compensation exists. - (1) Subject to the provisions of Part VII of this Act, whenever it appears to the [appropriate Government] that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the [appropriate Government] may direct the Collector to procure the occupation and use of the same for such term as it

shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken there from, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. Power to enter and take possession and compensation on restoration. - (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the [appropriate Government] shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. Difference as to condition of land. - In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

## PART VII

### Acquisition of Land for Companies

38. [Company may be authorized to enter and survey]. Rep. by the Land Acquisition (Amendment) Act, 1984 (68 of 1984), s.21.

[38A. Industrial concern to be deemed Company for certain purposes. - 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 4, 5A, 6, 7 and 50] shall be interpreted as references also to such concern]

39. Previous consent of appropriate Government and execution of agreement necessary. - The provisions of [sections 6 to 16 (both inclusive) and sections 18 to 37 (both inclusive)] shall not be put in force in order to acquire land for any company [under this Part], unless with the previous consent of the [appropriate Government], not unless the Company shall have executed the agreement hereinafter mentioned.

40. Previous enquiry. - (1) Such consent shall not be given unless the [appropriate Government] be satisfied. [either on the report of the Collector under section 5A, sub-section (2), or] by an enquiry held as hereinafter provided, -

[(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

[(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, 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].

(2) Such enquiry shall be held by such officer and at such time and place as the [appropriate Government] shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the [Code of Civil Procedure, 1908 (5 of 1908)] in the case of a Civil Court.

41. Agreement with appropriate Government. - If the [appropriate Government] is satisfied [after considering the report, if any, of the Collector under section 5A, sub-section (2), or on the report of the officer making an inquiry under section 40] that [the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40], it shall require the Company to enter into an agreement [with the [appropriate Government]], providing to the satisfaction of the [appropriate Government] for the following matters, namely :-

(1) the - [payment to the [appropriate Government]] of the cost of the acquisition;

(2) the transfer, on such payment, of the land to the Company.

(3) the terms on which the land shall be held by the Company,

[(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;

[(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; 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.]

42. Publication of agreement. - Every such agreement shall, as soon as may be after its execution, be published in the official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

43. Section 39 to 42 not to apply where Government bound by agreement to provide land for Companies. - The provisions of sections 39 to 42, both inclusive, shall not apply and the corresponding sections of Land Acquisition Act, 1870 (10 of 1870), shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, [under any agreement with such Company, the secretary of State for India in Council, the Secretary of State, [the Central Government or any State Government] is or was bound to provide land].

44. How agreement with Railway Company may be proved. - In the case of the acquisition of land for the purpose of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

[44A. Restriction on transfer, etc. - No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

44B. Land not to be acquired under this Part except for certain purpose for private companies other than Government companies. - Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1) of section 40, for a private company, which is not a Government company.

Explanation. - "Private company" and "Government company" shall have the meaning respectively assigned to them in the Companies Act, 1956 (1 of 1956).]

## PART VIII

### MISCELLANEOUS

45. Service of notices. - (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice section 4, by the officer therein mentioned, and, in the case of any notice, by or by order of the Collector or the Judge.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired :

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and 6[registered under sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898), and service of it may be proved by the production of the addressee's receipt.

46. Penalty for obstructing acquisition of land. - Whoever willfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or willfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding 1[five hundred rupees], or to both.

47. Magistrate to enforce surrender. - If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

48. Completion of acquisition not compulsory, but compensation to be awarded when not completed. - (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings there under, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provision of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

49. Acquisition of part of house or building. - (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not be take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken, is reasonably require for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), thirdly, by a person interested, on account of the severing of the land to be acquired from his other land, the [appropriate Government] is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the [appropriate Government] to the person interested, and shall thereafter proceed to make his award under section 11.

50. Acquisition of land at cost of a local authority or Company. - (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation.

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. Exemption from stamp duty and fees. - No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

[51A. Acceptance of certified copy as evidence. - In any proceeding under this Act, a certified copy of a document registered under the Regulation Act, 1908 (16 of 1908), including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document].

52. Notice in case of suits for anything done in pursuance of Act. - No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

53. Code of Civil Procedure to apply to proceedings before Court - Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the [Code of Civil Procedure, 1908 (5 of 1908)], shall apply to all proceedings before the Court under this Act.

[54. Appeals in proceedings before Court. - Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to 4[the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.]

55. Power to make rules. - (1) The [appropriate Government] shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made:

[Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments:

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, [before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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 :]

[Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the conditions of the rules, being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall be published in the Official Gazette, and shall thereupon have the force of law.

## ANNEXURE

Exact from the Land Acquisition (Amendment) Act, (1962)

(31 of 1962)

7. Validation of certain actuations.- Notwithstanding any judgment ,decree per order of any court, every actuation of land for a company made or purporting to have been made under part VII of the principle Act before the 20th day of July 1962 , shall,in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been, as valid as if the

provisions of section 40 and 41 of the principal Act, as amended by this Act, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Explanation - In this section "Company" has the same meaning as in clause (e) of section 3 of the principal Act as amended by this Act.

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The Land Acquisition (Amendment) Act, 1984 - Extract of Section 30 - Transitional provisions.

30(1) The provisions of sub-section (1A) of section 23 of the principal Act, as inserted by Clause (a) of section 15 of this Act, shall apply, and shall be deemed to have applied, also to and in relation to-

(a) every proceeding for the acquisition of any land under the principal Act pending on the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill in the House of people) in which no award has been made by the Collector before that date;

(b) every proceeding for the acquisition of any land under the principal Act commenced after that date, whether or not an award has been made by the Collector before the commencement of this Act.

(2) The provisions of sub-section (2) of section 23 and section 28 of the principal Act, as amended by clause (b) of section 15 and section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed, by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April 1982 (the date of introduction of the Land Acquisition (Amendment) Bill 1982, in the House of the People and before the commencement of this Act.

(3) The provisions of section 34 of the principal Act, as amended by section 20 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,

(a) every case in which possession of any land acquired under the principal Act had been taken before the 30th of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill 1982, in the House of the People ), and the amount of compensation for such acquisition had not been paid or deposited under section 31 of the principal Act until such date, with effect on and from that date; and

(b) every case in which such possession had been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 31 with effect on and from the date of taking such possession.





सत्यमेव जयते

**THE COAL BEARING AREAS  
(ACQUISITION AND DEVELOPMENT)  
ACT, 1957**

(20 OF 1957)

*(As modified upto the 1st December, 1976.)*

**GOVERNMENT OF INDIA  
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**



THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) ACT, 1957

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ARRANGEMENT OF SECTIONS

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SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of competent authority.
4. Preliminary notification respecting intention to prospect for coal in any area and powers of competent authorities thereupon.
5. Effect of notification on prospecting licences and mining leases.
6. Compensation for any necessary damage done under section 4.
7. Power to acquire land or rights in or over land notified under section 4.
8. Objections to acquisition.
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- 9A. Special powers in cases of urgency.
10. Vesting of land or rights in Central Government.
11. Power of Central Government to direct vesting of land or rights in a Government company.
12. Power to take possession of land acquired.
13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.
14. Method of determining compensation.
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16. Interest on awards.
17. Payment of compensation
18. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.
- 18A. Payment to State Governments in lieu of royalty.
19. Power to delegate.
20. Appeals.
21. Power to obtain information.
22. Power to enter and inspect.
23. Penalties.
24. Service of notices and orders.
25. Protection of action taken in good faith.
26. Jurisdiction of civil courts.
27. Power to make rules.
28. Notifications under Act 1 of 1894 in which proceedings are pending to be treated as notifications under this Act.

THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) ACT, 1957

ACT NO. 20 OF 1957

[8th June, 1957.]

An Act to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Act, 1957.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) “competent authority” means any person appointed to be a competent authority under section 3;

(b) “Government company” means a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), in which any land or rights in or over land shall have vested under section 11;

(c) “Mineral Concession Rules” means the rules for the time being in force made under the Mines and Minerals (Regulation and Development) Act, 1948 (53 of 1948);

<sup>2</sup>[(cc) “mining lease” includes a mining sub-lease, and “lessee” shall be construed accordingly;]

(d) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land, or of the acquisition, extinguishment or modification of any rights in or over land, under this Act;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “Tribunal” means the Tribunal constituted under section 14.

**3. Appointment of competent authority.**—The Central Government may, by notification in the Official Gazette, appoint any person to be the competent authority for the purposes of this Act; and different persons may be appointed as competent authorities for different provisions of this Act and for different areas.

**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;

1. 12th June, 1957, vide Notification No. S.R.O. 1931 (E), dated 10th June, 1957, see Gazette of India, Extraordinary, Part II, sec. 3(i).

2. Ins. by Act 51 of 1957, s. 2 (w.e.f. 12-6-1957).

(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

(f) 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.

(4) In issuing a notification under this section the Central Government shall exclude therefrom that portion of any land in which coal mining operations are actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process ancillary to the getting, dressing or preparation for sale of coal obtained as a result of such operations is being carried on are situate.

**5. Effect of notification on prospecting licences and mining leases.**—On the issue of a notification under sub-section (1) of section 4 in respect of any land—

(a) any prospecting licence <sup>1</sup>[which authorises any person] to prospect for coal or any other mineral in the land shall cease to have effect; and

(b) any mining lease <sup>2\*\*\*</sup> shall, in so far as it authorises the lessee or any person claiming through him to undertake any operation in the land, cease to have effect for so long as the notification under that sub-section is in force.

**6. Compensation for any necessary damage done under section 4.**—(1) Whenever any action of the nature described in sub-section (3) of section 4 is to be taken, the competent authority shall, before or at the time such action is taken, pay or tender payment for all necessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, he shall at once refer the dispute to the decision of the Central Government, and the decision of the Central Government shall be final.

(2) The fact that there exists any such dispute as is referred to in this section shall not be a bar to action under sub-section (3) of section 4.

**7. Power to acquire land or rights in or over land notified under section 4.**—(1) If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under sub-section (1) of section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf, by notification in the Official Gazette, give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land, as the case may be.

(2) If no notice to acquire the land or any rights in or over such land is given under sub-section (1) within the period allowed thereunder, the notification issued under sub-section (1) of section 4 shall cease to have effect on the expiration of three years from the date thereof.

**8. Objections to acquisition.**—(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

1. Subs. by Act 51 of 1957, s. 3, for "granted to any person under the Mineral Concession Rules which authorises him" (w.e.f. 12-6-1957).

2. The words "granted to any person under the Mineral Concession Rules" omitted by s. 3, *ibid.* (w.e.f. 12-6-1957).

*Explanation.*—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, <sup>1</sup>[either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over 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.]

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

**9. Declaration of acquisition.**—(1) 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 <sup>2</sup>[, 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]:

<sup>3</sup>[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 (54 of 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) <sup>4</sup>[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.

<sup>5</sup>[**9A. Special powers in cases of urgency.**—If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct, a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7.]

**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 Government <sup>6</sup>[free from all encumbrances].

1. Subs. by Act 54 of 1971, s. 2, for certain words (w.e.f. 11-12-1971).

2. Ins. by s. 3, *ibid.* (w.e.f. 11-12-1971).

3. Subs. by s. 3, *ibid.*, for "Provided that, where the declaration" (w.e.f. 11-12-1971).

4. Subs. by s. 3, *ibid.*, for "The declaration" (w.e.f. 11-12-1971).

5. Ins. by Act 51 of 1957, s. 4 (w.e.f. 12-6-1957).

6. Ins. by s. 5, *ibid.* (w.e.f. 12-6-1957).

(2) Where the rights under any mining lease<sup>1</sup> [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.

**11. Power of Central Government to direct vesting of land or rights in a Government company.**—(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction.

(2) Where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company 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 Government company, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules; and all the rights and liabilities of the Central Government in relation to the lease or the land covered by it shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.

**12. Power to take possession of land acquired.**—The competent authority may, by notice in writing, require any person in possession of any land acquired under this Act to surrender or deliver possession of the land within such period as may be specified in the notice, and if a person refuses or fails to comply with any such notice, the competent authority may enter upon and take possession of the land, and for that purpose may use or cause to be used such force as may be necessary.

**13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.**—(1) Where a prospecting licence ceases to have effect under section 5, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of all items of reasonable and *bona fide* expenditure actually incurred in respect of the land, that is to say,—

(i) the expenditure incurred in obtaining the licence;

(ii) the expenditure, if any, incurred in respect of the preparation of maps, charts and other documents relating to the land, the collection from the land of cores or other mineral samples and the due analysis thereof and the preparation of any other relevant records or material;

(iii) the expenditure, if any, incurred in respect of the construction of roads or other essential works on the land, if such roads or works are in existence and in a usable condition;

(iv) the expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out in the land.

(2) Where the rights under a mining lease are acquired under this Act, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of the following items, namely,—

(i) if the lease was granted after prospecting operations had been carried out in respect of the land under a prospecting licence, the sum of all items of reasonable and *bona fide* expenditure actually incurred with respect to the matters specified in clauses (i), (ii), (iii) and (iv) of sub-section (1) before the date of the lease:

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1. Subs. by Act 51 of 1957, s. 5, for "granted by a State Government" (w.e.f. 12-6-1957).

Provided that where two or more leases had been granted in relation to any land covered previously by one prospecting licence, only so much of the expenditure aforesaid as bears to the total expenditure the same proportion as the area under the mining lease in respect of which the rights have been acquired bears to the total area covered by the mining leases shall be payable under this clause;

(ii) any reasonable and *bona fide* expenditure of the nature referred to in clauses (i), (ii) and (iii) of sub-section (1) actually incurred in relation to the lease, together with the *salami*, if any, paid for obtaining the lease;

(iii) the expenditure, if any, incurred by way of payment of dead-rent or minimum royalty during any year or years when there was no production of coal;

(iv) interest on any such expenditure referred to in clauses (i), (ii) and (iii) as has actually been incurred <sup>1</sup>[up to] the year in which the rights under the lease are acquired, interest being calculated in the following manner, that is to say,—

interest at the rate of five per centum per annum in respect of the expenditure incurred during each calendar year for the first five years commencing from the year in which such expenditure was incurred *plus* interest at the rate of four per centum per annum in respect of each subsequent year after the expiration of the first five years and ending with the year in which the rights under the lease are acquired:

Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in <sup>2</sup>[clauses (i), (ii) and (iii)].

(3) Where the rights under a mining lease acquired under section 9 relate only to a part of the land covered by the mining lease, the amount of compensation payable shall be such as bears to the total compensation which would have been payable if the rights of the mining lessee in respect of the entire land had been acquired, the same proportion which the area of the land in respect of which the rights are acquired bears to the total area of the land covered by the mining lease.

(4) Where a mining lease ceases to have effect for any period under clause (b) of section 5, there shall be paid by way of compensation for the period during which the lease so ceased to have effect, a sum equivalent to five per centum of any such expenditure as is referred to in clauses (i) and (iii) of sub-section (2) for each year during which the lease remains suspended.

(5) Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration—

(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section 4;

*Explanation.*—The value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land;

(b) the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the taking possession thereof;

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

(d) 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 other manner, or his earnings;

(e) if, in consequence 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; and

1. Subs. by Act 51 of 1957, s. 6, for "during the period commencing from the date of the lease and ending with" (w.e.f. 12-6-1957).

2. Subs. by s. 6, *ibid.*, for "clauses (ii) and (iii)" (w.e.f. 12-6-1957).

(f) the damage, if any, *bona fide* resulting from diminution of the profits of the land between the time of the publication of the notification under sub-section (1) of section 4 and the time of the publication of the declaration under sub-section (2) of section 9.

<sup>1</sup>[(5A) In determining the amount of compensation for any land acquired under section 9, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put shall not be taken into consideration.]

(6) Where any operation carried on by or on behalf of the Central Government in the exercise of any powers conferred by this Act causes or is likely to cause damage to the surface of any land or any works thereon and in respect thereof no provision for compensation is made elsewhere in this Act, the competent authority shall pay or tender payment for all such damage, and, in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it is to be paid or tendered, he shall refer the dispute to the decision of the Tribunal.

(7) No compensation under this section in relation to maps, charts and other documents shall be paid unless the person to whom it is payable has delivered to the prescribed authority all the maps, charts and other documents.

**14. Method of determining compensation.**—(1) Where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.

(2) Where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a Judge of a High Court for the purpose of determining the amount.

(3) The Central Government may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal, and where such nomination is made, the person or persons interested may also nominate any other person for the same purpose.

(4) At the commencement of the proceedings before the Tribunal the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation.

(5) The Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person or persons to whom the compensation shall be paid; and in making the award the Tribunal shall have regard to the circumstances of each case and to the foregoing provisions of this Act with respect to the manner in which the amount of compensation shall be determined in so far as the said provisions or any of them may be applicable.

(6) Where there is a dispute as to the person or persons entitled to compensation and the Tribunal finds that more persons than one are entitled to compensation, it shall apportion the amount thereof among such persons and in such manner as it thinks fit.

(7) Nothing in the Arbitration Act, 1940 (10 of 1940), shall apply to any proceedings under this section.

<sup>2</sup>[(8) The Tribunal, in the proceedings before it, shall have all the powers which a civil court has while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of any document;
- (iii) reception of evidence on affidavits;
- (iv) requisitioning any public record from any court or office; and
- (v) issuing commissions for examination of witnesses.]

**15. Costs.**—Every award made by the Tribunal shall also state the amount of costs incurred in the proceedings before it and by what persons and in what proportions they are to be paid.

1. Ins. by Act 54 of 1971, s. 4 (w.e.f. 11-12-1971).

2. Ins. by s. 5, *ibid.* (w.e.f. 11-12-1971).

**16. Interest on awards.**—If the sum which in the opinion of the Tribunal ought to have been awarded as compensation is in excess of the sum which the Central Government has stated to be a fair amount of compensation, the award of the Tribunal may direct that the Central Government shall pay interest on such excess at the rate of five per centum per annum from the date on which it became payable to the date of payment of such excess.

**17. Payment of compensation.**—(1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2).

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

<sup>1</sup>[Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.]

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.

**18. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.**—Where prospecting is done under this Act by or on behalf of the Central Government in any land situate within the jurisdiction of a State Government or where the Central Government or a Government company has become the lessee of a State Government in respect of any land under this Act, the terms and conditions under which the prospecting can be done or rights under the lease exercised shall, as far as may be, be the same as the terms and conditions applicable to prospecting licences and mining leases under the Mineral Concession Rules; and in case of doubt or dispute, shall be settled by arbitration or in such other manner as the Central Government and the State Government may decide.

<sup>2</sup>[**18A. Payment to State Governments in lieu of royalty.**—Notwithstanding anything contained in this Act, where any land or any rights in or over land belonging to a State Government (other than the rights under a mining lease granted or deemed to have been granted by the State Government to any person) vest in the Central Government under section 10 or in a Government Company under section 11, the Central Government or the Company, as the case may be, may pay to the State Government such sum of money as would have been payable as royalty by a lessee had such land or rights been under a mining lease granted by the State Government.]

**19. Power to delegate.**—The Central Government may, by notification in the Official Gazette, direct that all or any of the powers or duties which may be exercised or discharged by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or discharged also by any person specified in this behalf in the notification and any such person may, with the previous approval of the Central Government, by order in writing, direct that any power or duty which has been directed to be exercised or discharged by him shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any such person subordinate to him as may be specified therein.

1. Subs. by Act 54 of 1971, s. 6, for the second proviso (w.e.f. 11-12-1971).

2. Ins. by s. 7, *ibid.* (w.e.f. 11-12-1971).

**20. Appeals.**—(1) Any person aggrieved by any award of the Tribunal under section 14 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the land or some portion of the land which has been acquired or the land or some portion of the land covered by a prospecting licence or by a mining lease in respect of which mining rights have been acquired is situate.

(2) Any person aggrieved by an order made by a competent authority or by any other person in virtue of any powers exercisable by him under this Act may, within twenty-one days from the date of the order, prefer an appeal to the Central Government.

(3) On receipt of an appeal under sub-section (2), the Central Government may, after calling for a report from the competent authority or person concerned, and giving an opportunity to the parties to be heard, and after making such further inquiry as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(4) Where an appeal is preferred under sub-section (2), the Central Government may stay the enforcement of the order of the competent authority or person concerned for such period and on such conditions as it thinks fit.

**21. Power to obtain information.**—The Central Government or any person authorised in writing by it in this behalf may, by order in writing, require any person to furnish to such authority as may be specified in the order such information in his possession as may be required relating to any property in respect of which action is proposed to be taken under this Act.

**22. Power to enter and inspect.**—The competent authority, or any person authorised in writing by it in this behalf, by general or special order, may enter and inspect any property for the purpose of determining whether and, if so, in what manner an order under this Act should be made in relation to any property or with a view to securing compliance with any order made under this Act.

**23. Penalties.**—Whoever wilfully obstructs any person in doing any of the acts authorised by sub-section (3) of section 4 or wilfully fills up, destroys, damages or displaces any mark made under section 4, or wilfully obstructs the lawful exercise of any other power conferred by or under this Act, or fails to comply with any order made or direction given under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**24. Service of notices and orders.**—Subject to any rules that may be made under this Act, every notice or order issued or made under this Act shall—

(a) in the case of a notice or order of a general nature or affecting a number of persons, be notified in the Official Gazette and also published in the locality in such manner as may be prescribed; and

(b) in the case of a notice or order directed to an individual <sup>1</sup>[be served on such individual],—

(i) wherever it is practicable to do so by delivering or tendering it to that individual; or

(ii) if it cannot be so delivered or tendered, by affixing it on the door or some other conspicuous part of the residence in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood; or

(iii) failing service by these means, by post.

**25. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

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1. Ins. by Act 58 of 1960, s. 3 and the Second Schedule (w.e.f. 26-12-1960).

(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**26. Jurisdiction of civil courts.**—Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Central Government or the competent authority or any other person is empowered by or under this Act to determine.

**27. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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 procedure to be followed in making any inquiry under this Act;

(b) the procedure to be followed by the Tribunal in proceedings under section 14;

(c) the form and manner in which appeals to the Central Government may be made under this Act; and

(d) any other matter which has to be, or may be, prescribed.

<sup>1</sup>[(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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.]

**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 be <sup>2</sup>[disposed of by him as if the objection had been made in relation to a notification issued under section 7 of this Act <sup>3</sup>[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].

1. Subs. by Act 4 of 2005, s. 2 and the Schedule, for sub-section (3) (w.e.f. 11-1-2005).

2. Subs. by Act 51 of 1957, s. 7, for "disposed of by him accordingly" (w.e.f. 12-6-1957).

3. Subs. by Act 23 of 1969, s. 2, for certain words (w.e.f. 12-8-1969).

<sup>1</sup>[(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.

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1. Ins. by Act 23 of 1969, s. 2 (w.e.f. 12-8-1969).



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# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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NEW DELHI, FRIDAY, SEPTEMBER 27, 2013/ ASVINA 5, 1935 (SAKA)

**RIGHT TO FAIR COMPENSATION AND TRANSPERANCY  
IN LAND ACQUISITION, REHABILITATION AND  
RESETTLEMENT ACT, 2013**





# भारत का राजपत्र The Gazette of India

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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 27th September, 2013/Asvina 5, 1935 (Saka)*

The following Act of Parliament received the assent of the President on the 26th September, 2013, and is hereby published for general information:—

## THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

No. 30 OF 2013

[26th September, 2013.]

An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the Central Government shall appoint such date within three months from the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 receives the assent of the President.

Application of Act.

2. (1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:—

(a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or

(b) for infrastructure projects, which includes the following, namely:—

(i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;

(ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute;

(iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;

(iv) project for water harvesting and water conservation structures, sanitation;

(v) project for Government administered, Government aided educational and research schemes or institutions;

(vi) project for sports, health care, tourism, transportation or space programme;

(vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;

(c) project for project affected families;

(d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.

(2) The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—

(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);

(b) for private companies for public purpose, as defined in sub-section (1):

Provided that in the case of acquisition for—

(i) private companies, the prior consent of at least eighty per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and

(ii) public private partnership projects, the prior consent of at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3,

shall be obtained through a process as may be prescribed by the appropriate Government:

Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:

Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.

(3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,—

(a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government, through private negotiations with the owner of the land in accordance with the provisions of section 46;

(b) a private company requests the appropriate Government for acquisition of a part of an area so prescribed for a public purpose:

Provided that where a private company requests the appropriate Government for partial acquisition of land for public purpose, then, the rehabilitation and resettlement entitlements under the Second Schedule shall be applicable for the entire area which includes the land purchased by the private company and acquired by the Government for the project as a whole.

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

Definitions.

(a) "Administrator" means an officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section (1) of section 43;

(b) "affected area" means such area as may be notified by the appropriate Government for the purposes of land acquisition;

(c) "affected family" includes—

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land;

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;

(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;

(d) "agricultural land" means land used for the purpose of—

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs;

(iii) raising of crops, trees, grass or garden produce; and

(iv) land used for the grazing of cattle;

(e) "appropriate Government" means,—

(i) in relation to acquisition of land situated within the territory of, a State, the State Government;

(ii) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government;

(iii) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union territory of Puducherry;

(iv) in relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; and

(v) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government:

Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government;

(f) "Authority" means the Land Acquisition and Rehabilitation and Resettlement Authority established under section 51;

(g) "Collector" means the Collector of a revenue district, and includes a Deputy Commissioner and any officer specially designated by the appropriate Government to perform the functions of a Collector under this Act;

(h) "Commissioner" means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44;

(i) "cost of acquisition" includes—

(i) amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;

(ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;

(iii) cost of acquisition of land and building for settlement of displaced or adversely affected families;

(iv) cost of development of infrastructure and amenities at the resettlement areas;

(v) cost of rehabilitation and resettlement as determined in accordance with the provisions of this Act;

(vi) administrative cost,—

(A) for acquisition of land, including both in the project site and out of project area lands, not exceeding such percentage of the cost of compensation as may be specified by the appropriate Government;

(B) for rehabilitation and resettlement of the owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;

(vii) cost of undertaking 'Social Impact Assessment study';

(j) "company" means—

1 of 1956.

(i) a company as defined in section 3 of the Companies Act, 1956, other than a Government company;

21 of 1860.

(ii) a society registered under the Societies Registration Act, 1860 or under any corresponding law for the time being in force in a State;

(k) "displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;

(l) "entitled to act", in relation to a person, shall be deemed to include the following persons, namely:—

(i) trustees for other persons beneficially interested with reference to any such case, and that to the same extent as the person beneficially interested could have acted if free from disability;

(ii) the guardians of minors and the committees or managers of lunatics to the same extent as the minors, lunatics or other persons of unsound mind themselves, if free from disability, could have acted:

5 of 1908.

Provided that the provisions of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908 shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Authority by a next friend, or by a guardian for the case, in proceedings under this Act:

(m) "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him:

Provided that widows, divorcees and women deserted by families shall be considered separate families;

*Explanation.*—An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act.

(n) "holding of land" means the total land held by a person as an owner, occupant or tenant or otherwise;

(o) "infrastructure project" shall include any one or more of the items specified in clause (b) of sub-section (1) of section 2;

(p) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(q) "landless" means such persons or class of persons who may be,—

(i) considered or specified as such under any State law for the time being in force; or

(ii) in a case of landless not being specified under sub-clause (i), as may be specified by the appropriate Government;

(r) "land owner" includes any person,—

(i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or

(ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other law for the time being in force; or 2 of 2007.

(iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or

(iv) any person who has been declared as such by an order of the court or Authority;

(s) "local authority" includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P, of the Constitution;

(t) "marginal farmer" means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;

(u) "market value" means the value of land determined in accordance with section 26;

(v) "notification" means a notification published in the Gazette of India or, as the case may be, the Gazette of a State and the expression "notify" shall be construed accordingly;

(w) "patta" shall have the same meaning as assigned to it in the relevant Central or State Acts or rules or regulations made thereunder;

(x) "person interested" means—

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

(ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest 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;

(iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and

(v) any person whose primary source of livelihood is likely to be adversely affected;

(y) "prescribed" means prescribed by rules made under this Act;

(z) "project" means a project for which land is being acquired, irrespective of the number of persons affected;

(za) "public purpose" means the activities specified under sub-section (1) of section 2;

(zb) "Requiring Body" means a company, a body corporate, an institution, or any other organisation or person for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land is for public purpose to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land;

(zc) "Resettlement Area" means an area where the affected families who have been displaced as a result of land acquisition are resettled by the appropriate Government;

40 of 1996.

(zd) "Scheduled Areas" means the Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996;

(ze) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

## CHAPTER II

### DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

#### A.—PRELIMINARY INVESTIGATION FOR DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

4. (1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.

Preparation of  
Social Impact  
Assessment  
study.

(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study:

Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.

(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.

(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—

- (a) assessment as to whether the proposed acquisition serves public purpose;
- (b) estimation of affected families and the number of families among them likely to be displaced;
- (c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;
- (d) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;
- (e) whether land acquisition at an alternate place has been considered and found not feasible;
- (f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project *vis-a-vis* the benefits of the project:

Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport,

drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

(6) The appropriate Government shall require the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area.

Public hearing  
for Social  
Impact  
Assessment.

5. Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.

Publication of  
Social Impact  
Assessment  
study.

6. (1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorised by the Central Government to carry out environmental impact assessment:

Provided that, in respect of irrigation projects where the process of Environment Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply.

#### B.—APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

Appraisal of  
Social Impact  
Assessment  
report by an  
Expert Group.

7. (1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.

(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

(a) two non-official social scientists;

(b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;

(c) two experts on rehabilitation; and

(d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project does not serve any public purpose; or

(b) the social costs and adverse social impacts of the project outweigh the potential benefits,

it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision:

Provided further that where the appropriate Government, inspite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.

(5) If the Expert Group constituted under sub-section (1), is of the opinion that,—

(a) the project will serve any public purpose; and

(b) the potential benefits outweigh the social costs and adverse social impacts,

it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available:

Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.

(6) The recommendations of the Expert Group referred to in sub-sections (4) and (5) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.

8. (1) The appropriate Government shall ensure that—

(a) there is a legitimate and *bonafide* public purpose for the proposed acquisition which necessitates the acquisition of the land identified;

(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out;

(c) only the minimum area of land required for the project is proposed to be acquired;

(d) there is no unutilised land which has been previously acquired in the area;

(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.

(2) The appropriate Government shall examine the report of the Collector, if any, and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

(3) The decision of the appropriate Government shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that where land is sought to be acquired for the purposes as specified in sub-section (2) of section 2, the appropriate Government shall also ascertain as to whether the prior consent of the affected families as required under the proviso to sub-section (2) of section 2, has been obtained in the manner as may be prescribed.

9. Where land is proposed to be acquired invoking the urgency provisions under section 40, the appropriate Government may exempt undertaking of the Social Impact Assessment study.

Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government.

Exemption from Social Impact Assessment.

## CHAPTER III

## SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY

Special provision to safeguard food security.

10. (1) Save as otherwise provided in sub-section (2), no irrigated multi-cropped land shall be acquired under this Act.

(2) Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land referred to in sub-section (1) shall, in aggregate for all projects in a district or State, in no case exceed such limits as may be notified by the appropriate Government considering the relevant State specific factors and circumstances.

(3) Whenever multi-crop irrigated land is acquired under sub-section (2), an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security.

(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:

Provided that the provisions of this section shall not apply in the case of projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.

## CHAPTER IV

## NOTIFICATION AND ACQUISITION

Publication of preliminary notification and power of officers thereupon.

11. (1) Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.

(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement under section 43.

(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this Chapter are completed:

Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:

Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

(5) After issuance of notice under sub-section (1), the Collector shall, before the issue of a declaration under section 19 undertake and complete the exercise of updating of land records as prescribed within a period of two months.

12. For the purposes of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen,—

Preliminary survey of land and power of officers to carry out survey.

(a) to enter upon and survey and take levels of any land in such locality;

(b) to dig or bore into the sub-soil;

(c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;

(d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and

(e) to mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no act under clauses (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner:

Provided further that the acts specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey:

Provided also 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.

13. The officer so authorised under section 12 shall at the time of entry under section 12 pay or tender payment for any damage caused, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

Payment for damage.

14. Where a preliminary notification under section 11 is not issued within twelve months from the date of appraisal of the Social Impact Assessment report submitted by the Expert Group under section 7, then, such report shall be deemed to have lapsed and a fresh Social Impact Assessment shall be required to be undertaken prior to acquisition proceedings under section 11:

Lapse of Social Impact Assessment report.

Provided that the appropriate Government, shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

15. (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—

Hearing of objections.

(a) the area and suitability of land proposed to be acquired;

(b) justification offered for public purpose;

(c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorised by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.

Preparation of  
Rehabilitation  
and Resettle-  
ment Scheme  
by the  
Administrator.

16. (1) Upon the publication of the preliminary notification under sub-section (1) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include—

(a) particulars of lands and immovable properties being acquired of each affected family;

(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;

(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;

(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and

(e) details of any common property resources being acquired.

(2) The Administrator shall, based on the survey and census under sub-section (1), prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved—

(i) a list of Government buildings to be provided in the Resettlement Area;

(ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include time limit for implementing Rehabilitation and Resettlement Scheme;

(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities.

(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:

Provided that in case where an affected area involves more than one Gram Panchayat or Municipality, public hearings shall be conducted in every Gram Sabha and Municipality where more than twenty-five per cent. of land belonging to that Gram Sabha or Municipality is being acquired:

Provided further that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

(6) The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.

17. (1) The Collector shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator with the Rehabilitation and Resettlement Committee at the project level constituted under section 45;

Review of the Rehabilitation and Resettlement Scheme.

(2) The Collector shall submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.

18. The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

Approved Rehabilitation and Resettlement Scheme to be made public.

19. (1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

Publication of declaration and summary of Rehabilitation and Resettlement.

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):

Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:

Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:

Provided also that the Requiring Body shall deposit the amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.

(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.

(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—

(a) in the Official Gazette;

(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;

(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;

(d) uploaded on the website of the appropriate Government;

(e) in the affected areas, in such manner as may be prescribed.

(5) Every declaration referred to in sub-section (1) shall indicate,—

(a) the district or other territorial division in which the land is situated;

(b) the purpose for which it is needed, its approximate area; and

(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.

(6) The declaration referred to in sub-section (1) shall be conclusive evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.

(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:

Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:

Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:

Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

20. The Collector shall thereupon cause the land, unless it has been already marked out under section 12, to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.

Land to be marked out, measured and planned including marking of specific areas

21. (1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.

Notice to persons interested.

(2) The public notice referred to in sub-section (1) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made under section 20.

(3) The Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or his agent.

(4) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situated.

(5) In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two national daily newspapers and also on his website.

22. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being less than thirty days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

Power to require and enforce the making of statements as to names and interests.

45 of 1860.

(2) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

23. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his hand of—

Enquiry and land acquisition award by Collector.

(a) the true area of the land;

(b) the compensation as determined under section 27 along with Rehabilitation and Resettlement Award as determined under section 31 and which in his opinion should be allowed for the land; and

(c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

24. (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.

(a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or

(b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

25. The Collector shall make an award within a period of twelve months from the date of publication of the declaration under section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Period within which an award shall be made.

Provided that the appropriate Government shall have the power to extend the period of twelve months if in its opinion, circumstances exist justifying the same:

Provided further that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

26. (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

Determination of market value of land by Collector.

(a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

2 of 1899.

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,

whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

*Explanation 1.*—The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

*Explanation 2.*—For determining the average sale price referred to in *Explanation 1*, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

*Explanation 3.*—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

*Explanation 4.*—While determining the market value under this section and the average sale price referred to in *Explanation 1* or *Explanation 2*, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that—

(a) 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

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,

the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent. of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established

and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

27. The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

Determination of amount of compensation.

28. In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—

Parameters to be considered by Collector in determination of award.

*firstly*, the market value as determined under section 26 and the award amount in accordance with the First and Second Schedules;

*secondly*, the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;

*thirdly*, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

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

*fifthly*, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

*sixthly*, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land; and

*seventhly*, any other ground which may be in the interest of equity, justice and beneficial to the affected families.

29. (1) The Collector 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, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

Determination of value of things attached to land or building.

(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, 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.

(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

30. (1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent. of the compensation amount.

Award of solatium.

*Explanation.*—For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

## CHAPTER V

## REHABILITATION AND RESETTLEMENT AWARD

Rehabilitation and Resettlement Award for affected families by Collector.

31. (1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.

(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:—

- (a) rehabilitation and resettlement amount payable to the family;
- (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (c) particulars of house site and house to be allotted, in case of displaced families;
- (d) particulars of land allotted to the displaced families;
- (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (f) particulars of payment for cattle shed and petty shops;
- (g) particulars of one-time amount to artisans and small traders;
- (h) details of mandatory employment to be provided to the members of the affected families;
- (i) particulars of any fishing rights that may be involved;
- (j) particulars of annuity and other entitlements to be provided;
- (k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable":

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

Provision of infrastructural amenities in resettlement area

32. In every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule.

Corrections to awards by Collector.

33. (1) The Collector may at any time, but not later than six months from the date of award or where he has been required under the provisions of this Act to make a reference to the Authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the appropriate Government.

34. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

Adjournment of enquiry.

35. For the purpose of enquiries under this Act, the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested of any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

Power to summon and enforce attendance of witnesses and production of documents.

36. The appropriate Government may at any time before the award is made by the Collector under section 30 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Power to call for records, etc.

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

37. (1) The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

Awards of Collector when to be final.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.

38. (1) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30:

Power to take possession of land to be acquired.

Provided that the components of the Rehabilitation and Resettlement Package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award:

Provided further that in case of acquisition of land for irrigation or hydel project, being a public purpose, the rehabilitation and resettlement shall be completed six months prior to submergence of the lands acquired.

(2) The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.

39. The Collector shall, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

Additional compensation in case of multiple displacements.

40. (1) In cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

Special powers in case of urgency to acquire land in certain cases.

(2) The powers of the appropriate Government under sub-section (1) shall be restricted to the minimum area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall tender payment of eighty per cent. of the compensation for such land as estimated by him to the person interested entitled thereto.

(4) In the case of any land to which, in the opinion of the appropriate Government, the provisions of sub-section (1), sub-section (2) or sub-section (3) are applicable, the appropriate Government may direct that any or all of the provisions of Chapter II to Chapter VI shall not apply, and, if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under sub-section (1) of section 11.

(5) An additional compensation of seventy-five per cent. of the total compensation as determined under section 27, shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:

Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.

41. (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.

(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

Special provisions for Scheduled Castes and Scheduled Tribes.

(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.

(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

42. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

Reservation and other benefits.

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

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## CHAPTER VI

### PROCEDURE AND MANNER OF REHABILITATION AND RESETTLEMENT

43. (1) Where the appropriate Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then, the State Government shall, by notification, appoint in respect of that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement.

Appointment of Administrator.

(2) The Administrator shall, with a view to enable him to function efficiently and to meet the special time-frame, be provided with such powers, duties and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the appropriate Government may decide.

(3) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

44. (1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

Commissioner for rehabilitation and resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas.

Rehabilitation and resettlement committee at project level.

45. (1) Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.

(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:—

- (a) a representative of women residing in the affected area;
- (b) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- (c) a representative of a voluntary organisation working in the area;
- (d) a representative of a nationalised bank;
- (e) the Land Acquisition Officer of the project;
- (f) the Chairpersons of the panchayats or municipalities located in the affected area or their nominees;
- (g) the Chairperson of the District Planning Committee or his nominee;
- (h) the Member of Parliament and Member of the Legislative Assembly of the concerned area or their nominees;
- (i) a representative of the Requiring Body; and
- (j) Administrator for Rehabilitation and Resettlement as the Member-Convenor.

(3) The procedure regulating the discharge of the process given in this section and other matters connected thereto of the Rehabilitation and Resettlement Committee shall be such as may be prescribed by the appropriate Government.

Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.

46. (1) Where any person other than a specified person is purchasing land through private negotiations for an area equal to or more than such limits, as may be notified by the appropriate Government, considering the relevant State specific factors and circumstances, for which the payment of Rehabilitation and Resettlement Costs under this Act is required, he shall file an application with the District Collector notifying him of—

- (a) intent to purchase;
- (b) purpose for which such purchase is being made;
- (c) particulars of lands to be purchased.

(2) It shall be the duty of the Collector to refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlement.

(3) Based upon the Rehabilitation and Resettlement Scheme approved by the Commissioner as per the provisions of this Act, the Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements as per the provisions of this Act.

(4) No land use change shall be permitted if rehabilitation and resettlement is not complied with in full.

(5) Any purchase of land by a person other than specified persons without complying with the provisions of Rehabilitation and Resettlement Scheme shall be void *ab initio*:

Provided that the appropriate Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its State and shall also fix the limits or ceiling for the said purpose.

(6) If any land has been purchased through private negotiations by a person on or after the 5th day of September, 2011, which is more than such limits referred to in sub-section (1) and, if the same land is acquired within three years from the date of commencement of this Act, then, forty per cent. of the compensation paid for such land acquired shall be shared with the original land owners.

*Explanation.*—For the purpose of this section, the expression—

(a) “original land owner” refers to the owner of the land as on the 5th day of September, 2011;

(b) “specified persons” includes any person other than—

(i) appropriate Government;

(ii) Government company;

(iii) association of persons or trust or society as registered under the Societies Registration Act, 1860, wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

21 of 1860

47. Where the Collector is of the view that the obligations of the Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an account in complete satisfaction of such obligations, which shall be administered by the Administrator appointed under section 43, under the supervision of the Collector.

Quantification and deposit of rehabilitation and resettlement amount.

## CHAPTER VII

### NATIONAL MONITORING COMMITTEE FOR REHABILITATION AND RESETTLEMENT

48. (1) The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

Establishment of National Monitoring Committee for rehabilitation and resettlement.

(2) The Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed.

(4) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

49. The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner, and also as and when required.

Reporting requirements.

50. (1) The State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.

Establishment of State Monitoring Committee for rehabilitation and resettlement.

(2) The Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the Committee and the allowances payable to the experts shall be such as may be prescribed by the State.

(4) The State Government shall provide such officers and other employees to the Committee as may be necessary for its efficient functioning.

## CHAPTER VIII

### ESTABLISHMENT OF LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY

Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.

51. (1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" to exercise jurisdiction, powers and authority conferred on it by or under this Act.

(2) The appropriate Government shall also specify in the notification referred to in sub-section (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second proviso to sub-section (1) of section 64.

Composition of Authority.

52. (1) The Authority shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification, by the appropriate Government.

(2) Notwithstanding anything contained in sub-section (1), the appropriate Government may authorise the Presiding Officer of one Authority to discharge also the functions of the Presiding Officer of another Authority.

Qualifications for appointment as Presiding Officer.

53. (1) A person shall not be qualified for appointment as the Presiding Officer of an Authority unless,—

(a) he is or has been a District Judge; or

(b) he is a qualified legal practitioner for not less than seven years.

(2) A Presiding Officer shall be appointed by the appropriate Government in consultation with the Chief Justice of a High Court in whose jurisdiction the Authority is proposed to be established.

Terms of office of Presiding Officer.

54. The Presiding Officer of an Authority 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 sixty-five years, whichever is earlier.

Staff of Authority.

55. (1) The appropriate Government shall provide the Authority with a Registrar and such other officers and employees as that Government may think fit.

(2) The Registrar and other officers and employees of an Authority shall discharge their functions under the general superintendence of the Presiding Officer.

(3) The salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority shall be such as may be prescribed.

Salary and allowances and other terms and conditions of service of Presiding Officers.

56. The salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Presiding Officer of an Authority, shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the said Presiding Officers shall be varied to their disadvantage after appointment.

Filling up of vacancies.

57. If, for any reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of an Authority then the appropriate Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Authority from the stage at which the vacancy is filled.

58. (1) The Presiding Officer of an Authority may, by notice in writing under his hand addressed to the appropriate Government, resign his office: Resignation and removal.

Provided that the Presiding Officer shall, unless he is permitted by the appropriate Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Presiding Officer of an Authority shall not be removed from his office except by an order made by the appropriate Government on the ground of proven misbehaviour or incapacity after inquiry in the case of the Presiding Officer of an Authority made by a Judge of a High Court in which the Presiding Officer concerned has been informed of the charges against him and given a reasonable opportunity of being heard in respect of these charges.

(3) The appropriate Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the aforesaid Presiding Officer.

59. No order of the appropriate Government appointing any person as the Presiding Officer of an Authority shall be called in question in any manner, and no act or proceeding before an Authority shall be called in question in any manner on the ground merely of any defect in the constitution of an Authority. Orders constituting Authority to be final and not to invalidate its proceedings.

5 of 1908.

60. (1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:— Powers of Authority and procedure before it.

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

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.

(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

5 of 1908.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.

45 of 1860

61. All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Authority shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973. Proceedings before Authority to be judicial proceedings.

2 of 1974.

45 of 1860

62. The Member and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Members and officers of Authority to be public servants.

Jurisdiction of  
civil courts  
barred.

63. No civil court (other than High Court under article 226 or article 227 of the Constitution or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

Reference to  
Authority.

64. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

Collector's  
statement to  
Authority.

65. (1) In making the reference, the Collector shall state for the information of the Authority, in writing under his hand—

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under section 13, and the amount of compensation awarded under the provisions of this Act;

(d) the amount paid or deposited under any other provisions of this Act; and

(e) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) The statement under sub-section (1) shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the persons interested respectively.

Service of  
notice by  
Authority.

66. The Authority shall thereupon cause a notice specifying the day on which the Authority will proceed to determine the objection, and directing their appearance before the Authority on that day, to be served on the following persons, namely:—

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

67. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interest of the persons affected by the objection. Restriction on scope of proceedings.

68. Every such proceeding shall take place in public, and all persons entitled to practice in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding. Proceedings to be in public.

69. (1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under section 26 to section 30 and the provisions under Chapter V of this Act. Determination of award by Authority.

(2) In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

*Explanation.*— In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(3) In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one hundred per cent. over the total compensation amount.

70. (1) Every award under this Chapter shall be in writing signed by the Presiding Officer of the Authority, and shall specify the amount awarded under clause first of section 28, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts. Form of award.

(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of clause (2), and clause (9) of respectively, of section 2 of the Code of Civil Procedure, 1908.

5 of 1908.

71. (1) Every such award shall also state the amount of costs incurred in the proceeding under this Chapter, and by what persons and in what proportions they are to be paid. Costs.

(2) When the award of the Collector is not upheld, the cost shall ordinarily be paid by the Collector, unless the Authority concerned is of the opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

72. If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent. per annum from the date on which he took possession of the land to the date of payment of such excess into Authority: Collector may be directed to pay interest on excess compensation.

Provided that the award of the Authority concerned may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.

Re-determination of amount of compensation on the basis of the award of the Authority.

73. (1) Where in an award under this Chapter, the Authority concerned allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 23, the persons interested in all the other land covered by the same preliminary notification under section 11, and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority concerned require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority concerned.

Appeal to High Court.

74. (1) The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

(2) Every appeal referred to under sub-section (1) shall be heard as expeditiously as possible and endeavour shall be made to dispose of such appeal within six months from the date on which the appeal is presented to the High Court.

*Explanation.*—For the purposes of this section, “High Court” means the High Court within the jurisdiction of which the land acquired or proposed to be acquired is situated.

## CHAPTER IX

### APPORTIONMENT OF COMPENSATION

Particulars of apportionment to be specified.

75. When there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

76. When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.

## CHAPTER X

### PAYMENT

Payment of compensation or deposit of same in Authority.

77. (1) On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in sub-section (2).

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of

the compensation in the Authority to which a reference under section 64 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

78. (1) If any money is deposited in the Authority concerned under sub-section (2) of section 77 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority concerned shall—

Investment of money deposited in respect of lands belonging to person incompetent to alienate.

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held; or

(b) if such purchase cannot be effected forthwith, then in such Government of other approved securities as the Authority concerned shall think fit,

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of money deposited to which this section applies the Authority concerned shall order the costs of the following matters, including therein all reasonable charge and expenses incident thereon, to be paid by the Collector, namely:—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of the Authority concerned of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

79. When any money shall have been deposited in the Authority concerned under this Act for any cause other than the causes mentioned in section 78, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit from it as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Investment of money deposited in other cases.

80. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent. per annum from the time of so taking possession until it shall have been so paid or deposited:

Payment of interest.

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent. per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

## CHAPTER XI

## TEMPORARY OCCUPATION OF LAND

Temporary occupation of waste or arable land, procedure when difference as to compensation exists.

81. (1) Whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, the appropriate Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Authority.

Power to enter and take possession and compensation on restoration.

82. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 64, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

Difference as to condition of land

83. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Authority concerned.

## CHAPTER XII

## OFFENCES AND PENALTIES

Punishment for false information, *mala fide* action, etc.

84. (1) If a person, in connection with a requirement or direction under this Act, provides any information that is false or misleading, or produces any false document, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.

(2) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be liable to be recovered by the appropriate Government in the manner as may be prescribed.

(3) Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a fine as the disciplinary authority may decide.

Penalty for contravention of provisions of Act

85. If any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, every such person shall be liable to a punishment of six months which may extend to three years or with fine or with both.

Offences by companies

86. (1) Where an offence under this Act has been committed by a company, every

person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals and a Requiring Body; and

(b) “director”, in relation to a firm, means a partner in the firm.

87. (1) Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by Government departments.

Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

88. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall be competent to try any offence punishable under this Act.

Cognizance of offences by court.

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89. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence under this Act shall be deemed to be non-cognizable.

Offences to be non-cognizable.

90. No court shall take cognizance of any offence under this Act which is alleged to have been committed by a Requiring Body except on a complaint in writing made by the Collector or any other officer authorised by the appropriate Government or any member of the affected family.

Offences to be cognizable only on complaint filed by certain persons.

### CHAPTER XIII

#### MISCELLANEOUS

91. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the surrender of the land to the Collector.

Magistrate to enforce surrender.

92. (1) Save as otherwise provided in section 66, the service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice, by

Service of notice.

the officer therein mentioned, and, in the case of any other notice, by order of the Collector.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult member of his family residing with him; and, if no such adult member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and also publish the same in at least two national daily newspapers and also on his website.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

93. (1) The appropriate Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the appropriate Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

Acquisition of part of house or building.

94. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building shall be so acquired:

Provided that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority concerned and shall not be taken possession of such land until after the question has been determined.

(2) In deciding on such a reference made under the proviso to sub-section (1), the Authority concerned shall have regard to the question whether the land proposed to be taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

(3) If, in the case of any claim under this Act, by a person interested, on account of the severing of the land to be acquired from his other land, the appropriate Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(4) In the case of any acquisition of land so required no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 23.

Acquisition of land at cost of a local authority or Requiring Body.

95. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Requiring Body, the charges of land incidental to such acquisition shall be defrayed from or by such fund or Requiring Body.

(2) In any proceeding held before a Collector or Authority concerned in such cases the local authority or Requiring Body concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64.

96. No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Exemption from income-tax, stamp duty and fees.

16 of 1908

97. In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908, including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.

Acceptance of certified copy as evidence.

98. No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amendments.

Notice in case of suits for anything done in pursuance of Act.

99. No change from the purpose or related purposes for which the land is originally sought to be acquired shall be allowed:

No change of purpose to be allowed.

Provided that if the land acquired is rendered unusable for the purpose for which it was acquired due to a fundamental change because of any unforeseen circumstances, then the appropriate Government may use such land for any other public purpose.

100. No change of ownership without specific permission from the appropriate Government shall be allowed.

No change of ownership without permission to be allowed.

101. When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

Return of unutilised land.

*Explanation.*—For the purpose of this section, "Land Bank" means a governmental entity that focuses on the conversion of Government owned vacant, abandoned, unutilised acquired lands and tax-delinquent properties into productive use.

102. Whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken place on such land, forty per cent. of the appreciated land value 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 within a period of five years from the date of acquisition:

Difference in price of land when transferred for higher consideration to be shared.

Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.

103. The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

Provisions to be in addition to existing laws.

104. Notwithstanding anything contained in this Act, the appropriate Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in sub-section (1) of section 2.

Option of appropriate Government to lease.

Provisions of this Act not to apply in certain cases or to apply with certain modifications.

**105. (1)** Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

Power to amend Schedule.

**106. (1)** The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

Power of State Legislatures to enact any law more beneficial to affected families.

**107.** Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

Option to affected families to avail better compensation and rehabilitation and resettlement.

**108. (1)** Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

(2) Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.

Power of appropriate Government to make rules.

**109. (1)** Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

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

(a) the process of obtaining the prior consent under the first proviso to sub-section (2) of section 2;

(b) the limits of land in rural areas or urban areas under clause (a) of sub-section (3) of section 2;

(c) the manner and the time limit for carrying out social impact assessment study under sub-section (1) of section 4;

(d) the manner of preparing and publishing social impact assessment study reports under sub-section (1) of section 6;

(e) the manner and time for conducting survey and undertaking census under sub-section (1) of section 16;

(f) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (2) of section 16;

(g) the manner of conducting public hearing under sub-section (5) of section 16;

(h) the manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;

(i) the manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;

(j) the form in which the Development Plan shall be prepared under sub-section (4) of section 41;

(k) the powers, duties and responsibilities of Administrator under sub-section (2) of section 43;

(l) the procedure of Rehabilitation and Resettlement Committee under sub-section (3) of section 45;

(m) the procedure to be followed by the Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;

(n) the procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 50;

(o) the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;

(p) the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;

(q) any other matter under clause (g) of sub-section (1) of section 60;

(r) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;

(s) the manner of returning the unutilised land by reversion under section 101;

(t) manner of publication wherever the provisions of this Act provide for;

(u) any other matter which is required to be or may be specified under this Act.

110. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such

Rules made by  
Central  
Government  
to be laid  
before  
Parliament.

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.

Rules made by State Government to be laid before State Legislature.

111. Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Previous publication of rules made by Central and State Government.

112. The power to make rules by the Central or State Government under this Act shall be subject to the condition of the rules, being made after previous publication.

Power to remove difficulties.

113. (1) If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

114. (1) The Land Acquisition Act, 1894 is hereby repealed.

1 of 1894.

(2) Save as otherwise provided in this Act the repeal under sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeals.

10 of 1897.

## THE FIRST SCHEDULE

[See section 30 (2)]

## COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatum	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatum mentioned against serial number 5 under column (2).	
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building	

(1)	(2)	(3)	(4)
		mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8.	Other component, if any, to be included		

NOTE.— The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.

## THE SECOND SCHEDULE

[See sections 31 (1), 38 (1) and 105 (3)]

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
(1)	(2)	(3)	(4)
1.	Provision of housing units in case of displacement	<p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p>	

(1)	(2)	(3)	(4)
		<p><i>Explanation.</i>—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.</p>	
2.	Land for Land	<p>In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.</p>	
3.	Offer for Developed Land	<p>In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development:</p> <p>Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p>	
4.	Choice of Annuity or Employment	<p>The appropriate Government shall ensure that the affected families are provided with the following options:</p>	

(1)	(2)	(3)	(4)
5.	Subsistence grant for displaced families for a period of one year	<p>(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) one time payment of five lakhs rupees per affected family; or</p> <p>(c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>	<p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.</p> <p>In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>
6.	Transportation cost for displaced families	<p>Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.</p>	

(1)	(2)	(3)	(4)
7.	Cattle shed/petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.	
8.	One-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.	
9.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.	
10.	One-time Resettlement Allowance	Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.	
11.	Stamp duty and registration fee	(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body. (2) The land for house allotted to the affected families shall be free from all encumbrances. (3) The land or house allotted may be in the joint names of wife and husband of the affected family.	

## THE THIRD SCHEDULE

[See sections 32, 38(1) and 105(3)]

## PROVISION OF INFRASTRUCTURAL AMENITIES

For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the acquirer of land	Details of infrastructure amenities provided by the acquirer of land
(1)	(2)	(3)
1.	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged.	
2.	Proper drainage as well as sanitation plans executed before physical resettlement.	
3.	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.	
4.	Provision of drinking water for cattle.	
5.	Grazing land as per proportion acceptable in the State.	
6.	A reasonable number of Fair Price Shops.	
7.	Panchayat Ghars, as appropriate.	
8.	Village level Post Offices, as appropriate, with facilities for opening saving accounts.	
9.	Appropriate seed-cum-fertilizer storage facility if needed.	
10.	Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.	
11.	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.	
12.	Burial or cremation ground, depending on the caste-communities at the site and their practices.	
13.	Facilities for sanitation, including individual toilet points.	

(1)	(2)	(3)
14.	Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.	
15.	Anganwadi's providing child and mother supplemental nutritional services.	
16.	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);	
17.	Sub-health centre within two kilometres range.	
18.	Primary Health Centre as prescribed by the Government of India.	
19.	Playground for children.	
20.	One community centre for every hundred families.	
21.	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.	
22.	Separate land must be earmarked for traditional tribal institutions.	
23.	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.	
24.	Appropriate security arrangements must be provided for the settlement, if needed.	
25.	Veterinary service centre as per norms.	

NOTE.— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the acquirer of land under column (3).

## THE FOURTH SCHEDULE

*(See section 105)*LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND  
REHABILITATION AND RESETTLEMENT

1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).
2. The Atomic Energy Act, 1962 (33 of 1962).
3. The Damodar Valley Corporation Act, 1948 (14 of 1948).
4. The Indian Tramways Act, 1886 (11 of 1886).
5. The Land Acquisition (Mines) Act, 1885 (18 of 1885).
6. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
7. The National Highways Act, 1956 (48 of 1956).
8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).
10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).
11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
12. The Electricity Act, 2003 (36 of 2003).
13. The Railways Act, 1989 (24 of 1989).

P.K. MALHOTRA,  
*Secretary to the Govt. of India.*



  
समयेव जगते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

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आदेश

नई दिल्ली, 28 अगस्त, 2015

का.आ. 2368(अ).—भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 (2013 का 30) (जिसे इसमें इसके पश्चात् भू.अ.पु.उ.प्र.पा.अ. अधिनियम कहा गया है) 1 जनवरी, 2014 से प्रभावी हुआ;

और, भू.अ.पु.उ.प्र.पा.अ. अधिनियम की चौथी अनुसूची में विनिर्दिष्ट अधिनियमितियों के अधीन भूमि अर्जन के मामलों को लागू प्रतिकर के अवधारण, पुनर्वासन और पुनर्व्यवस्थापन से संबंधित अधिनियम के उपबंधों को जारी करने के लिए भू.अ.पु.उ.प्र.पा.अ. अधिनियम की धारा 105 की उप-धारा (3) में उपबंध है, अधिसूचना जारी करने का उपबंध करती है;

और, भू.अ.पु.उ.प्र.पा.अ. अधिनियम की धारा 105 की उप-धारा (3) के अधीन अभिकल्पित अधिसूचना जारी नहीं की गई थी और भू.अ.पु.उ.प्र.पा.अ. (संशोधन) अध्यादेश, 2014 (2014 का 9) 31 दिसम्बर, 2014 को प्रख्यापित किया गया था, जिसके द्वारा, अन्य बातों के साथ-साथ, भू.अ.पु.उ.प्र.पा.अ. अधिनियम की चौथी अनुसूची में विनिर्दिष्ट अधिनियमितियों के अधीन भूमि अर्जन के मामलों को लागू प्रतिकर के अवधारण, पुनर्वासन और पुनर्व्यवस्थापन से संबंधित अधिनियम के उपबंधों को विस्तारित करने के लिए भू.अ.पु.उ.प्र.पा.अ. अधिनियम की धारा 105 का संशोधन किया गया है;

और, भू.अ.पु.उ.प्र.पा.अ. (संशोधन) अध्यादेश, 2015 (2015 का 4) को भू.अ.पु.उ.प्र.पा.अ. (संशोधन) अध्यादेश, 2014 के उपबंधों को निरन्तरता प्रदान करने के लिए 3 अप्रैल, 2015 को प्रख्यापित किया गया था;

और, भू.अ.पु.उ.प्र.पा.अ. (संशोधन) दूसरा अध्यादेश, 2015 (2015 का 5) को भू.अ.पु.उ.प्र.पा.अ. (संशोधन) अध्यादेश, 2015 (2015 का 4) के उपबंधों को निरन्तरता प्रदान करने के लिए 30 मई, 2015 को प्रख्यापित किया गया था;

और, संविधान के अनुच्छेद 123 के उपबंधों के अनुसार, भू.अ.पु.उ.प्र.पा.अ. (संशोधन) दूसरा अध्यादेश, 2015 (2015 का 5) 31 अगस्त, 2015 को व्यपगत हो जाएगा जिसके कारण भू-स्वामियों पर प्रतिकूल प्रभाव पड़ सकता है और जिसके परिणामस्वरूप उक्त अध्यादेश के अधीन भू-स्वामियों को यथाविस्तारित भू.अ.पु.उ.प्र.पा.अ. अधिनियम की चौथी अनुसूची में विनिर्दिष्ट 13 अधिनियमों के अधीन भूमि अर्जन के मामलों में बढ़ाए गए प्रतिकर, पुनर्वासन और पुनर्व्यवस्थापन की प्रसुविधाएं नहीं मिल सकेंगी;

और, केन्द्रीय सरकार, भू.अ.पु.उ.प्र.पा.अ. अधिनियम के अधीन भू-स्वामियों को उपलब्ध प्रसुविधाओं को ऐसे समान रूप से स्थापित अन्य भू-स्वामियों, जिनकी भूमि अर्जित की गई है, को चौथी अनुसूची में विनिर्दिष्ट 13 अधिनियमितियों के अधीन विस्तारित करना आवश्यक समझती है; और तदनुसार, उपर्युक्त कठिनाइयों को दृष्टि में रखते हुए, केन्द्रीय सरकार ने भू-स्वामियों के हित में उक्त अधिनियमितियों के अधीन भूमि अर्जन के मामलों को लागू किए गए प्रतिकर के अवधारण तथा पुनर्वासन और पुनर्व्यवस्थापन से संबंधित हितकारी उपबंधों को भूमि स्वामियों को फायदाप्रद लाभ का विस्तार करने और भू.अ.पु.उ.प्र.पा.अ. अधिनियम के हितकारी उपबंधों को समान रूप से लागू करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 (2013 का 30) की धारा 113 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पूर्वोक्त कठिनाइयों को दूर करने के लिए निम्नलिखित आदेश करती है, अर्थात्:—

1. (1) इस आदेश का संक्षिप्त नाम भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार (कठिनाइयां को दूर करना) आदेश, 2015 है।

(2) ये 1 सितम्बर, 2015 को प्रवृत्त होंगे।

2. उक्त अधिनियम की चौथी अनुसूची में विनिर्दिष्ट अधिनियमितियों के अधीन भूमि अर्जन के सभी मामलों में पहली अनुसूची के अनुसरण में प्रतिकर के अवधारण और दूसरी अनुसूची के अनुसरण में पुनर्वासन और पुनर्व्यवस्थापन तथा तीसरी अनुसूची के अनुसरण में अवसंरचनात्मक प्रसुविधाओं से संबंधित भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 के उपबंध लागू होंगे।

[फा. सं. 13011/01/2014-एलआरडी]

के. पी. कृष्णन, अपर सचिव

## MINISTRY OF RURAL DEVELOPMENT

### ORDER

New Delhi, the 28th August, 2015

S.O. 2368(E).—Whereas, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as the RFCTLARR Act) came into effect from 1st January, 2014;

And whereas, sub-section (3) of Section 105 of the RFCTLARR Act provided for issuing of notification to make the provisions of the Act relating to the determination of the compensation, rehabilitation and resettlement applicable to cases of land acquisition under the enactments specified in the Fourth Schedule to the RFCTLARR Act;

And whereas, the notification envisaged under sub-section (3) of Section 105 of the RFCTLARR Act was not issued, and the RFCTLARR (Amendment) Ordinance, 2014 (9 of 2014) was promulgated on 31st December, 2014, thereby, *inter-alia*, amending Section 105 of the RFCTLARR Act to extend the

provisions of the Act relating to the determination of the compensation and rehabilitation and resettlement to cases of land acquisition under the enactments specified in the Fourth Schedule to the RFCTLARR Act;

And whereas, the RFCTLARR (Amendment) Ordinance, 2015 (4 of 2015) was promulgated on 3rd April, 2015 to give continuity to the provisions of the RFCTLARR (Amendment) Ordinance, 2014;

And whereas, the RFCTLARR (Amendment) Second Ordinance, 2015 (5 of 2015) was promulgated on 30th May, 2015 to give continuity to the provisions of the RFCTLARR (Amendment) Ordinance, 2015 (4 of 2015);

And whereas, the replacement Bill relating to the RFCTLARR (Amendment) Ordinance, 2015 (4 of 2015) was referred to the Joint Committee of the Houses for examination and report and the same is pending with the Joint Committee;

As whereas, as per the provisions of article 123 of the Constitution, the RFCTLARR (Amendment) Second Ordinance, 2015 (5 of 2015) shall lapse on the 31st day of August, 2015 and thereby placing the land owners at the disadvantageous position, resulting in denial of benefits of enhanced compensation and rehabilitation and resettlement to the cases of land acquisition under the 13 Acts specified in the Fourth Schedule to the RFCTLARR Act as extended to the land owners under the said Ordinance;

And whereas, the Central Government considers it necessary to extend the benefits available to the land owners under the RFCTLARR Act to similarly placed land owners whose lands are acquired under the 13 enactments specified in the Fourth Schedule; and accordingly the Central Government keeping in view the aforesaid difficulties has decided to extend the beneficial advantage to the land owners and uniformly apply the beneficial provisions of the RFCTLARR Act, relating to the determination of compensation and rehabilitation and resettlement as were made applicable to cases of land acquisition under the said enactments in the interest of the land owners;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 113 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the Central Government hereby makes the following Order to remove the aforesaid difficulties, namely:—

1. (1) This Order may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015.

(2) It shall come into force with effect from the 1st day of September, 2015.

2. The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to all cases of land acquisition under the enactments specified in the Fourth Schedule to the said Act.

[F. No. 13011/01/2014-LRD]

K. P. KRISHNAN, Addl. Secy.





**GUIDELINES  
OF  
GOVERNMENT OF INDIA**



MINISTRY OF ENERGY  
DEPARTMENT OF CIVIL

104

30039/11/00-LSU

New Delhi, the 20th April 1969

To

The Chairman,  
Coal India Limited,  
10, Motaji Subhan Road,  
CALCUTTA 700 001.

Subject:- Payment of compensation to State Govts. for Government lands obtained by Coal Companies either on transfer or through acquisition for implementation of coal projects - regarding

Sir,

The question of payment of compensation to the State Governments for Government lands obtained by the coal companies either on transfer or through acquisition (on lease tender) on consideration of the Government for quite some time. A note prepared on this subject by this Department was recently considered by the Committee of Secretaries, in which were also represented, among others, the representatives of the Departments of Legal Affairs, Expenditure and the Planning Commission.

2. The Committee of Secretaries noted that according to the instructions issued in 1969 vide Department of Expenditure's O.M. No. PF11/110(38)/69, dated the 16th July, 1969, the Central Ministries/Control Project authorities stand already advised "to refrain from approaching the State Governments for provision of land and services free of cost or at concessional rates for the Central projects." There is also nothing in the Coal Bearing Areas (Acquisition and Development) Act, 1957 which prohibits payment of compensation for Government lands either acquired by or directly transferred to the coal companies. The Committee of Secretaries felt that while royalty and cesses were being levied on minerals produced from the land, adequate compensation for the land became justifiable if the surface land as such was also required on long term basis for implementation of Central projects. The Committee also noted that inadequacy of a clear decision on the issue of payment of compensation for Govt. lands was causing difficulties in acquisition of such lands and timely implementation of central projects. It, therefore, agreed that there should be no objection to the payment of compensation to the State Governments for Government lands acquired for coal and other Central projects in the interest of speedy execution of such projects.

....2/-

3. After careful consideration of the entire issue it has, therefore, been decided that the coal companies should henceforth pay compensation for all Government land obtained by them for implementation of their projects, by means of direct transfer from the State Government to the undertaking or through the process of acquisition order at a rate not exceeding the fair market value of the land provided the ownership of the land so obtained was absolutely in the coal company free from all encumbrance.

4. These instructions may kindly be brought to the notice of all concerned for guidance and compliance.

Yours faithfully,

( V.S. DUDLEY )

JOINT SECRETARY TO THE GOVT. OF INDIA.

Copy to:-

1. CMDs, CCL/CCL/UCCL/SECL/UCCL/HCL/UCCL and Neyveli Corporation.
2. If Section. F.A. has been consulted before issue of this letter.

( B.D. RAY )

UNDER SECRETARY TO THE GOVT. OF INDIA.

SOUTH EASTERN COALFIELDS LIMITED  
OFFICE OF THE DY. CHIEF ESTATE MANAGER

No. SECL/USP/REV/89/1051

15-5-1989.

Copy forwarded for information of:

CGM, Sohagpur / Chirimiri / Baikunthpur  
GM, Hasdeo / Korba (E) / Korba (W) / Jhilla  
IB Valley / Talcher Unit-I / Talcher Unit-II  
Secretary to D(F) / D(T) South / D(T) North

GM(T)-I

Seen by GM(T)-I

( R. SHANKAR )  
DY. CHIEF ESTATE MANAGER

No. GR(T)-I/L1-Genl/89/ 20872

Dated, the 20th X

7  
GOVERNMENT OF INDIA  
MINISTRY OF ENERGY  
DEPARTMENT OF COAL.

No.38039/11/88-LSW.

New Delhi, the 28th April, 1989.

To

The Chairman,  
Coal India Limited,  
10, Netaji Subash Road,  
Calcutta - 700 001.

Sub: Payment of compensation to State Govt. for Govt. lands obtained by the Coal Companies either on transfer or through acquisition for implementation of Coal Projects- Regarding.

Sir,

The question of Payment of Compensation to the State Governments for Government lands obtained by the Coal Companies either on transfer or through acquisition was under consideration of the Government for quite some-time. A note prepared on this subject by this Department was recently considered by the Committee of Secretaries, on which were also represented, among <sup>the</sup> representatives of the Departments of legal affairs, Expenditure and the Planning Commission.

2. The Committee Secretaries noted that according to the instructions issued in 1969 vide Department of Expenditure's O.M. No. PFII/IND(38)/89, dated the 16th July, 1969, the Central Ministries/Central Project Authorities stand already advised "to refrain from approaching the State Governments for <sup>provision</sup> ~~revision~~ of land and services free of cost or at concessional rates for the Central Projects." There is also nothing in the Coal Bearing Areas (Acquisition & Development) Act, 1957 which prohibits payment of Compensation for Govt. Lands either acquired by or directly transferred to the Coal Companies. The Committee of Secretaries felt that while royalty and cesses were payable for the minerals produced from the land, adequate Compensation for the land became justifiable if the surface land as such was also required on long term basis for implementation of Central Projects. The Committee also noted that inadequacy of a clear decision on the issue of payment of compensation for Government lands was causing difficulties in acquisition of such lands and timely implementation of Central Projects. It, therefore,

*Imp. Coal*

agreed that there should be no objection to the payment of compensation in the State Governments for Government lands acquired for Coal and other Central Projects, in the interest of speedy execution of such projects.

3. After careful consideration of the entire issue, it has, therefore, been decided that the Coal Companies should henceforth pay Compensation for all Government Lands obtained by them for implementation of their Projects, either by means of direct transfer from the State Government to the under-taking or through the process of acquisition under law, at a rate not exceeding the fair market value of the concerned land provided the ownership of the land so obtained vests absolutely in the Coal Company free from all encumbrances.

4. These Instructions may kindly be brought to the notice of all concerned for guidance and compliance.

Yours faithfully,

Sd/- V. S. DUBEY.  
JOINT SECRETARY TO GOVERNMENT OF  
INDIA.

COPY TO:-

1. CMDs, ECL/CCL/WCL/SECL/BCCL/NCL/CMPDIL and Neyveli Lignite Corporation.

2. If Section has been consulted before issue of this letter.

Sd/- B.B. Rao.  
UNDER SECRETARY TO GOVERNMENT OF INDIA

GOVERNMENT OF ORISSA.  
MINING & GEOLOGY DEPARTMENT

Memo No.5208./M.G. Bhubaneswar, the 8.6.89,  
III(F)MG-A/89.

Copy forwarded to the Revenue Deptt. for information.

Sd/- Illegible  
SECTION OFFICER.

Memo No. \_\_\_\_\_/M.G. Bhubaneswar, the 8.6.89.

Copy forwarded to All Officers/All Assts. for information.

Sd/-Illegible.  
SECTION OFFICER.

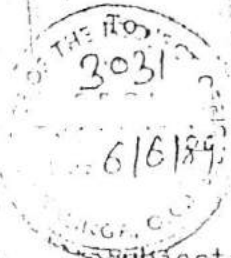
F - Important Circular

*Sd/-*  
6/1/89  
2/6/89  
c. E M  
Please circulate to all units  
of GSI (Finance) HQ  
20/5/89



No. 43020/25/80-157  
GOVERNMENT OF INDIA  
MINISTRY OF ENERGY  
DEPARTMENT OF COAL

New Delhi, the 12th May, 1989.



The Chairman,  
Coal India Limited,  
10-Netaji Subhas Road,  
CALCUTTA - 700001.

*CGM (PR)*  
*[Signature]*

Subject:- Acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957 for coal mining purposes - determination of compensation therefor.

Sir,

You are aware that the amount of compensation determined for payment under the Coal Bearing Areas (Acquisition and Development) Act, 1957, does not work out to exactly the same amount as is admissible under the Land Acquisition Act, 1894. In fact, as the things stand today, the amount of compensation payable under the CBA Act is much less as compared to the entitlement under the L.A. Act. The disparities between the two Acts, with regard to payment of compensation, became specially accentuated after the L.A. Act was amended in 1954 providing for payment of -

- (a) solatium at the enhanced rate of 30% of the fair market value of the land to compensate for compulsory nature of the land acquisition.
- (b) higher interest @ 9% per annum for the first year and 15% per annum for the subsequent years on the amount of compensation, including solatium, so determined for payment, and
- (c) an escalation amount, presumably to cover the rise in price of land, @ 12% per annum of the market value of the land for the period commencing on the date of publication of Notification under section 4(i) of the L.A. Act till the date of award of the Collector or the date of taking possession of the land, whichever is earlier. As per scheme of the Act, payment of additional amount under this sub-clause is restricted to a maximum period of three years only.

OMD/SECL  
By.....  
Date.....

Contd.... 2/-

2. The Department of Rural Development (Ministry of Agriculture), Government of India, have been putting pressure on us ever after the aforesaid amendments were carried out in the L.A. Act in 1984 to effect corresponding amendments in the Coal Bearing Areas (Acquisition and Development) Act, 1957 also so that all the disparities between the two Acts, in as much as they relate to payment of compensation, were removed and land losers were not put to any discrimination. The Central Government has since taken a decision, in principle, to amend the CBA Act in line with the L.A. Act and necessary consultations in this regard are already on with the concerned Ministries of the Government of India. It will, however, take some time before the proposed amendments are enacted after completion of all formalities. Till then, decisions already exist to pay:-

- (a) solatium, in addition to market value of the land, 650% of the market value for all acquisitions made under the CBA Act, and
- (b) an interest @ 9% per annum for the first year and 15% per annum for the subsequent years on the amount of compensation, including solatium, so calculated for payment to the land owner.

3. The question of payment of escalation amount for all land acquisitions under the CBA Act @ 12% per annum of the fair market value of the land was under active consideration of the Central Government for quite some-time. After careful consideration of the matter, it has now been decided that the coal companies will pay an additional amount, to compensate for escalation in cost of the land, @ 12% per annum of the market value of the land in case of all acquisitions made under the CBA Act where notification under section 9(1) of the said Act is issued on or after 30.4.82. The amount of additional compensation to be paid under this paragraph will, however, be limited to the period commencing on the date of notification under section 9(1) of the CBA Act till the date of notification under section 11(1) of the same Act or a maximum period of three years, whichever is less. Settled cases will, however, be not re-opened without specific approval of the Central Government.

Yours faithfully,

( V.S. DUBEY )

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

SOUTH EASTERN COALFIELDS LIMITED  
BILASPUR

NO. SECL:BS:RLV:1074

dated 30.5.89.

Copy forwarded to:- D(T)North, D(T)South, D(F), D(P),  
CGM(O), Bhubneshwar, CGM Baikunthpur, Sohagpur, GM Johilla,  
Hasdeo, Chirimiri, Jamuna-Katma, Korba (E), Korba (W), Ib Valley,  
Walter (Unit-I) and (Unit-II).

DY. CHIEF ESTATE MANAGER  
SECL BILASPUR

No SM(T)-I | LA-Genl/89/ 23543

dt. 5-6-89  
6

GOVERNMENT OF INDIA  
MINISTRY OF ENERGY  
DEPARTMENT OF COAL

*Dut*  
*6/10/90*

aj Are

of 43020/11/90-LSW

New Delhi the 18.9.90

To,  
The Chairman,  
Coal India Limited,  
10, Netaji Subhas Road,  
CALCUTTA.

*D. (S)*  
*AAA 90*  
*cm)*  
*Mis*  
*for*  
*for*

Sub: Principle of determination of rates of compensation payable  
for the lands acquired under CBA Act.

Sir,

I am directed to say that as provided for under section 13 (5) of CBA Act, there shall be paid compensation to the persons interested which shall be determined after taking into consideration the market value of land on the date of publication of notification under section 4 (1) of the CBA Act. However as per the instructions issued by this Department, in addition to the market value of land, at the rate 30% of the market and an additional amount at the rate of 12% per annum of the market value for a period commencing on the date of notification under section 4 (1) of the CBA Act till the date of notification under section 9 (1) of the same Act, or for a maximum period of three years whichever is less, are allowed to be included while determining the rate of compensation for the lands acquired under CBA Act.

Instances have however, come to our notice in which coal companies are at times fixing the amount of compensation by agreement after negotiations with land owners as provided for under section 14 (1) of CBA Act. In this regard it is stated that whenever compensation amount payable to the land owners is determined after negotiations it should be ensured that such negotiated price of land is around the fair market price of the land plus 30% thereof towards compulsory nature of acquisition. No payment towards escalation or interest would be payable as the price being paid is not the market price on the date of notification under section 4 (1) of the CBA Act but the market price on the date of negotiation.

contd. .... 22



*Handwritten signatures and initials*

Yours faithfully,

*P.K.C.*

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

Copy to:-

1. Chairman/Managing Director  
South Eastern Coalfields Ltd. Seemap Road, Bilaspur (M.P.)
2. Chairman/Managing Director  
Northern Coalfields Ltd, Singrauli, P.O. Singrauli,  
Distt. Sidhi (M.P.)
3. Chairman/Managing Director  
Bharat Coking Coal Ltd, Koyle Bhavan, Koyle Nagar,  
Dhanbad.
4. Chairman/Managing Director  
Western Coalfields Ltd, Coal Estate, Civil Lines,  
Nagpur-440 001
5. Chairman/Managing Director  
Central Coalfields Ltd, Darbhanga House, Ranchi-834001
6. Chairman/Managing Director  
Eastern Coalfields Ltd, Sanctoria P.O. Dishergarh,  
Distt. Burdwan, (W.B.)

Copy for information and necessary action to

- All Chief General Managers
- All General Managers
- C.C.M (P/LP), Bilaspur
- Addl. C.M.E (LERO)
- Dy. Chief Estate Manager
- Legal Manager, SECIL
- All Estate Officers

Director (T)(P&I)

P 1  
⊗

ANNEXURE - 8  
B-2

6th March, 92

*[Handwritten signature]*  
613

To  
Sri P.K. Mishra, IAS  
Commissioner-cum-  
Secretary to the Govt. of Orissa,  
Revenue & Excise Department,  
Bhubaneswar (Orissa)

Subj: Payment of compensation for Govt. lands - clearance  
of arrear dues by SECL to the Govt. of Orissa.

Sir,

I am directed to refer to your D.O. letter No. 36983  
OR(Coal)-2/90/R, dated the 31st August, 1991, on the subject  
mentioned above and to say that the South Eastern Coalfield  
Limited was not making any payment towards compensation  
for Govt. lands prior to 28.4.1989. An order was issued  
by the Govt. of India on 28.4.89 for payment of compensation  
for Govt. lands also, in terms of which Coal companies were  
required henceforth to pay compensation for all Govt. lands  
obtained by them for implementation of their projects either  
by way of direct transfer from the State Govt. to the  
undertaking or through the process of acquisition under  
law. This order is not applicable to the past cases, i.e.  
prior to 28.4.89. SECL brought to the notice of this Ministry  
that the Govt. of Orissa is raising demand notices for pay-  
ment of compensation for Govt. land with retrospective effect.  
It is hereby reiterated that the orders as contained in  
this Ministry's letter of even number dated 28.4.89 are  
applicable to land acquisition cases on and from the date  
of the issue and not to the earlier cases. It is accordingly  
requested that demand notices for cases prior to 28.4.89  
sent to SECL may please be withdrawn and possession of land  
handed over to the company for implementing the projects  
without delay.

Yours faithfully,

*[Handwritten signature]*  
(VINAY VASISHTA)  
Director

Copy forwarded for information to Sri U. Kumar  
Chairman/Managing Director, SECL, Bikaner. This has refer-  
ence to his D.O. letter No. CMD/SECL/SECI/92/15/233 dated  
13.2.92.

*[Handwritten signature]*  
13/6

*File - Important*



: कोल  
n: COAL

संख्या ✓  
No. 38039/11/88-LSW

टेलिक्स  
Telex : 031 - 66660

भारत सरकार  
कोयला मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF COAL

शास्त्री भवन, नई दिल्ली, दिनांक 3rd Feb, 1994.  
Shastri Bhavan, New Delhi, the

To  
Shri R. Das,  
Joint Secretary to the Govt. of Orissa,  
Revenue & Excise Departments,  
Bhubneshwar (Orissa)

Subj: Payment of compensation for acquisition of State Govt.  
land under the Coal Bearing Areas (A&D), Act, 1957.

Sir,

I am directed to refer to your letter No. G-E(Coal)-2/93/54049/R, dated 21.12.93, on the above mentioned subject and to say that the position with regard to the payment of compensation for Govt. lands has already been clarified vide this Ministry's letter of even number, dated 6.3.92 (copy enclosed for ready reference). With regard to para 4 of Govt. of Orissa's letter No. GE(Coal)4/91/40126/R, dated 6.8.92, it is clarified that 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 vest absolutely in the Central Govt. free from all incumbrances. There is, as such, no provision for payment of surface rent annual rent & cess of any kind on such land acquisition. It is therefore, requested that all claims regarding payment of compensation on lands acquired prior to 28.4.89 and the surface rent etc. may be withdrawn from Mahanadi Coalfields Ltd.

Yours faithfully,

सि/ -  
( B.B. RAO )

UNDER SECRETARY TO THE GOVT. OF INDIA.

Copy forwarded for information to:-

✓ The Chairman/Managing Director, Mahanadi Coalfields Ltd, Bishop Compound, Ainthapali, Sambalpur- 768004(Orissa). This has reference to their letter No. CPD/MCL/SBP/Ministry/6735 dt. 12/14.9.93.

सि/ -  
( B.B. RAO )

UNDER SECRETARY TO THE GOVT. OF INDIA.



*State Manuf*  
*Ymr*  
*31/7*

IN EXERCISE OF THE POWERS CONFERRED BY SECTION 3 SUB-SECTION (1) OF THE  
(20 OF 1957)

GOVERNMENT OF CHHATTISGARH (CHHATTIS GARH)  
MINISTRY OF MINES (KANYALA MANTRALAYA)

New Delhi, dated the 10th July, 1995

NOTIFICATION

10. In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby appoints each of the persons specified in column 4 of the Schedule hereto annexed to be the competent authority for the purpose of such of the provisions of the said Act as is specified against his name in the corresponding entry in column 2 thereof in respect of the coalfields falling within the jurisdiction of the Sambalpur Coalfields Division, Sambalpur (Orissa).

SCHEDULE

Serial Provi- Sub-section of Designation and official address of  
number sion of the Act in which the persons appointed as competent authority

(1) (2) (3) (4)

COALFIELDS  
13/7  
1/8  
SAMBALPUR

ES

*Original in the office of...*  
*Photo copy to all...*

Chairman-cum- Managing Director, Directors, Chief General Managers, General Managers, Superintending Geologist, Senior Geologist, Geologist, Deputy Crilling Superintendent, Senior Survey Officer, Survey Officer.

Mahanadi Coalfields Limited, Anand Vihar Complex, Post Office UCE, Burla, Sambalpur.

contd.....

CP  
reference

18/13  
1/8/95

Section(3)  
Section 4  
Prospecting,  
Survey, dig,  
etc. etc.

Chairman-cum-  
Managing Director  
Chief of Geology and  
Drilling  
Additional Chief of  
Geology and Drilling  
Regional Directors,  
Deputy Chief of Geology,  
Superintending Geologist,  
Deputy Superintending  
Geologist,  
Senior Geologist,  
Geologist,  
Drilling Superintendents,  
Senior Deputy Drilling  
Superintendents  
Survey Officers,

Central Mine  
Planning and  
Design Insti-  
tute Limited,  
Ranchi.

Director General,  
Deputy Director General,  
Directors

Geological  
Survey of  
India,  
Calcutta.

Managing Director,  
Director,  
Chief Geologist,  
Deputy Chief Geologist

Mineral  
Exploration  
Corporation  
Limited, Nagpur.

Section 5

Compensa-  
tion for  
damage done  
under Sub-  
section 3,  
Section 4  
Chairman-cum-  
Managing Director,  
Directors,  
Chief General Managers,  
General Managers,  
Additional Chief of  
Geology and Drilling,  
Chief of Revenue/  
Estate Manager,  
Deputy Chief (Revenue)/  
Deputy Estate Manager,  
Assistant Chief (Revenue)/  
Assistant Estate Manager,

Mahanadi  
Coalfields  
Limited,  
Anand Vihar  
Complex,  
Post Office UCE,  
Burla,  
Sambalpur.

Section(2)  
Section 2

Hearing of  
Coal Controller

Coal  
Controller  
1, Council  
House Street,  
Calcutta

contd.. 3/-....

Section 12

Power to take possession of land

Chairman-cum-  
Managing Director,  
Directors,  
Chief General Managers,  
General Managers,  
Chief of Revenue/  
Estate Manager,  
Deputy Chief (Revenue)/  
Deputy Estate Manager,  
Assistant Chief (Revenue)/  
Assistant Estate Managers,  
Senior Revenue Officer/  
Senior Estate Officer,  
Revenue Officer/  
Estate Officer,  
Assistant Revenue Officer/  
Assistant Estate Officer

: Mahanadi  
: Coalfields  
: Limited,  
: Anand Vihar  
: Complex,  
: Post Office  
: UCC, Burla,  
: Sambalpur.

Sub-section (a) of Section 13

Compensation for damage not provided in the Act.

Chairman-cum-  
Managing Director  
Directors,  
Chief General Managers,  
General Managers,  
Chief of Revenue/  
Estate Manager,  
Deputy Chief (Revenue)/  
Deputy Estate Manager,  
Assistant Chief (Revenue)/  
Assistant Estate Manager,  
Senior Revenue Officer/  
Senior Estate Officer

: Mahanadi  
: Coalfields  
: Limited,  
: Anand Vihar  
: Complex,  
: Post Office  
: UCC, Burla,  
: Sambalpur.

Section 22

Power to enter and inspect any property.

Chairman-cum-  
Managing Director,  
Directors,  
Chief General Managers,  
General Managers,  
Chief of Revenue/  
Estate Manager,  
Deputy Chief (Revenue)/  
Deputy Estate Manager,  
Assistant Chief (Revenue)/  
Assistant Estate Manager,  
Area Planning Officer,  
Senior Revenue Officer/  
Senior Estate Officer,  
Revenue Officer/  
Estate Officer

: Mahanadi  
: Coalfields  
: Limited,  
: Anand Vihar  
: Complex,  
: Post Office  
: UCC, Burla,  
: Sambalpur.

( No. 43022/4/94-LSW )

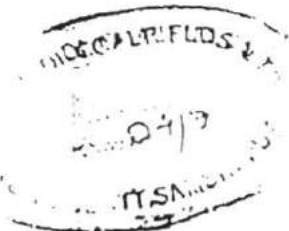
( I. BHAGAT )  
DIRECTOR.

To

The Manager (Technical),  
Government of India Press,  
Ring Road, Mayapuri,  
New Delhi.

Copy to:-

1. The Chairman/Managing Director, Mahanadi Coalfields Ltd., Anand Vihar Complex, P.O. UCR, Burla, Sambalpur (Orissa).
2. Chairman, Coal India Limited, 10, Netaji Subhash Road, Calcutta.
3. Chairman/Managing Director, Western Coalfields Ltd., Coal Estate, Civil Lines, Nagpur.
4. Chairman/Managing Director, Central Coalfields Limited, Darbhanga House, Ranchi.
5. Chairman/Managing Director, Eastern Coalfields Limited, Sanctoria, P.O. Dishergarh, Distt. Burdwan.
6. Chairman/Managing Director, Bharat Coking Coal Limited, Voyla Bhavan, Voyla Nagar, Dhanbad.
7. Chairman/Managing Director, C.M.P.D. I.L., Gondwana Place, Ranchi.
8. Chairman/Managing Director, Northern Coalfields Ltd., Singrauli, Distt. Sidhi.
9. Regional Director, C.M.P.D. I.L., RI-VII, Rhubneshwar.
10. Regional Manager, Coal India Limited, Ansal Bhavan, New Delhi.
11. The Managing Director, Mineral Exploration Corporation Ltd., Nagpur.
12. The Director General, Geological Survey of India, Calcutta.



(N. BHAGAT)  
DIRECTOR

(No. 43022/4/94-LSW)

**GOVERNMENT OF INDIA  
MINISTRY OF ENERGY  
DEPARTMENT OF COAL**

No. 43020/11/90-LSW

New Delhi, the 18.09.1998

To

The Chairman,  
Coal India Limited,  
10, Netaji Subash Road,  
Calcutta.

Sub- **Principle of determination of rates of compensation payable for the lands acquired under CBA Act.**

Sir,

I am directed to say that as provided for under section 13(5) of CBA Act, there shall be paid compensation to the persons interested which shall be determined after taking into consideration the market value of land on the date of publication of notification under section 4(1) of the CBA Act. However, as per the instructions issued by this Department, solatium in addition to the market value of land, at the rate of 30% of the market value and an additional amount at the rate of 12% per annum of the market value for a period commencing on the date of notification under section 4(1) of the CBA Act till the date of notification under section 9(1) of the same Act, or for a maximum period of three years whichever is less, are allowed to be included while, determining the rate of compensation for the lands acquired under CBA Act.

Instances have however, come to our notice in which coal companies are at times fixing the amount of compensation by agreement after negotiations with land oustees as provided for under section 14(1) of CBA Act. In this regard, it is stated that whenever compensation amount payable to the land owners is determined after negotiations, it should be ensured that such negotiated price of land is around the fair market price of the land plus 30% thereof towards compulsory nature of acquisition. No payment towards escalation or interest would be payable as the price being paid is not the market price on the date of notification under section 4(1) of the CBA Act but the market price on the date of negotiation.

Contd....P/2

The above instructions may be circulated to all concerned who are engaged in processing land acquisition cases.

Yours faithfully,

SD/-  
(B.B.RAO)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

Copy to

1. Chairman/Managing Director,  
South Eastern Coalfields Limited, Seepat Road, Bilaspur (M.P)
  2. Chairman/Managing Director,  
Northern Coalfields Limited, Singrauli, PO Singrauli, Distt- Sidhi (M.P)
  3. Chairman/Managing Director,  
Bharat Coking Coal Limited, Koyla Bhavan, Koyla Nagar, Dhanbad
  4. Chairman/Managing Director,  
Western Coalfields Limited, Coal Estates Civil lines, Nagpur-440 001
  5. Chairman/Managing Director,  
Central Coalfields Limited, Darbhanga House, Ranchi-834 001
  6. Chairman/Managing Director,  
Eastern Coalfields Limited, Sanctoria, PO- Dshergarh, Distt- Burdwan (W.B.)
- 

Copy for information and necessary action to:

All Chief General Managers  
All General Managers  
CGM(P&P), Bilaspur  
Addl. CME(LAND)  
Dy. Chief Estate Manager  
Legal Manager, SECL  
All Estate Officers

Director(T)(P&P)



No.43024/6/98-PRIW  
Ministry of Coal  
Govt. of India

209/13359/MLL  
2-15/99

Shastri Bhawan, New Delhi, the 12-2-99

CGMC & B-works

To

The Chief Secretary,  
Government of Bihar,  
Patna.

Sub: Mutation and realisation of land rent from Coal Company owned by Central Government.

Sir,

CGMC/MLL/15333/- dt. 26.2.99

I am directed to state that it has been brought to the notice of this Ministry that the State Government of Bihar have directed the Central Coalfields Ltd. to have the lands under their control mutated and recorded in the Tenant's Ledger and also to pay land rent on such lands.

2. The matter has been examined by the Central Government and the statutory position is as follows:


i) Mutation: In terms of Sec 10 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, on the publication in the Official Gazette of the declaration under Sec 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government free from all encumbrances. Similarly Sec 3(1) of the Coal Mines (Nationalisation) Act, 1973 and Sec 4(1) of the Coking Coal Mines (Nationalisation) Act 1972 provide that on the appointed date the right, title and interest of the owners in relation to the coal mines or the coking coal mines, as the case may be, specified in the Schedules respectively shall stand transferred to, and shall vest absolutely in the Central Government free from all encumbrances. By virtue of the aforesaid provisions, coal mines vest absolutely in the Central Government and thereafter the rights of the Central Government in relation to lands, coal mines or coking coal mines, as the case may be, are made exercisable by a government company by virtue of Sec. 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, Sec 5 of the Coal Mines (Nationalisation) Act, 1973, and Sec 7 of the Coking Coal Mines (Nationalisation) Act, 1972, respectively. Since neither the Central Government nor a government company in whom the rights of the Central Government so vested are tenants of the State Government in the ordinary sense of the word, the question of seeking any mutation for such lands in the Tenant's Ledger in relation to the lands under the management of the Central Government does not

ii) Land Rent: As is clear from the aforesaid provisions of law that the land or the rights in or over the land, as the case may be, vest absolutely in the Central Government free from all encumbrances, there is no case as

such nor any provision in the law for payment of surface rent or hind rent of any kind on such lands. Sec 13 A of the CBA (A&F) Act provides for payment of royalty under a mining lease granted by the State Government. Coal companies have been paying such royalty to the concerned State Governments as prescribed from time to time.

3. In the light of above, it is requested that the State Government may kindly withdraw the directions given to the Central Coalfields Ltd. in its behalf.

Yours faithfully,

  
(K.S. Kropha)  
Director

Copy to:

1. The Chairman-in-Chief-Managing Director, Central Coalfields Ltd., Ranchi with his letter No. CMD/CCL/98/2909 dated 30-11-98.
- ✓ 2. The Chairman, CCL, Calcutta for information.

  
(K.S. Kropha)  
Director

No. 43024/6/99-PRIW  
Ministry of Coal  
Govt of India

Shastri Bhawan, New Delhi, the 12-2—99

To

**The Chief Secretary,  
Government of Bihar,  
Patna.**

Sub- **Mutation and realization of land rent from Coal Company owned by Central Government.**

Sir,

I am directed to state that it has been brought to the notice of this Ministry that

1. The State Govt of Bihar have directed the Central Coalfields Ltd to have the lands under their control mutated and recorded in the Tenant's Ledger and also to pay land rent on such lands.
2. The matter has been examined by the Central Government and the statutory position is as follows:

(i) **Mutation**: In terms of Sec. 10 of the Coal Bearing Area (Acquisition and Development) Act 1957, on the publication in the Official Gazette of the declaration under Sec 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government free from all encumbrances. Similarly, Sec 3(1) of the Coal Mines(Nationalisation) Act 1973 and Sec 4(1) of the Coking Coal Mines(Nationalisation) Act 1972 provide that on the appointed date, the right, title and interest of the owners in relation to the coal mines or the coking coal mines, as the case may be, specified in the schedules respectively shall stand transferred to, and shall vest absolutely in the Central Government free from all encumbrances. By virtue of the aforesaid provisions, coal mines vest absolutely in the Central Government; and thereafter the rights of the Central Government in relation to lands, coal mines or coking coal mines, as the case may be, are made exercisable by a Government company by virtue of Sec 11 of the Coal Bearing Areas (Acquisition and Development) Act 1957, Sec 5 of the Coal Mines(Nationalisation) Act 1973 and Sec 7 of the Coking Coal Mines(Nationalisation) Act 1972, respectively. Since neither the Central Government nor a government company in whom the rights of the Central Government so vested are tenants of the State Govt in the ordinary sense of the word, the question of seeking any mutation for entry in the Tenant's Ledger in relation to the lands under the management and control of CCL does not arise in law.

(ii) Land Rent: As is clear from the aforesaid provisions of law that the land or the rights in or over the land, as the cases may be, vest absolutely in the Central Government free from all encumbrances, there is no case as such nor any provision in the law for payment of surface rent or land rent of any kind on such lands. Sec. 18 A of the CBA (A&D) Act provides for payment of royalty under a mining lease granted by the State Government as is prescribed from time to time.

3. In the light of above, it is requested that the State Government may kindly withdraw the directions given to the Central Coalfields Ltd in this behalf.

Yours faithfully,

(K.S.Kropha)  
Director.

Copy to:

1. The Chairman-cum-Managing Director, Central Coalfields, Ranchi w.r.t. his letter No CMD/CCL/98/2909 dated 30-11-98.
2. The Chairman, CIL, Calcutta for information.

Sd/-

(K.S.Kropha)  
Director.

No. 43024/1/2004/PR/W  
Government of India  
Ministry of Coal & Mines  
Department of Coal

5<sup>th</sup> Flr. Lok Nayak Bhawan,  
New Delhi - 110003 the 2<sup>nd</sup> Sept. 2004

The Secretary,  
Government of Orissa,  
Department of Steels & Mines,  
Bhubneshwar, Orissa.

Subject: Claim of Dead Rent for land and rights acquired under CBA (A&D) Act, 1957.

Sir,

It has been brought to the notice of this Ministry by Mahanadi Coalfields Limited that Deputy Director Mines, Talcher & Sambalpur, Government of Orissa have raised demand on MCL for payment of Dead Rent and interest thereon in respect of the land and rights acquired under CBA (A&D) Act, 1957. The issue has been examined in consultation with the Ministry of Law, Justice and Company Affairs, Department of Legal Affairs in detail.

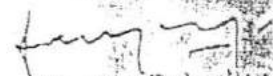
2. On acquisition of land and rights under section 9(1) of CBA (A&D) Act the same is vested in the Central Government free from all encumbrances as per section 10(1) of the said Act. Therefore state government is divested of all the rights over such land. Hence granting of lease by the state government is not required. The state government is entitled to receive an amount equivalent to royalty as per section 18(A) of CBA (A&D) Act.

3. However, if any existing lease is acquired under CBA (A & D) Act, 1957 the Central Government becomes a deemed lessee of the state government for the period for which such lease could have been granted by the state government. In case of Orissa no such existing lease has been acquired under CBA (A&D) Act, 1957 and as such this clause is not applicable.

4. Since all the land and rights in Orissa has been acquired under section 9(1) and vested with the Central Government under section 10(1) free from all encumbrances and the land and rights so acquired have been transferred to the coal company (i.e. MCL) under section 11(1) of the said Act Dead Rent is not payable.

5. You are, therefore, advised to ensure that such demands raised on MCL are withdrawn and necessary instructions may be issued to the concerned authorities not to raise demand for Dead Rent in future.

Yours faithfully,

  
(Sanjay Bahadur  
Director)



No 43024/1/2004/PRIW  
Government of India  
Ministry of Coal & Mines  
Department of Coal

5<sup>th</sup> Flr. Lok Nayak Bhawan,  
New Delhi 110003, the 2<sup>nd</sup> Sept 2004

To  
The Secretary  
Government of Orissa,  
Department of Steel & Mines  
Bhubaneswar, Orissa.

**Subject: Claim of Dead Rent for land and rights acquired under CBA(A&D) Act.  
1957.**

Sir,

It has been brought to the notice of this Ministry by Mahanadi Coalfields Limited that Deputy Director Mines, Talcher & Sambalpur, Government of Orissa have raised demand on MCL for payment of Dead Rent and interest thereon in respect of the land and rights acquired under CBA(A&D) Act 1957. The issue has been examined in consultation with the Ministry of Law, Justice and Company Affairs, Department of Legal Affairs in Detail.

1. On acquisition of land and rights under section 9(1) of CBA(A&D) Act 1957 the same is vested in the Central Government is divested of all the rights over such land. Hence granting of lease by the State Govt is not required. The State Govt is entitled to receive an amount equivalent to royalty as per section 18(A) of CBA(A&D) Act.

2. However, if any existing lease is acquired under CBA(A&D) Act 1957 the Central Government becomes a deemed lessee of the state government for the period for which such lease could have been granted by the state government. In case of Orissa, no such existing lease has been acquired under CBA(A&D) Act 1957 and as such this clause is not applicable.

3. Since all the land and rights in Orissa has been acquired under section 9(1) and vested with the Central Government under section 10(1) free from all encumbrances and the land and rights so acquired have been transferred to the coal company (i.e. MCL) under section 11(1) of the said Act, Dead Rent is not payable.

4. You are therefore advised to ensure that such demands raised on MCL are withdrawn and necessary instructions may be issued to the concerned authorities not to raise demand for Dead Rent in future.

Yours faithfully,

Sd/-  
(Sanjay Bahadur)  
Director.



MOCL 3964

F.No. 43025/02/2004-PRIW-I  
Government of India  
Ministry of Coal and Mines  
Department of Coal  
PRIW-I Section

We are now  
Ministry of Coal.

New Delhi, the 8<sup>th</sup> Nov., 2005

Order

Sub.: Delegation of power to Central Government Coal companies for leasing land acquired under Coal Bearing Areas (Acquisition and Development) Act, 1957 for the purpose of setting up of coal washeries.

The undersigned is directed to say that Government had been receiving proposal from coal companies seeking permission for leasing of land acquired under Coal Bearing Areas (Acquisition and Development) Act, 1957 for the purpose of setting up of coal washeries to private parties. With a view to streamline the procedure and facilitate setting up washery by a person/ private company, Government has decided as follow:

(i) where any land or rights in or over the land have been vested in a Government Company under Section 11 (1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 and where any other person or Company, including a private company, makes an application to the concerned Government Company requesting transfer of such land for the purposes of setting up a washery, the concerned Government Company shall be entitled to transfer such land or right over it to applicant person or the company.

(ii) henceforth, concerned Government Company shall not be required to take permission of Central Government for leasing of land for setting of washery by any other person or Company, including a private company.

DT 2 1 Nov  
23 105  
25.11.05

Chairman

Copy to: ① D(T)  
② D(P&IR)

① Sub  
10/11/05

Seen: D(M) / D(T)

*[Signature]*  
19/11

...../2

*[Signature]*

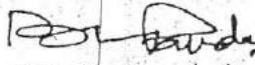
CH/TS/MOC/3981/(3964)  
11.11.05  
22.11.05

CYM(CD)  
HOD (GMD)  
TS & DT  
*[Signature]*

(iii) any condition laid down in notifications under Section 11 (1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, requiring permission of the Central Government for transfers of land or rights over the land to shall not apply to the cases of transfer of land for setting up of washery.

2. This decision will be applicable to all notifications issued in the past or which may be issued in future under Sec. 11 (1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957.

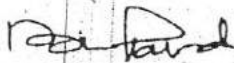
3. The guidelines issued/notified by Central Government from time to time for setting up washeries shall continue to apply.

  
(B. K. Panda)  
DIRECTOR

To  
✓ Chairman  
Coal India Ltd.  
10 Netaji Subash Road,  
Kolkotta. 700 001

Copy for information to:

1. CMDs ECL, BCCL, CCL, WCL, NCL, SECL, MCL AND CMPDIL
2. NIC for inclusion in E-notice board.
3. Guard file

  
(B. K. Panda)  
DIRECTOR

*cum (CP&P) 9*

on 86632542767

24-03-12 12:18

No.43011/3/2001-CRC  
Government of India  
Ministry of Coal

An [Redacted]

New Delhi, 19<sup>th</sup> September, 2005

[Redacted]

The Chairman,  
Coal India Limited,  
10-Netaji Subash Road,  
Kolkata.

Subject:- Guidelines for setting up of Coal Washeries on coal company's land.

Sir,

I am directed to refer to CIL's letter no. CH: TS: MOC (2740) 2660 dt. 5<sup>th</sup> Aug. 2005 on the above subject. A copy of the guidelines for setting up of coal washeries on coal company's land duly approved by the competent authority in the Ministry is sent herewith for necessary action and adherence by the coal companies.

Yours faithfully,

*[Signature]*

(S.K. Kakkar)

Under Secretary to the Government of India

Copy alongwith a copy of guidelines forwarded to:

CMIDs of ECL, BCOL, COL, WCL, NCL, SECL, MCL and DMPDI for adherence.

*[Signature]*

(S.K. Kakkar)

Under Secretary to the Government of India

*Copy like to [unclear]*  
*[unclear]*

*for [unclear]*  
*[unclear]*

*201 [unclear]*  
*[unclear]*



## COMPANY'S LAND

(30)

186  
The

Coal washeries may be set up by coal consumer or by an operator on his behalf for washing coal of desired quality to meet the demand-supply gap of washed coal. Possible location of the washeries may be near pithead in general. If the washery is to be set up on coal company's land, coal company shall have to work as a 'Facilitator'. There is a need of policy guidelines to have a systematic growth of coal washeries in the country.

In light of the above, the following guidelines are approved for adherence by the coal companies.

### Entitlement of the Washery Operator (on behalf of coal consumers)

Any consumer with a Fuel supply agreement (FSA) or long term coal linkage with the coal company may set up a washery for his own consumption of washed coal or any private or public sector enterprise may set up and operate washery on behalf of such consumer on the land of any subsidiary company of CIL, subject to the following:

If the lands acquired under the Coal Bearing Areas (Acquisition & Development) Act, 1957, are vested completely in the Coal Companies, the land can be leased for a maximum period of 30 years:

If the sought land or rights over it are co-terminus with the mining lease which the coal company holds, then the lease to a washery applicant shall have to be co-terminus with the mining lease, subject, however, to extension, should the mining lease be renewed.

Washery operator shall give an undertaking that in the event of use of the leased land by the washery company for the purpose other than washing of coal, the land will revert back to the concerned coal company.

The lease rent of the land allocated to a washery operator will be fixed by the Board of Coal Company.

8

1 of 4

The washery operator should meet the Qualifying Requirements stipulated hereunder:

1. Washery operator shall have MOU with the consumer or group of consumers, who has an ES&A or long term coal linkage with a coal company, for production of predetermined quantity of washed coal, middling if any and rejects.

2. The washery operator shall have an Indicative Financing Plan for setting up of Coal Washery Project, supported with a 'comfort letter' from Banks / Financial Institutions.

However, a 'Firm Financing Plan' substantiating the tie-ups / commitments from Banks / Financial Institutions shall have to be furnished to coal company before physical possession of land is handed over.

### 3. Technology

While selecting technology for the washery, due consideration shall be given to the coal conservation. The technology should be such that the recovery of washed coal and middling, if any, shall be of such optimum level that the reject produced have minimum heat value and dumped or stacked as per approved environment management plan.

### 4. Life of washery

Normally, the life of the washery shall not be less than 20 years.

### 5. Optimum Capacity of the washery

The minimum throughput capacity of a washery should be 2.0 Mtpa.

### 6. Utilities provision

a. Water and electricity during construction period shall be provided by respective coal companies at one point on chargeable basis, if available.

b. Water for operation of the washery shall, in general, be arranged by the washery operators. However, the same may be provided by respective coal company, if available and possible, on chargeable basis.

c. The washery operator shall arrange electricity for operation of the washery on his own.

227  
In case of the washeries of the consumers with FSA or long term coal linkage with coal company, or their operators, the coal company will supply agreed quality and quantity of raw coal in terms of its long term fuel supply agreement.

In case of the washery of CIL under BOO Scheme, entire raw coal produced from the identified mine will be linked with the proposed washery for supply of washed coal to the consumers as decided by the coal company.

#### 8. Railway siding

Railway siding facilities will be provided by the coal companies to the washeries of the consumers or their washery operators on chargeable basis (including maintenance cost) subject to its availability. In case railway siding can not be made available by the coal company, the washery operator will have to develop its own siding for which assistance may be provided by the coal company.

#### 9. Environment Consideration

a. The prospective Washery operator shall prepare EMP in line with the guidelines set by Govt. time-to-time and shall get the same approved by the authority concerned. The washery shall be operated in conformity with the same.

b. The Washery operator shall ensure close-water-circuit operation so that no effluent is discharged in the natural streams.

#### 10. Right to Access

The prospective Washery operator shall provide basic technological features of the washery to coal companies prior to set up. During operation of the plant the coal companies shall have right to access the plant to ascertain the suitability and maintainability of the plant for providing the desired products output.

#### 11. Safeguard:

To avoid any chance of malpractice:

a. monthly returns shall have to be submitted by the washery operator to the coal companies concerned in respect of:

- i. details of the parties for whom the coal washing was undertaken;
- ii. quantity & quality of receipt of raw coal;
- iii. quantity of raw coal processed;

10

3 of 4

- 
- iv. volume of washed coal and dispatched to consumers;
  - v. quantity of rejects generated, dumped, stacked or disposed off; and
- b. Road for transport of coal from the pithead to the proposed washery shall be different from the normal route of coal transport, and the trucks conveying coal to the washery shall have a separate distinct colour

No. 43025/02/2004-PRIW-I  
Government of India  
Ministry of Coal  
(PRIW-I Section)

Lok Nayak Bhavan, New Delhi  
Dated, the 25<sup>th</sup> May 2007

ORDER

**Subject:** Leasing of land acquired under Coal Bearing Areas (Acquisition & Development) Act, 1957 for the purpose of carrying out any activity in a Coal mine as defined in the Mines Act Section 2 Clause (1) (j)

The undersigned is directed to say that Government had been receiving proposals from coal companies seeking permission for leasing of land acquired under Coal Bearing Areas (Acquisition & Development) Act, 1957 for the purpose of construction of different infrastructural facilities in a mine through private parties. With a view to streamline the procedure and facilitate such activities by a Government Company/private company/person, Government have decided as follows:

(i) Where any land or rights in or over the land have been vested in a Government Company under Section 11(1) of the Coal Bearing Areas (Acquisition & Development) Act, 1957 and where an application to the concerned Government Company requesting lease of such land for the purposes as has been defined in the Mines Act Section 2 Clause (1) (j), the concerned Government Company shall take appropriate decisions with regard to the same after considering all relevant facts and issues.

(ii) A reference shall be made by the Government Company, through the Coal India Limited (CIL) or other company / holding company, as the case may be, if any issue concerning policy is involved. In such cases, the policy issue after its clear formulation, may be referred to the Ministry of Coal for determination.

(iii) Any conditions laid down in notifications under Section 11(1) of the Coal Bearing Areas (Acquisition & Development) Act, 1957, except the one requiring prior permission of the Central Government for lease of land or rights over the land to, shall continue to apply mutatis-mutandis to the cases of lease of land for construction of infrastructural facilities for a mine as defined in the Mines Act Section 2 Clause (1) (j).

2. Decision contained herein shall apply with immediate effect and all pending applications shall be decided accordingly.

3. All relevant details in the respective applications, in a proforma to be prescribed by CIL, incorporating such information as the date of filing of application, name / address/ status of applicant, purpose /period/ area for which lease requested etc., along with decision taken on the respective applications, shall be appropriately placed on the website of the Coal Company /CIL/Ministry of Coal.

-- sd --

(Sharad Ghodke)  
Director

To

Chairman  
Coal India Limited  
10, Netaji Subhash Road  
Kolkata-700001

Copy for information to

1. CMD of ECL, BCCL, CCL, WCL, NCL, SECL, MCL and CMPDIL
2. NIC for inclusion in E-notice board
3. Guard File

(Sharad Ghodke)  
Director

Most Immediate

No.43018/1/2010-PRIW-I  
Government of India  
Ministry of Coal

New Delhi, dated the 6th Dec., 2010

To  
The Chairman  
Coal India Limited  
10, Netaji Subhas Road  
Kolkata - 700 001

641  
12/12/2010

Sub:- Principle of determination of rates of compensation payable for the lands acquired under the Coal Bearing Areas (Acquisition & Development) Act, 1957

Sir,

I am directed to refer to this Ministry's letter No.43020/11/90-LSW dated 18.9.1990 on the above subject and to say that a reference has been received from South Eastern Coalfields Limited (SECL) with the request to revisit the instructions as contained in the said letter of the Ministry dated 18.9.1990 for determination of compensation rates in the context of the notification dated 19th March, 2010 issued by the Government of Chhattisgarh and published in Gazette of Chhattisgarh (Extraordinary) on 19th March, 2010, by which the rates of compensation to the land to be acquired for commercial and industrial projects have been revised.

2. Section 14(1) of the Coal Bearing Areas (Acquisition & Development) Act, 1957 provides that *where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.* As the Government of Chhattisgarh has notified higher rates of compensation for land to be acquired for commercial and industrial projects, which has become effective from 19.3.2010, SECL Board of Directors has also passed a resolution for payment of compensation at the rates notified by the State Government.

3. The matter has been examined in the Ministry. The above referred letter dated 18.9.1990 issued by the Ministry, which puts a cap on the amount of compensation, is coming in the way of payment of higher compensation to the land losers whereas section 14(1) of the CBA (A&D) Act, 1957 does not put any ceiling on the amount of compensation payable to the land losers.

4. In the light of the above facts, it has been decided by the Ministry that *where the rates of compensation payable to land owners have been notified by the State Government, the amount of compensation fixed by the agreement under section 14(1) of the CBA (A&D) Act, 1957 may be calculated at the rates notified by the State*

Sr. Manager (CAIR)  
158/14.2.11

Command to CMD, MCL  
RC (CAI)  
[Signature]

RC (LP)  
Pl. put up  
with letter  
to  
207/410

In Rajiv Rao  
31/12

AFM, IA  
SO (RBR)  
Area Survey Officer  
by Estate Manager  
[Signature]  
GSM

1990  
11/12/10

2572  
31/12/10

All FDS  
CAI (L&D)  
for my & implementation  
[Signature]  
31.1.2011

Government. The cut-off date for assessment of compensation will be the date of agreement between the coal company and the land owners. In other words, the amount of compensation will be calculated at the rates notified by the State Government as applicable on the date of agreement. No payment towards solatium or escalation would be payable in such cases.

This issues with the approval of the competent authority.

Yours faithfully,

(M. Shahabudeen)

Under Secretary to the Govt. of India



Copy forwarded to:-

1. The Chairman-cum MD, SECL, Seepat Road, Bilaspur, Chhattisgarh
2. The Chairman-cum-MD, NCL, Singrauli, Distt. Sidhi (MP)
3. The Chairman-cum-MD, BCCL, Koyla Bhavan, Koyla Nagar, Dhanbad
4. The Chairman-cum-MD, WCL, Coal Estate, Civil Lines, Nagpur
5. The Chairman-cum-MD, CCL, Darbhanga House, Ranchi
6. The Chairman-cum-MD, ECL, Sanctoria, P.O. Dishergarh, Burdwan (WB)
7. The Chairman-cum-MD, MCL, Sambalpur, Orissa

(M. Shahabudeen)

Under Secretary to the Govt. of India

GM'S Secretariat, Lingaraj Area

Dip'y No. 627

Date: 11.02.11



Mahanadi Coalfields Limited  
(A Subsidiary of Coal India Limited)  
Office of the General Manager (L/R&R)  
PO: Jagruti Vihar, Sambalpur-768020  
Email: gm-lnr.mcl@nic.in  
Telefax- (0663) 2542157

Mahanadi Coalfields Limited  
(A Subsidiary of Coal India Limited)  
Office of the General Manager (L/R&R)  
PO: Jagruti Vihar, Sambalpur-768020  
Email: gm-lnr.mcl@nic.in  
Telefax- (0663) 2542157

Ref. No. MCL/SBP/HQ/GM(L/R&R)/2011/ 76

Date: 09.02.2011

Copy for information of :-

Chief General Manager, Kaniha Area  
General Manager, Bharatpur, Hingula, Lingaraj, Jagannath, Talcher,  
IB Valley, Lakhanpur, Orient  
& Basundhara-Garjanbahal Area.

CEO, MJSJ, Balanda, Angul,  
CEO, MNH Shakti Ltd., Anand Vihar, Burla.

General Manager (L/R&R)

Memo No. \_\_\_\_\_ Dt. \_\_\_\_\_

Copy forwarded to the Chairman, Claims Commission, 87 Satyanagar, Bhubaneswar for information and necessary action.

General Manager (L/R&R)



AJIT SETH

SECRET



सचिव (समन्वय एवं लोक शिवालय)  
सचिवालय सचिवालय  
राष्ट्रपति भवन, नई दिल्ली  
SECRETARY (COORD. & PG)  
CABINET SECRETARIAT  
RASHTRAPATI BHAWAN  
NEW DELHI-110004

March 21, 2011

D.O. No. 511/2/1/2010-CA.III

Dear Secretary,

Instances have come to the notice of the Government where land in possession and control of Government / Government controlled entities is sought to be alienated through means such as sale, lease and / or licence. It has been observed that the value of land has increased tremendously, especially during last one or two decades.

2. A policy with regard to transfer or alienation of land held by the Government or statutory authorities etc. is being framed by the Government. Prime Minister has approved that in the meanwhile; all the Ministries / Departments would seek specific approval of the Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

With regard,

Yours sincerely,

(Ajit Seth)

Shri Navin Kumar  
Secretary,  
Ministry of Urban Development  
New Delhi



No.8(18)/2010 -E-II(A)  
Government of India  
Ministry of Finance  
Department of Expenditure  
-----

North Block  
New Delhi, dated 28<sup>th</sup> March, 2011.

-OFFICE MEMORANDUM

**Subject: Approval of the Union Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory bodies.**

The undersigned is directed to refer to this Department's O.M. of even number dated 25<sup>th</sup> June 2010 reiterating the provisions of Rules 28 and 278 of General Financial Rules 2005 (GFRs) and making express approval of Finance Ministry essential for sale/ grant/ assignment/ allocation/ disposal of Government assets or resources or assets/ resources created from Government funds by autonomous bodies.

2. Cabinet Secretariat vide the DO letter No. 511/2/1/2010-CA.III dated 21.3.2011 have informed that instances have come to the notice of the Government where land in possession and control of Government / Government controlled entities is sought to be alienated through means such as sale, lease and /or licence and that it has been observed that the value of land has increased tremendously, especially during last one or two decades. In this context, Cabinet Secretariat has informed that a policy with regard to transfer or alienation of land held by the Government or statutory authorities etc. is being framed by the Government and that the Prime Minister has approved that in the meanwhile all the Ministries/Departments would seek specific approval of the Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

3. The provisions of this Department's aforementioned OM dated 25<sup>th</sup> June 2010 stand accordingly amended to the extent that the specific approval of the Cabinet would be sought in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

4. These provisions may be noted and brought to the notice of all concerned including Heads of autonomous bodies, for strict compliance.

5. This issues with the approval of the Finance Secretary.

*R. Prem Anand*

(R.Prem Anand)

Under Secretary to the Government of India

All Ministries and Departments of Govt. of India  
All Financial Advisers.

Copy to: Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi – for information w.r.t. d.o. letter No. 511/2/1/2010-CA.III dated 21.3.2011

Copy also to :

NIC Cell, Dept. of Expenditure for uploading a  
clean version on MOF website



(Annexure c)

No.8(18)/2010 -E-II(A)  
Government of India  
Ministry of Finance  
Department of Expenditure

North Block  
New Delhi, dated 28<sup>th</sup> March, 2011.

OFFICE MEMORANDUM

**Subject: Approval of the Union Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory bodies.**

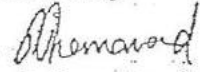
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2. Cabinet Secretariat vide the DO letter No. 511/2/1/2010-CA.III dated 21.3.2011 have informed that instances have come to the notice of the Government where land in possession and control of Government / Government controlled entities is sought to be alienated through means such as sale, lease and /or licence and that it has been observed that the value of land has increased tremendously, especially during last one or two decades. In this context, Cabinet Secretariat has informed that a policy with regard to transfer or alienation of land held by the Government or statutory authorities etc. is being framed by the Government and that the Prime Minister has approved that in the meanwhile all the Ministries/Departments would seek specific approval of the Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

3. The provisions of this Department's aforementioned OM dated 25<sup>th</sup> June 2010 stand accordingly amended to the extent that the specific approval of the Cabinet would be sought in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

4. These provisions may be noted and brought to the notice of all concerned including Heads of autonomous bodies, for strict compliance.

5. This issues with the approval of the Finance Secretary.



(R.Prem Anand)

Under Secretary to the Government of India

All Ministries and Departments of Govt. of India  
All Financial Advisers.

Copy to: Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi - for information w.r.t. d.o. letter No. 511/2/1/2010-CA.III dated 21.3.2011

Copy also to :

NIC Cell, Dept. of Expenditure for uploading a clear version on MOF website.



( Annexure - D )

आलोक रावत  
ALOK RAWAT



सचिव (सामन्वय एवं लोक शिवालय)  
मंत्रिमंडल सचिवालय  
राष्ट्रपति भवन, नई दिल्ली  
SECRETARY (COORD. & PC)  
CABINET SECRETARIAT  
RASHTRAPATI BHAWAN  
NEW DELHI-110004

D.O. No. 511/2/1/2010-Cab.III

November 21, 2011

Dear Secretary,

Please refer to this Secretariat's instructions as contained in D.O. letter of even number dated 21<sup>st</sup> March, 2011 in terms of which all the Ministries/Departments were to seek specific approval of the Cabinet in each case of sale or long term lease of land belonging to the Government and Government controlled statutory authorities, till a policy is framed in this regard.


2. A number of references have been received from Ministries/Departments seeking clarifications on or exemptions from the said instructions.

3. It has now been decided with the approval of Prime Minister that the instructions issued on 21<sup>st</sup> March, 2011 regarding seeking specific approval of Cabinet/CCEA/CCI shall not apply in case of transfer of land from one Central Government Department/Ministry to another.

4. The Prime Minister has further directed that all the concerned Ministries should bring policy proposals covering all other types of land transfer cases to Cabinet expeditiously, so as to obviate the need for Ministries to come to Cabinet for each land transfer proposal on a case-by-case basis. You are accordingly requested to bring policy proposals relating to your Ministry in this regard to the Cabinet.

With regards,

Yours sincerely,

  
21-11-2011  
(Alok Rawat)

To

All Secretaries of Ministries/Depts of the GOI.

TEL: 23017075, 23345545 ☐ Fax: 23018949, 23345637



(Annexure - E)

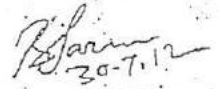
F.No. 511/2/1/2010-Cab.III  
Cabinet Secretariat  
Rashtrapati BhawanNew Delhi, the 30<sup>th</sup> July, 2012OFFICE MEMORANDUM

Subject:- Transfer or alienation of land held by Government or Government controlled statutory authorities - Regarding.

Reference is invited to this Secretariat's instructions, as contained in D.O. letters of even number dated 21<sup>st</sup> March, 2011 and 21<sup>st</sup> November, 2011, on the subject cited above.

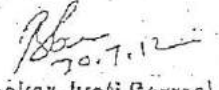
2. The following relaxations in the instructions circulated vide above said D.O. letters are now approved :-

- (i) All cases of land transfers from Ministries to statutory authorities or PSUs may be allowed, subject to the requirements of Government of India (Transaction of Business) Rules;
- (ii) All cases of land transfer on lease or rent or license to a concessionaire which have been appraised through the PPPAC route and approved by the Finance Minister or by the Ministers concerned or by the Cabinet, as the case may be, depending upon the value of the project;
- (iii) Development and use of railway land by Rail Land Development Authority (RLDA) as per provisions of Railways Amendment Act, 2005 and the Rules framed thereunder and in accordance with the prevalent policies and guidelines of the Railway Ministry and the Government.

  
 (Bhaskar Jyoti Sarma)  
 Deputy Secretary  
 Tele : 23013662

Secretaries of all the Ministries / Departments of Govt. of India

✓ Copy forwarded for information to the Prime Minister's Office (Shri Krishan Kumar, Director), with reference to their J.D.No. 440/31/C/16/2010-ES.I, dated 27.7.2012.

  
 (Bhaskar Jyoti Sarma)  
 Deputy Secretary  
 Tele : 23013662



F. No. 11-9/98-FC  
Government of India  
Ministry of Environment and Forests  
(FC Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110 510  
Dated: 1<sup>st</sup> February, 2013

To

The Principal Secretary (Forests),  
All State / Union Territory Governments

*Sub:* General approval under section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure by Government Departments involving not more than 5.00 hectares of forest land in each case in 60 Left Wing Extremism (LWE) affected districts-reg.

Sir,

I am directed to refer to this Ministry's letters of even number dated 13.05.2011 and 10.12.2012, read with this Ministry's letter of even number dated 16.06.2011, on the above-mentioned subject, wherein this Ministry accorded general approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for creation of critical public utility infrastructure of 13 categories, specified in this Ministry's said letter dated 13.05.2011, by Government departments involving not more than 5.00 hectares of forest land, in each case in 82 Left Wing Extremism (LWE) affected districts identified by the Planning Commission and the Ministry of Home Affairs for implementation of the Integration Action Plan (IAP). The 13 categories of infrastructure projects covered by the said general approval include rural roads.

This Ministry has received representation from State Governments and Ministries in the Central Government to extend the said general approval to all categories of roads. This Ministry has also received representations to extend the said general approval to quarrying of materials used in construction of public roads.

The matter has been examined in its entirety in considerable depth by this Ministry and after careful consideration; this Ministry hereby decides to extend the said general approval to all categories of public roads and quarrying of materials used in construction of public roads.

Forest  
file.

21/02/2013

The general approval for roads other than rural roads and quarrying of materials used in construction of public roads shall be subject to fulfillment of the conditions stipulated by this Ministry in its letters of even number dated 13.05.2011 and 10.12.2012 read with this Ministry's letter of even number dated 16.06.2011.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,

*H.C. Chaudhary*  
(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. The Secretary (Coordination), Cabinet Secretariat, New Delhi.
4. The Member-Secretary, Planning Commission, Government of India New Delhi.
5. The Secretray, Ministry of Rural Development, Government of India, New Delhi.
6. Principal Chief Conservator of Forests, all State/UT Governments.
7. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
8. All Regional Offices, Ministry of Environment & Forests.
9. Joint Secretray in-charge, Impact Assessment Division, MoEF.
10. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
11. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
12. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
13. Sr. PPS to the Secretray, Environment and Forests.
14. Sr. PPS to the Director General of Forests & Special Secretray, MoEF.
15. Guard File.

*H.C. Chaudhary*  
(H.C. Chaudhary)

Assistant Inspector General of Forests

No. 43020/15/2016-PRIW-I  
Government of India  
Ministry of Coal

New Delhi, the 12<sup>th</sup> Sept, 2016

To

Director (P)  
Mahanadi coalfields Limited  
PO- Jagriti Vihar, Birla  
Sambalpur-768020  
Odisha

Sub: Payment of Rs.30,27,53,827/- towards compensation for land and structure for an area of 56.67 acre of tenancy land and other interests in respect of village Kansamunda of Kaniha OCP expansion ( 10 MTY) acquired under CBA(A&D) Act, 1957 vide No. S.O. 2333 dated 29.08.2009.

Sir,

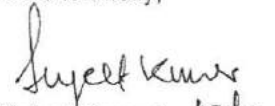
I am directed to refer to your letter No. MCL/ Sambalpur/Dir(T)/Secretary/ 2016/ 4037 dated 2.9.2016 on the above mentioned subject and to state the following:

1. The proposal is in respect of 56.67 acre of land and other interest. However, in the Booklet of compensation roll the amount has been calculated for 56.85 acre of land. This needs to be reconciled.

2. The compensation amount has been calculated as per RFCTLARR Act, 2013. In this connection attention is invited to MCL's letter No.MCL/HQ/Director Tech(P&P)officer/ 14-15/ 772 dated 6.11.2015 seeking Ministry's advice regarding decision/modalities for determination of compensation for old acquisition prior to 01.09.2015 in line with the provision of RFCTLARR Act, 2013 and the guidelines of Odisha Govt, before amendment of CBA Act 1957 to remove disparities between CBA Act and RFCTLARR Act, 2013. CIL has also sought clarification in this regard. The matter is still under examination with Ministry of Rural Development, Department of Land Resources, Govt of India. After receiving comments of Ministry of Rural Development matter will be taken up with Ministry of law for examining the same from legal angle.

Therefore, till a decision is taken in the matter compensation roll as per guidelines of CBA Act, 1957 and guidelines/instructions issued by this Ministry from time to time may please be prepared and sent to this Ministry along with fresh pre-receipt for examination.

Yours faithfully,

  
(Sujeet Kumar) 12/9

Under secretary to the Govt of India

21

No. 43020/15/2016-PRIW-I  
Government of India  
Ministry of Coal

New Delhi, the 14<sup>th</sup> Sept, 2016

भारत सरकार  
कोयला विभाग  
V.I.P Reference  
Answer immediately

To

Director (P)  
Mahanadi coalfields Limited  
PO- Jagriti Vihar, Birla  
Sambalpur-768020  
Odisha

Sub: Payment of Rs.30,27,53,827/- towards compensation for land and structure for an area of 56.67 acre of tenancy land and other interests in respect of village Kansamunda of Kaniha OCP expansion ( 10 MTY) acquired under CBA(A&D) Act, 1957 vide No. S.O. 2333 dated 29.08.2009.

Sir,

I am directed to refer to your letter No. MCL/ Sambalpur/Dir(T)/Secretary/ 2016/ 4037 dated 2.9.2016 and this Ministry's letter of even number dated 12.09.2016 sent by e mail to you on the above mentioned subject. It is requested that compensation roll as per guidelines of CBA Act, 1957 and guidelines/instructions issued by this Ministry from time to time may please be prepared and sent to this Ministry along with the approval of CMD, MCL, with fresh pre-receipt for examination as is being done by other CIL subsidiaries.

Yours faithfully,

(D.S. Rawat)  
Consultant

fax: 011-24646084  
E-mail: priw.moe@nic.in

RECEIVED  
Receipt No. 03/19/16

D.P. Secy, MCL HQ, Sambalpur  
Receipt No. 1666/05  
Date 24/9/16

GM (L&R)  
23-9-16  
Sai Patel  
23/9/16

New Delhi, the 4th August, 2017.

To,  
The Chairman-cum-Managing Director,  
Coal India Limited,  
Coal Bhawan, Premise No-04 MAR,  
Plot No. AF-III, Action Area-1A, Newtown,  
Rajarhat, Kolkata-700156.

**Subject: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act in cases of acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.**

Sir,

I am directed to say that consequent upon enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter 'RFCTLARR Act') and Order SO No. 2368(E) notified on 28.08.2015 by Ministry of Rural Development, Coal India Limited and its subsidiaries have sought clarifications regarding payment of compensation for land acquired prior to 01.09.2015 under Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter the 'CBA Act').

2. As multiple stages are involved in the land acquisition process, including that of determination of compensation, this Ministry sought advice from Ministry of Law & Justice. Ministry of Law & Justice has given their advice that if the compensation has not been determined before 01.09.2015 under Section 13(5) of the CBA Act, then the provisions of First Schedule, Second Schedule and Third Schedule of the RFCTLARR Act will be applicable. In remaining cases where the compensation has already been determined under Section 13(5) of the CBA Act before 01.09.2015, then such cases will not be reopened.

Contd. --- P. 2

3. In accordance with the above, the clarifications on different cases are as follows:-

Sl. No.	Cases for Clarifications	Clarification
1	Where prior to 01.09.2015, declaration of acquisition under Section 9 of CBA Act has been published, determination of compensation has been made under Sec. 13(5) of the CBA Act, possession of land has been taken, and payment of compensation has been made. In other words, all the proceedings have completed under the CBA Act before 01.09.2015.	Cannot be reopened.
2	Where prior to 01.09.2015, declaration of acquisition under CBA Act has been published and determination of compensation has been made under Sec. 13(5) of the CBA Act, irrespective of the fact that possession of land has been taken or not.	Cannot be reopened.
3	Where prior to 01.09.2015, declaration of acquisition under the CBA Act has been published, possession of the land has been taken but determination of compensation has not been made under Sec. 13(5) of the CBA Act.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.
4	Where prior to 01.09.2015, declaration of acquisition has been published under CBA Act, but determination of compensation has not been made under Sec. 13(5) of the CBA Act, and possession of land has not been taken.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.

4. In view of the above clarifications, previous order letter no. 43020/26/88-LSW dated 12.05.1989 issued by then Ministry of Energy, Department of Coal shall stand modified. The above clarifications may be followed in determination of compensation for land acquired under CBA Act.

5. This issues with the approval of competent authority.

Yours faithfully,



(R S SAROJ)

Under Secretary to the Govt. of India

Contd. --- P. 3

Copy to:

1. Chairman-cum-Managing Director, Mahanadi Coalfields Ltd. (MCL),  
Post Office-JagritiVihar, Burla, District - Sambalpur(Odisha)-768020.

2. Chairman-cum-Managing Director, Northern Coalfields Ltd. (NCL),  
PO-Singrauli, District -Sidhi, (M.P.)-786889.

3. Chairman-cum-Managing Director, South Eastern Coalfields Ltd.  
(SECL), Seepat Road, Post Box No. 60, District - Bilaspur(Chhattisgarh)  
- 495006.

4. Chairman-cum-Managing Director, Eastern Coalfields Ltd. (ECL),  
Sanctoria, PO-Dishergarh, District-Burdwan(West Bengal) - 713333.

5. Chairman-cum-Managing Director, Central Coalfields Ltd. (CCL),  
Darbhanga House, Ranchi(Jharkhand) - 834029.

6. Chairman-cum-Managing Director, Bharat Coking Coal Ltd. (BCCL),  
KoylaBhawan, Koyla Nagar, Dhanbad(Jharkhand)-826005.

7. Chairman-cum-Managing Director, Western Coalfields Ltd. (WCL),  
Coal Estate, Civil Lines, Nagpur(Maharashtra) - 440001.

8. Chairman-cum-Managing Director, Neyvelli Lignite Corporation Ltd.  
(NLC) India Limited, Block-1, Neyvely, District -Cuddalore(Tamilnadu)-  
607801.

9. Chairman-cum-Managing Director, Singareni Collieries Company  
Ltd.(SCCL), Kothagudem Collieries, Bhadradi, District-  
Kothagudem(Telangana)-507101.

10. Deputy Secretary (LR), Department of Land Resources, Ministry of  
Rural Development, NBO Building, G Wing, Nirman Bhawan, Moulana Azad  
Road, New Delhi - 110011.

✓ 11. IF Section, Ministry of Coal.

  
(R S SAROJ)

Under Secretary to the Govt. of India



No. 60014/3/2017--LA&IR  
Government of India  
Ministry of Coal

New Delhi, the 30<sup>th</sup> October, 2017

To,

Chairman-cum-Managing Director,  
Mahanadi coalfields Limited,  
Sambalpur, Odisha.

Subject: - Return of Land Compensation Bills(in original).

Sir,

I am directed to say that the Ministry of Coal has delegated the powers to Coal India Limited or its subsidiaries for payment of compensation for land acquired under Coal Bearing Areas(Acquisition & Development) Act, 1957 for coal mining project vide Notification dated 13<sup>th</sup> October, 2017(Copy enclosed).

In compliance of said Notification, it has been decided to return the bills(in original) as per details given below, for your disposal:

1	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4170 dated 22/3/2017 for Additional interest of Rs. 12,47,476/- in respect of Patharmunda village of Kaniha Area, MCL	Rs. 12,47,476/-
2	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4214 dated 27/04/2017 for payment of Rs. 34,57,18,518/- towards compensation in respect of village Ekdal for Ananta OCP Exp.	Rs. 34,57,18,518/-
3	Proposal Ref No. MCL/Sambalpur/D(P)/Secy/2017/4212 for payment of Rs. 48,33,10,268/- towards compensation for land and other interest in respect of Village Tileipasi of Bharatpur OCP.	Rs. 48,33,10,268/-
4	Proposal Ref. no. MCL/Sambalpur/D(P)/Secy/2017/4217 for Payment of Rs. 20,20,83,740/- towards compensation for land in respect of village Khajuria of Bharatpur OCP -	Rs. 20,20,83,740/-
5	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4241 for Payment of Rs. 12,92,22,396/- towards compensation for land/structure for an area of 51.45 acre in respect of village Kaniha of Kaniha OCP Expansion(10 MTY) - MCL	Rs. 12,92,22,396/-
6	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/3369 dated 22/5/2017 Payment of Rs. 4,70,765/- towards addition payment in respect of village Gopalpur	Rs. 4,70,765/-
7	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/3370 dated 22/5/2017 for payment of Rs. 9,02,950/- towards additional amount of compensation arising out of civil cases of village Balinga	Rs. 9,02,950/-

12-65 (2)  
15.11.17

1034  
14.11.17

Comd. - 2/-

8	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4247 dated 05/6/2017 for Payment of Rs. 7,01,877/- towards payment structure cost to Ashok Kumar Patel S/o Mineketan Patel of village Bankibahal.	Rs. 7,01,877/-
9	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4247 dated 07/6/2017 for Payment of Rs. 4,10,988/- towards payment of compensation for the structure arising out of civil cases order of the Claim Commission.	Rs. 4,10,988/-
10	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4246 dated 5.6.2017 for Payment of Rs. 30,41,993/- towards compensation for the Structure arising out of Civil Cases order of the claim commission.	Rs. 30,41,993/-
11	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4245 dated 02.6.2017 for Payment of Rs. 4,08,60,414/- towards compensation for land/structure for an area of 53.48 Acre of tenancy land and other interest in respect of village Chingriguda coming under part of IB block V and part of Western block of Orient Mine for Lajkura OCP expansion under IB Valley Area.	Rs. 4,08,60,414/-
12	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4297 dated 25/09/2017 for Payment of additional amount of Rs. 17,4,85,15,731/- only over and above Rs. 15,42,73,564/- already sanctioned towards compensation for land/structure for an area of 274.364 acre of tenancy land and other interest in respect of village Belpahar of Samaleswari OCP expansion (12 MTY), IB valley area acquired vide no. SO 1002 dated 14.4.1990.	Rs. 174,85,15,731/-
13	Proposal Ref. No. MCL/Sambalpur/D(P)/Secy/2017/4215 dated 27/4/2017 for Payment of 37,79,90,534/- towards compensation for land/structure for an area of 246.94 acre of tenancy land other interest in respect of village Hilo for Ananta OCP Exp, Bharatpur Area under Ananta Expansion phase III block acquired vide no. SO 1672(E) dated 20.7.2011. Part payment of Rs. 9,00,00,000/- has already been issued vide sanction number 43020/14/2017 dated 27.7.2017. Balance payment of Rs. 28,79,90,534/ out of Rs. 37,79,90,534/- is to be paid for the said proposal.	Rs. 28,79,90,534/-

Encl. As above

Yours faithfully,

  
(R S Saroj)

Under Secretary to the Govt. of India

Tel-011-24616989

24616989

**कोयला मंत्रालय**

नई दिल्ली, 12 अक्टूबर, 2017

**का.आ. 2377.**—जबकि कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), तारीख 4 जुलाई, 2017 में प्रकाशित, भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 2098(अ), तारीख 3 जुलाई, 2017 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है), में और उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं;

और, जबकि केन्द्रीय सरकार का यह समाधान हो गया है, कि सेंट्रल कोलफील्ड्स लिमिटेड, रांची, झारखंड (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है, कि उक्त भूमि और इस प्रकार निहित उक्त भूमि में और उस पर के सभी अधिकार तारीख 4 जुलाई, 2017 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) शर्त (1) के अधीन सरकारी कंपनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा और किसी ऐसे अधिकरण और अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में अपीलों आदि जैसी सभी विधिक कार्यवाहियों के संबंध में उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा वहन किए जाएंगे ;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमियों और उक्त भूमि में या उस पर निहित अधिकारों को किन्हीं अन्य व्यक्तियों को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं ।

[फा.सं. 43015/12/2017 –एलए एण्ड आई आर]

आर. एस. सरोज, अवर सचिव

**MINISTRY OF COAL**

New Delhi, the 12th October, 2017

**S.O. 2377.**—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2098 (E), dated the 3<sup>rd</sup> July, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 4<sup>th</sup> July, 2017, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and the all rights in and over the said land described in the Schedule appended to the said notification (hereinafter referred to as

the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the Central Coalfields Limited, Ranchi, Jharkhand (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said land and the all rights in and over the said land so vested shall, with effect from 4<sup>th</sup> July, 2017, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions, namely:-

- (1) the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages, and the like, as determined under the provisions of the said Act;
- (2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government company under condition (1), and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the said Tribunal shall be borne by the said Government company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights in or over the said land, so vested shall also be borne by the Government company;
- (3) the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said land so vested;
- (4) the Government company shall have no power to transfer the said lands and the rights in or over the said land so vested, to any other person without the prior approval of the Central Government; and
- (5) the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[F. No. 43015/12/2017-LA&IR]

R. S. SAROJ, Under Secy.

नई दिल्ली, 13 अक्टूबर, 2017

**का.आ. 2378.**—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है, की धारा 19 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कोल इंडिया लिमिटेड या उसकी सहायक कंपनियों को उक्त अधिनियम के अधीन अर्जित भूमि के लिए भू-स्वामियों या भू-वंचितों को प्रतिकर के संदाय के लिए उक्त अधिनियम की धारा 17 के अधीन उसके द्वारा प्रयोग में लाई जा सकेगी या निर्वहन की गई सभी शक्तियों या कर्तव्यों का प्रत्यायोजन करती है।

[फा.सं. 60014/3/2017-एलए एण्ड आईआर]

राम शिरोमणि सरोज, अवर सचिव

New Delhi, the 13th October, 2017

**S.O. 2378.**—In exercise of the powers conferred by section 19 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), hereinafter referred to as the said Act, the Central Government hereby delegates all or any of the powers or duties which may be exercised or discharged by it under section 17 of the said Act for payment of compensation to land owners or oustees for land acquired under the said Act, to Coal India Limited or its subsidiaries.

[F. No. 60014/3/2017-LA & IR]

RAM SHIROMANI SAROJ, Under Secy.

हुकुम सिंह मीना, भा.प्र.से.  
HUKUM SINGH MEENA, IAS  
संयुक्त सचिव  
JOINT SECRETARY



भारत सरकार  
भूमि संसाधन विभाग  
ग्रामीण विकास मंत्रालय  
Government of India  
Department of Land Resources  
Ministry of Rural Development

D.O.No.13013/01/2014-LRD(Pt.)

Dated 26th October, 2015

Dear

Please refer to your letter No.R&FD/General-2014 CR-31/A4, dated the 11<sup>th</sup> September, 2014 regarding directions under section 113 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

2. The issues raised by you along with the views of this Department were sent to the Department of Legal Affairs, Ministry of Law & Justice for opinion in the matter. The issues raised by the Government of Maharashtra and the opinion of the Department, as concurred in by the Department of Legal Affairs, thereon are enumerated below:-

S.No.	Issues raised by the Government of Maharashtra	Opinion of the DoLR
1.	While determining the amount of compensation under Section 27 of the RFCTLARR Act, 2013 of Hon'ble Supreme Court's orders are followed or cost of assets have to be separately computed in addition to cost of land?	Under Section 26 of the RFCTLARR Act, 2013 <u>market value of land</u> is determined while under section 27, value of <u>all assets attached to the land</u> is added to the market value to determine the amount of compensation. Thus, it is not contradictory to the Supreme Court's orders quoted in the letter of Maharashtra Government.
2.	Under Section 24(1), the reference date for calculating 12% interest should be date of preliminary notification under Land Acquisition Act, 1894.	Under section 24(1), the reference date for calculating 12% interest should be date of preliminary notification under Land Acquisition Act, 1894. Department of Land Resources agrees to this, as there is no other reference date, that can be treated as equivalent to date of SIA notification under the RFCTLARR Act, 2013.
3.	For calculation of market value, under Section 24(1)(a), reference date should be 01.01.2014 (commencement of RFCTLARR Act, 2013) or date of issuing preliminary notification under Land Acquisition Act, 1894?	The reference date for calculation of market value, under Section 24(1) (a) should be 01.01.2014 (commencement of RFCTLARR Act, 2013), as

एन.बी.ओ. बिल्डिंग, निर्माण भवन, नई दिल्ली-110108 फोन : 23063462 फैक्स : 23062351  
N.B.O. Building, Nirman Bhawan, New Delhi-110108 Ph.: 23063462 Fax : 23062351

		<p>the Section reads "in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply. Under section 26 reference date is date of preliminary notification, but section 24 is a special case of application of the Act in retrospective cases, and a later date of determination of market value is suggested (i.e. 01.01.2014) with a view to ensure that the land owners/farmers/affected families get enhanced compensation under the provisions of the RFCTLARR Act, 2013 (as also recommended by Standing Committee in its 31<sup>st</sup> report).</p>
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Yours sincerely,

Sd/-

(Hukum Singh Meena)

**Shri Manu Kumar Srivastava**  
Principal Secretary  
Revenue & Forest Department,  
Government of Maharashtra,  
Mantralaya  
Mumbai-400032

Copy to :-

All Principal Secretaries of States/UTs (except of States of Maharashtra & Govt. of Jammu & Kashmir) for information and necessary action.

*mc*  
29/10/15

*o/c*

*Hukum Singh Meena*  
(Hukum Singh Meena)  
Joint Secretary (LR)  
Tele.No.011-23063462  
24/10/2015



Telefax No : 033-23244044  
e-mail : [gmpm.cil@coalindia.in](mailto:gmpm.cil@coalindia.in)

कोल इण्डिया लिमिटेड  
COAL INDIA LIMITED  
(आई एस ओ 9001:2015 & 50001:2011 सत्यापित संस्थान)  
परियोजना प्रबोधन विभाग  
PROJECT MONITORING DIVISION  
Action Area 1A, New Town, Kolkata-700156  
एक्शन एरिया 1 ए, न्यू टाउन, कोलकाता-700156

पत्रांक: सीइएल/पीएमडी/एलआर/448

दिनांक : 27 November 2017

सेवा में,

Director Personnel,  
Mahanadi Coalfields Limited,  
Sambalpur, Odisha – 768020.

बिसय : Delegation of powers and duties to be exercised or discharged by CIL or its Subsidiaries U/s 17 of CBA (A&D) Act 1957 for payment of compensation to land owners for land acquired under the said Act.

महाशय,

Reference is invited to your letter no. MCL/Sambalpur/NA/Secretary/2017/4311 dt.14-11-2017 addressed to Chairman, Coal India Ltd. on the above subject, wherein CIL was requested to issue directive on the basis of notification of Central Govt. vide S.O. No.2378 dt.13-10-2017.

The matter has been examined and noted that by virtue of above notification Central Government in exercise of the power conferred by Section 19 of CBA (A&D) Act, 1957, has delegated all or any of power or duties which may be exercised or discharged by it under Section 17 of CBA (A&D) Act, 1957 for payment of compensation to land owners or oustees for land acquired under the said Act to CIL or its subsidiaries.

It is pertinent to mention that the Subsidiaries of Coal India acquire land under Coal Bearing Areas (Acquisition & Development) Act 1957 for mining purpose and strictly incidental activities related to mine/ project. On the publication in the official gazette of the declaration u/s 9 of CBA (A&D) Act 1957, the land or the rights in or over of the land as the case may be shall vest u/s 10 absolutely in the Central Government and under Section 11 of CBA (A&D) Act, 1957 land acquired/notified, as such, is vested in the Subsidiary Company of CIL by Central Government.

Thus, land acquired/ notified 11(1) of CBA (A&D) Act, 1957 is vested (right in over or both of land) to the individual subsidiaries i.e. Govt. companies viz. ECL, BCCL, CCL, NCL, WCL, SECL, MCL for whom declaration made u/s 9(1) of CBA (A&D) Act, 1957.

Central Government by this notification, has in effect, delegated its power for payment of compensation u/s 17 of CBA (A&D) Act 1957.

In view of above, a separate directive may not be required to be issued by CIL. The subsidiary will comply the provisions of notification ( power for payment of compensation u/s 17 of CBA (A&D) Act 1957) in accordance with the relevant Act/ Rule/ Guidelines, for the land notified under CBA (A&D) Act, 1957 for their command area.

This has approval of Competent Authority of Coal India Ltd.

भवदीय,  
27/11  
(एम के सिंह)  
महाप्रबंधक (पीएमडी)  
317

अनुलगनक : यथोपरि

प्रतिलिपि :

1. CMD, ECL, BCCL, CCL, NCL, WCL, SECL, MCL.
2. Director ( P), ECL, BCCL, CCL, NCL, WCL, SECL, MCL
3. Advisor (land), CIL.
4. TS to Chairman, CIL.
5. TS to D(T), CIL.
6. TS to D(P), CIL.

F. No. 43020/25/2015-LA&IR  
Government of India  
Ministry of Coal

\*\*\*\*

New Delhi, the 30<sup>th</sup> March, 2018

To,

The Chairman-cum-Managing Director,  
Coal India Limited,  
Coal Bhawan, Premise No-04 MAR,  
Plot No. AF-III, Action Area-1A, Newtown,  
Rajarhat, Kolkata-700156.

**Subject: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act in cases of acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.**

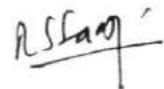
Sir,

I am directed to say that consequent upon enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter 'RFCTLARR Act') and Order SO No. 2368(E) notified on 28.08.2015 by Ministry of Rural Development, a clarification vide Ministry's letter of even no. dated 04.08.2017 was issued. Coal India Limited and its subsidiaries have sought further clarifications in this regard. The queries and their clarifications are as under:

**A. Cut-off- Date for application of provision of New Act :**

**Query:**

- As per the First Ordinance issued for amendments in RFCTLARR Act, 2013 (no. 9 of 2014) on dated 31.12.2014, First, Second and Third Schedule have been made applicable on the enactments listed in Fourth Schedule w.e.f. 01.01.2015. The said date was continued in Second and Third Ordinances which were effective till 31.08.2015.



- Thereafter, the notification u/S. 113 of the RFCTLARR Act was issued for application of First, Second and Third Schedule to the enactments listed in Fourth Schedule have been made w.e.f. 01.09.2015.
- In the cases where notification u/S. 9 has been issued on or after 01.09.2015, MoC through letter dated 26.11.2015, has directed to consider the effective date for such application as 01.09.2015 itself.
- In such scenario ambiguity prevails about the date from which application of these 3 schedules in the acquisitions under CBA Act shall be effective, whether from 01.01.2015 or 01.09.2015?

**Clarification:**

Clarification issued by MoC vide letter dated 04.08.2017 (issued on the basis of advice of Ministry of Law & Justice) clearly state therein that if the compensation has not been determined u/S. 13(5) of the CBA Act before 01.09.2015, then the provision of First, Second and Third Schedule will be applicable. In the remaining cases, where the compensation has already been determined u/S. 13(5) of the CBA Act before 01.09.2015, those cases will not be reopened. With lapsing of the Ordinances, the date of 01.01.2015 does not have any relevance.

**B. Date to be construed as date of determination:**

**Query:**

- As per the clarification issued by MoC vide letter dated 04.08.2017, it is mentioned therein that if the compensation has not been determined before 01.09.2015 u/S. 13(5) of the CBA Act then the provision of First Schedule will be applicable and remaining cases where the compensation has already been determined u/S. 13(5) of the CBA Act before 01.09.2015 will not be reopened. **What is to be construed as the date of 'determination of compensation' as it involves various stages?**

**Clarification:**

1. Date of approval of the calculation of compensation u/S. 13(5) of CBA Act by the competent authority, which has been appointed under Section 3 of the CBA Act, is to be reckoned as 'date of determination of compensation'. The cases where the compensation has already been approved by the competent authority before 01.09.2015 will not be reopened.

*RSSAM*

2. Cases where such approval has not been granted before 01.09.2015, then the provisions of First, Second and Third Schedule of RFCTLARR Act, 2013 will be applicable. In such cases, Collector will be the competent authority in accordance with Sec. 26 of the RFCTLARR Act.

**C.** What would be the implication of clarification dated 04.08.2017 in cases where commitments have been made by coal companies in form of mutual agreements with individual landowner already executed under Section 14 of the CBA Act. Whether such cases need to be reopened? Further, whether new agreements can still be entered under Sec. 14 of the CBA Act?

**Clarification:** According to Sec. 108 of the RFCTLARR Act, where the State law or a policy framed by the Government, if it provides for a higher compensation, the land owners may opt to avail such higher compensation. Similarly, Sec. 14(1) of the CBA Act empowers the Government/ Government Company to enter into an agreement and to fix the compensation according to such agreement. Further, Section 14(2) provides that where no such agreement can be reached, a Tribunal shall 'determine' the amount of compensation. In determining the compensation amount the Tribunal will have to apply provision of 13(5)

1. Thus, any existing commitments in form of agreements executed under Sec. 14(1) of the CBA Act and compensation already fixed with landowners will not be reopened.
2. Further, the coal companies may enter into agreement under Sec. 14(1) for fixing compensation so that the same be adopted if beneficial to the affected families. However, in such cases, persons not covered under such agreement, but otherwise eligible under Second and Third Schedule being covered in the definition of affected family as provided in RFCTLARR Act, shall be provided the benefits of provisions of Second and Third Schedule. Collector shall be the competent authority for determination of eligible persons and entitled benefit under RFCTLARR Act.

**D. What will be the Authority to determine Land Compensation and R&R benefit in cases governed by RFCTLARR Act?**

*ASlam ^*

**Clarification:** According to Sec. 26 of the RFCTLARR Act, Collector will be the competent authority.

**E. Whether provisions of RFCTLARR Act related to Social Impact Assessment will be applicable in the cases of land already acquired under CBA Act?**

**Clarification:** The issue will be clarified later.

**F. How the eligibility under Second Schedule of new Act for R&R entitlement for residential land will be determined?**

**Clarification:** The Collector will determine the eligibility as well as entitlement under the Second Schedule of the RFCTLARR Act, in respect of a land being acquired where the provisions of RFCTLARR Act is applicable.

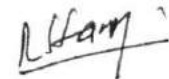
**G. Whether the provision of Sec 96 would also be applicable in cases of award or agreement under the CBA Act and the beneficiaries be exempted from deduction form any income tax on the compensation amount payable to Under the CBA Act?**

**Clarification:** The issue will be clarified later.

2. The above clarifications may be followed in determination of compensation, R&R benefits and Infrastructural amenities for land acquired under CBA Act.

3. This issues with the approval of competent authority.

Yours faithfully,



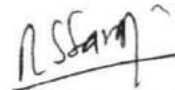
(Ram Shiromani Saroj)

Under Secretary to the Govt. of India

Tel: 011-2461 6869

Copy to:

1. Chairman-cum-Managing Director, Mahanadi Coalfields Ltd. (MCL), Post Office - Jagriti Vihar, Burla, District – Sambalpur (Odisha) - 768020.
2. Chairman-cum-Managing Director, Northern Coalfields Ltd. (NCL), PO-Singrauli, District - Sidhi, (M.P.) - 786889.
3. Chairman-cum-Managing Director, South Eastern Coalfields Ltd. (SECL), Seepat Road, Post Box No. 60, District – Bilaspur (Chhattisgarh) – 495006.
4. Chairman-cum-Managing Director, Eastern Coalfields Ltd. (ECL), Sanctoria, PO - Dishergarh, District - Burdwan(West Bengal) – 713333.
5. Chairman-cum-Managing Director, Central Coalfields Ltd. (CCL), Darbhanga House, Ranchi (Jharkhand) – 834029.
6. Chairman-cum-Managing Director, Bharat Coking Coal Ltd. (BCCL), Koyla Bhawan, Koyla Nagar, Dhanbad (Jharkhand) - 826005.
7. Chairman-cum-Managing Director, Western Coalfields Ltd. (WCL), Coal Estate, Civil Lines, Nagpur (Maharashtra) – 440001.
8. Chairman-cum-Managing Director, Neyveli Lignite Corporation Ltd. (NLC) India Limited, Block-1, Neyvely, District - Cuddalore (Tamilnadu) - 607801.
9. Chairman-cum-Managing Director, Singareni Collieries Company Ltd.(SCCL), Kothagudem Collieries, Bhadradi, District-Kothagudem (Telangana)-507101.
10. Deputy Secretary (LR), Department of Land Resources, Ministry of Rural Development, NBO Building, G Wing, Nirman Bhawan, Moulana Azad Road, New Delhi – 110011.
11. IF Section, Ministry of Coal.



(Ram Shiromani Saroj)

Under Secretary to the Govt. of India



E-190455 03/07/18

F.No. 43020/25/2015-LA&IR  
Government of India  
Ministry of Coal  
\*\*\*

Lok Nayak Bhawan, New Delhi  
Date: 25.06.2018

To

1. Chief Secretary, Government of Jharkhand, Ranchi
2. Chief Secretary, Government of Madhya Pradesh, Bhopal
3. Chief Secretary, Government of West Bengal, Kolkata
4. Chief Secretary, Government of Chhattisgarh, Raipur
5. Chief Secretary, Government of Maharashtra, Mumbai
6. Chief Secretary, Government of Odisha, Bhubaneswar

**Sub: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act, 2013 in cases of acquisition of land under the CBA (A&D) Act, 1957-reg**

Sir,

I am directed to say that this Ministry vide letter of even no. dated 30.03.2018 had issued clarifications in consultation with Min. of Law and Justice in regard to applicability of the First, Second and Third schedules of the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act) in cases of acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957. A copy of the ibid letter is enclosed.

2. It is stated that according to the Section 26 of the RFCTLARR Act, Collector will be the competent authority to determine land compensation and R&R benefit in cases governed by RFCTLARR Act. It may also be noted that there are some other provisions wherein Collector will be the competent authority for taking decisions as per the respective provisions.

3. It is therefore requested that the clarifications as stated above are brought to the notice of all concerned in the State Government so as to comply with the provisions of First, Second and Third Schedules of RFCTLARR Act, 2013 in cases of acquisition of land under the CBA (A&D) Act, 1957 and cooperate with CIL and its subsidiaries coal companies.

4. This issues with the approval of competent authority.

Encl: As above

GM (L&R)

M. Liscuss.

Yours faithfully,

*(Signature)*  
12. (Ram) Shiromani Saroj)

Under Secretary to the Government of India  
Tel: 011-24616869

Copy for information to:

CMD, CIL/CMD, WCL/CMD, ECL/CMD, CCL/CMD, SECL/CMD, MCL/CMD,  
BCCL.

Land/R&R Deptt, MCL HQ  
Receipt No. 3486 dt 17/7/18

VIP - 539  
3-7-18

730  
27/7/18

D (TOP), MCL  
✓ D (R), MCL  
D (T&P), MCL  
GM (L&R), MCL  
All Area GM's, MCL

SOT  
21/7/2018



e-285826

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, PART II, SECTION 3, SUB-SECTION(ii)]

Government of India  
Ministry of Coal

Notification

New Delhi, dated the 27<sup>th</sup> March ,2019

S.O. -In exercise of the power conferred by section 19 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby directs that all the powers and duties that may be exercised or discharged by the said Government under the sections of the Act as are specified in column (2) of the Schedule hereto annexed shall be exercised and discharged by the person specified against in the corresponding entry in column (4) of the said Schedule;

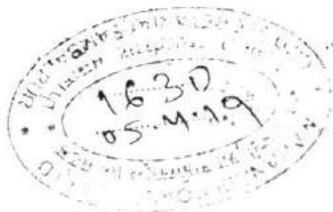
Provided that the exercise and discharge of powers and duties under sub-section (1) of the section 14 of the said Act shall be subject to the prior approval of the Central Government, whereas the exercise and discharge of powers and duties under section 21 of the said Act by the officers as specified in the said Schedule shall be in such circumstances and under such conditions, if any, as may be specified and directed by an order, with the prior approval of the Central Government, in writing, by the Chairman-cum-Managing Director of NLC India Limited;

SCHEDULE

Sl. No.	Section of the Act	Nature of assignment in brief	Designation and official address of the person to whom power delegated.	
(1)	(2)	(3)	(4)	(5)
1.	14(1)	Method of determining compensation	Chairman-cum -Managing Director	NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Chennai-600031.
2.	14(4)	Statement before the Tribunal regarding compensation.	Chairman-cum -Managing Director	NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Chennai-600031.

D P Sectt., MCL HQ., Samtapur  
Receipt No. 345 (e)  
Date 6-4-19

16929 12/04/19



DCP, MCL

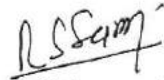
Srha  
5/3/2019

GM (LAR)

10/4

3.	16	Payment of interest on award of the Tribunal.	Chairman-cum- Managing Director	NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Chennai-600031.
4.	17	Payment of compensation.	Chairman-cum -Managing Director	NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Chennai-600031.
5.	21	Power to obtain information.	Chairman-cum- Managing Director	NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Chennai-600031.

[ F.No. 43022/6/2016-LA&IR]



(Ram Shiromani Saroj)

Deputy Secretary to the Government of India

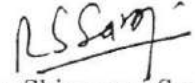
To

The Manager (Technical),  
Government of India Press,  
Mayapuri, Ring Road,  
New Delhi.

Copy to :-

1. CMD, NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Cheenai-600031 - with the instructions that Powers delegated by the Central Government vide this Notification can not be further delegated to any other person by the CMD, NLC India Limited for the Sections 14(1), 14(4), 16, 17 and 21 of CBA (A&D), Act, 1957.
2. Director(Mines), NLC India Limited, First Floor, No. 8, Mayor Sathyamurthy Road, FSD, Egmore Complex of Food Corporation of India, Chetpet, Cheenai-600031.
3. CMD, Mahanadi Coalfields Limited, P.O. Jagriti Vihar, Burla, District Bilaspur-495 006, Odisha.

[ F.No. 43022/6/2016-LA&IR ]



(Ram Shiromani Saroj)

Deputy Secretary to the Government of India



Ministry of Law and Justice  
Department of Legal Affairs

s-Office No. 314405/Adv. LAIR/2018  
MoCF, No. LAIR-43022/4/2018-LAIR

Reference note at pre-pages --

2. Ministry of Coal has again referred this file seeking our advice on the issue of renewal/extension of lease for a period of 10 years granted to M/s Aryan Coal Beneficiation Private Limited by the South Eastern Coalfield Limited (SECL) for operation of coal beneficiation plant at Village Bettikari of Dipka area of SECL.
3. Having noticed that the land on which the impugned coal beneficiation plant is operational is a land acquired under CBA Act, 1957, we *vide* our noted dated 02.07.2018 (at P-27/N) requested the administrative Ministry to enclose vesting order along with the direction containing terms and conditions, if any, issued in exercise of powers conferred by Section 11(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957.
4. Pursuant to our request the administrative Ministry *vide* note dated 16.08.2018 forwarded the vesting order dated 06.06.1986 wherein it is stated that the Government Company shall have no power to transfer the said land without previous approval of the Central Government and that the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land.
5. Accordingly, we *vide* our note dated 31.08.2018 (at page 31/N) again requested the administrative to place on the directions and conditions given/imposed by the Central Government in this regard from time to time and other relevant papers. The administrative Ministry has now made available the relevant papers.
6. In the above context, it is noticed that after examining the matter in consultation with this Ministry, the Ministry of Coal *vide* letter dated 11.07.1994 conveyed its decision that there will be no objection to permitting the leasing of such lands for utilization for purposes related to coal mines as the collier includes the washing of coal obtained from the mines. Accordingly, Ministry of Coal *vide* letter dated 19.11.1997 conveyed its no objection to SECL for leasing out land to M/s Aryan Coal Beneficiation Pvt. Limited.
7. It appears that in view of the above, a lease deed was signed on 07.07.1998 between the South Eastern Coalfield Limited and M/s Aryan Coal Beneficiation Private Limited wherein at para (b) of the lease deed it is clearly stated that "the lessee shall hold the demised land for a term 20 years. The lessee may at its option request for renewal of the lease for a further period..."
8. It is noticed *vide* letter dated 19<sup>th</sup> September, 2005 the administrative Ministry issued guidelines for setting up of Coal Washeries on coal company's land wherein it is stated that if the lands acquired under the Coal Bearing Areas



(Acquisition and Development) Act, 1957, are vested completely in the coal companies, the land can be leased for a maximum period of 30 years.

9. It is further noticed that the Ministry of Coal vide Order dated 8<sup>th</sup> November 2005 delegated powers to Government Coal Companies and also directed vide para (ii) of the said Order that henceforth concerned Government Company shall not be required to take permission of Central Government for leasing of land for setting of washery and vide para (iii) it was clearly stated that any condition laid down in notification under Section 11 (1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 requiring permission of Central Government for transfer of land to shall not apply to the cases of transfer of land for setting up of washery. This decision has been made applicable to all cases whether past or future.

10. In view of the above directions issued by the administrative Ministry from time to time in respect of setting up coal washery and keeping in view the stipulation contained in the lease deed i.e. "the lessee may at its option request for renewal of the lease for a further period." we are of the view that the parties to the lease must honour the stipulation contained in the lease deed and therefore, the lease in the instant case may be renewed as M/s Aryan Coal Beneficiation Private Limited has exercised its option of renewing the said lease. In doing so there appears no legal objection rather it may avoid unwanted litigation.

(Dr. R. S. Shrinet)  
Deputy Legal Adviser  
10.09.2018

Ministry of Coal

Department of Legal Affairs  
Athina A. Gupta  
F.T.S. No. 319405/A/12  
Dated 11.9.18



BY SPEED POST/E-MAIL

F.No. 55011/1/2019-LA&IR  
Government of India  
Ministry of Coal

Lok Nayak Bhavan, Khan Market  
New Delhi, the 28th June, 2019.

To

The Chairman-cum-Managing Director,  
Coal India Limited,  
Action Area 1A, New Town,  
Rajarhat, Kolkata-700156.

**Subject: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act, 2013 in cases of land acquisition under the Coal Bearing Areas (Acquisition and Development) Act, 1957 by CIL and its subsidiaries-Constraints in implementation-Reg.**

Sir,

I am directed to refer to Coal India Limited's letter No.CIL/PMD/LR/20/57 dated 18.02.2019 on the above subject and to say that the matter has been re-visited in the Ministry of Coal in consultation with Ministry of Law and Justice, Department of Legal Affairs.

2. It has been decided that in partial supersession of clarification issued in Para D of Ministry of Coal's letter No.43020/25/2015-LA&IR dated 30<sup>th</sup> March, 2018 and in supersession of Ministry of Coal's letter No.43020/25/2015-LA&IR dated 25.06.2018, it is further clarified that the competent authority for determination of land compensation and R&R benefits shall be as already notified under Section 3 of Coal Bearing Areas (Acquisition & Development) Act, 1957.

3. While deciding the land compensation and R&R benefits, the coal companies shall follow the provisions of the First, Second and Third Schedules of the RFCTLARR Act, 2013 including obtaining the approved rate schedules from the concerned authorities.

*RS Sangh*  
28/6/2019

Contd... P.2

4. This issues with the approval of competent authority.

Yours faithfully,

*RS Saroj*  
28/6/2019

(Ram Shiromani Saroj)

Deputy Secretary to the Govt. of India

Tele:011-24616989

E-mail: rs.saroj@nic.in

Copy to the following for information and necessary action:-

1. The Secretary, Department of Land Resources, Ministry of Rural Development, NBO Building, G Wing, Nirman Bhawan, New Delhi-110011.
2. The CMDs of ECL/WCL/MCL/CCL/SECL/NCL/BCCL.
3. The Chief Secretaries of State Government of Chhattisgarh, Madhya Pradesh, Maharashtra, Jharkhand, West Bengal, Odisha.

*RS Saroj*

(Ram Shiromani Saroj)

Deputy Secretary to the Govt. of India



# **GUIDELINES OF GOVT. OF ODISHA**



Exact copy of Notification No.LA-17/88.26838/R,Dt.25.4.1988

GOVERNMENT OF ORISSA  
REVENUE AND EXCISE DEPARTMENT  
\*\*\*\*\*

NOTIFICATION

No.L.A.17/88. 26838/R

Bhubneswar, date, the 25 th April, 1988

In partial modification of the Executive Instruction No.185 contained in the Land Acquisition Manual and Revenue Department Notification No.8/85-Misc.47662/R., dated.22.8.1985 , the Govenrer of Orissa do hereby direct that charges towards establishment cost, newspaper publication expenses, law charges and contingencies etc. shall be realised from the requisitoning authorities in Land Acquisition Proceedings at the following consolidated rates.

- |  |  |
|--|--|
| (i) Government Departments, Companies<br>Projects, Corporations and Local<br>Bodies etc.                               | 20% of the estimated<br>compensation amount<br>of land to be acquired. |
| (ii) Land requiring organisation/<br>projects which bear the expenses<br>of Special Land Acquisition<br>establishment. | 10% of the estimated<br>compensation amount of<br>land to be acquired. |

By order of Governer

B.C. Patnaik  
SECRETARY TO GOVERNMENT

Memo No.26839/R., Dated.26/4/88

Copy forwarded to Director of Printing Stationery and Publication, Madhupatna,Cuttack for publication of the above Notification in the next issue of Extra-ordinary Gazette and supply 100 copies of the same to this Department soon.

Sd/-  
DEPUTY SECTETARY TO GOVERNMENT

Memo No.26840/R, Dated.26/4/88

Copy forwarded to all Departments of Government/all Heads of Departments/Secretary,Board of Revenue, Orissa,Cuttack/ All Revenue Divisional Commissioners/All Collectors/All Land Acquisition Officers/All Special Land Acquisition Officers for information and necessary action in continuation of this Department letter No.950/R, dated.7.1.1988. This amendment will come into force from February, 1986.

Sd/-  
DEPUTY SECRETARY TO GOVERNMENT

11  
Government of Orissa  
Revenue & Excise Department.

No.L.A. 60/89dkl-

6045/R, dt. 4.11.89

From

Shri S. Samal, O.A.S.,  
Deputy Secretary to Government.

To

The Addl. Secretary to Govt. Irrigation & Power  
Department, Bhubaneswar.

Sub: Deposit of 20% of the estimated compensation amount  
of land to be acquired for N.T.P.C. towards cost of  
establishment contingencies, Law charges News papers  
publication purposes by N.T.P.C.

Sir,

I am directed to invite reference to your D.O. letter  
No. 44384 dt. 30.10.89 on the subject noted above and to say that  
according to E.I.185 of the L.A. Manual 1976 where land is  
acquired at the cost of any fund controlled or managed by a  
local authority or a company the charges incidental to the  
acquisition shall be defrayed from such fund or such company

These charges comprise the salaries, T.A. of the L.A.O.  
and his establishment (permanent as well as temporary), the  
contribution for leave and pension charges of the L.A.O and the  
pensionable members of his establishment, contingency charges  
including the cost of statutory forms and law charges incurred  
including referenced.

In Revenue Department Notification No. L.A. 17/88 Misc.  
26838 dt. 26.4.88 Government have fixed the above charges in case  
of Department of Government companies, project, corporation and  
Local bodies etc. at 20% of the estimated compensation amount of  
land to be acquired and in case of land requiring Organisations,  
Projects, which bear the expenses of special land Acquisition  
establishment at 10% of the estimated compensation amount of  
land acquired. As such the N.T.P.C. is to deposit 20% of the  
estimated compensation amount of land to be acquired towards cost  
of establishment and contingencies.

The establishment cost in relation to acquisition is  
not only the cost of the staff engaged in the field but also the  
staff engaged indirectly including the Secretariat staff and  
the staff of Adm. Department. It is also not possible to  
anticipate the law charges. The State Government undertaking  
like O.P.G.C. and the other central Government authority the  
S.E.C.I are paying at the rate of 20% of the compensation amount.

contd....2

- 1 2 1 -

So the question of granting any exemption to N.T.P.C. authority does not arise. You are therefore requested to intimate the N.T.P.C. authority to deposit 20% contingency amount immediately.

Yours faithfully,



Deputy Secretary to Government

R.P./



Government of Orissa  
Revenue and Excise Department

No. 51/302 R., dt. 11.9.89

GE (Coal) 22/89

From

Raicharan Das,  
Addl. Secretary to Government.

To

The Collector, Sambalpur/Dhenkanal.

Subj.

Payment of compensation by S.E.C.L. for the  
super structures put on by the encroachers  
on the Govt. land.

Ref:

D.O. letter No. 975 dt. 19.5.88 from L.A.O.  
Sambalpur to the address of Deputy Secretary  
to Government, Revenue Department.

Sir,

I am directed to invite a reference to the letter on the subject cited above and to say that, a doubt has arisen as to whether compensation shall be paid to the encroachers of Govt. land alongwith unauthorised structures erected there on.

2. According to the provision of the O.P.L.E. Act if an encroachment is unobjectionable then an area measuring one standard acre can be settled for agricultural purpose with the landless encroachers. However, the extent of such land shall come down in proportion to the extent of land held by him or by other members of his family.

3. Similarly a homesteadless encroacher is eligible for settlement of 1/10th of an acre for homestead purposes if it is found unobjectionable under the provision of O.P.L.E. Act.

4. Taking both the above aspects into consideration Govt. have been pleased to decide that in case of encroachment of Government land proposed to be transferred to S.E.C.L. authorities, at the outset, the eligibility of an encroachers shall have to be determined within the ambit of the aforesaid criteria of the O.P.L.E. Act for settlement of such extent of land as could have been settled with them had it been a normal case of encroachment. Thereafter steps should be taken for payment of necessary compensation for the extent of Government land under the occupation of the encroacher which would have been settled with them under the provisions of O.P.L.E. Act in the normal course had the land not been acquired for S.E.C.L. authorities.

CONTD...2.

*filed*  
*S.D.*

5. As regards payment of compensation for the structures erected on the above mentioned Govt. land by the encroachers there is no such provision in the O.P.L.E. Act for such payment. Since it is the policy of Govt. to provide some relief to indigent encroachers who have put on residential houses it has been decided to pay compensation to such encroachers as per the principles given below:

- a) In order to be entitled to compensation for structures the person must be a homesteadless person as defined in the O.P.L.E. Act.
  - b) The compensation shall be equivalent to the cost of structures but shall not in any case exceed Rs. 10,000/- (Rupees ten thousand only).
- This Government decision shall be applicable in case of lands acquired/transferred in favour of S.E.C.L. only.

Yours faithfully,

ADDL. SECRETARY TO GOVERNMENT.

Memo No. 54303 R., dated. 11.9.59  
Copy forwarded to the Member, Board of Revenue for favour of information.

ADDL. SECRETARY TO GOVERNMENT.

Memo No. 54304 R., dated. 11.9.59  
Copy forwarded to all Revenue Divisional Commissioners/All collectors for information and necessary action.

ADDL. SECRETARY TO GOVERNMENT.

Memo No. 54305 R., dated. 11.9.59  
Copy forwarded to the Mining and Geology Deptt., Chief General Manager, S.E.C.L., Orissa Bhawan, A/112, Saldal Bagar, Bhubaneswar for information and necessary action.

ADDL. SECRETARY TO GOVERNMENT.

rk/9/11.

11/9/59

Government of Orissa  
Revenue & Excise Department  
\*\*\*\*\*

Ann-B

No. 7-4, III /R., Dt. 29-12 89  
GE (Cont) - 22/89.

From

Sri S.N. Mohanty, O.A.S.,  
Under Secretary to Government.

To

The Collector, Sambalpur

Sub:-

Payment of Compensation for structures and buildings over Govt. land in Ramadera II of IB valley area of Sambalpur District.

Ref:-

Your letter No. 1769/LA dt. 12.12.89

Sir,

I am directed to invite reference to your letter on the subject cited above and to say that the compensation for the houses and structures on the Govt. land shall be equivalent to the cost of the structures but shall not in any case exceed Rs. 10,000/- (Ten thousand) as already intimated to you vide this Department G.O. No. 57302/R dt. 11.9.89.

However, since in case of Ramadera II, the S.E.C.L. authorities are willing to make payment of higher compensation for the structures etc on Govt. land in addition to other facilities, they can do so and make payment of the excess amount over Rs. 10,000/- (Ten thousand) in the shape of ex-gratia payment and the Govt. do not have any objection for such payment.

Yours faithfully,

*[Signature]*  
Under Secretary to Government.

PR-S  
*[Handwritten initials]*

Memo No. \_\_\_\_\_ /R., Dt. \_\_\_\_\_  
Copy forwarded to the Secretary to Board of Revenue / Revenue Divisional Commissioner (Northern Division) Sambalpur for information and necessary action.

*[Signature]*  
Under Secretary to Government.

Memo No. \_\_\_\_\_ /R., Dt. \_\_\_\_\_  
Copy forwarded to the Collector, Dhenkanal/Deputy General Manager, IB Valley area S.E.C.L., P.O. Brajarajanager Sambalpur for information and necessary action.

*[Signature]*  
Under Secretary to Government.

Memo No. \_\_\_\_\_ /R., Dt. \_\_\_\_\_  
Copy forwarded to M & G. Department for information and necessary action. *[Handwritten: gdm - under]*



**Government of Orissa**

Revenue & Disaster Management Department

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No. GE(GL)-S-30/07 34969/R&DM., Dated : 31.08.2007

From :

G.V.V. Sarma, I.A.S,  
Commissioner-cum-Secretary to Government

To

All Collectors

Sub : Realisation of premium from the user agencies for use of forest land for mining, industrial and other purposes.

Ref. : This Department Circular No. GE(Coal)-6/96-18758/R dt.07.04.1998.

Sir/Madam,

I am directed to say that doubts have been raised in certain quarters as to whether the user agencies have to pay the premium for the forestland being diverted for non-forest purposes. A doubt has also been raised as to whether the Net Present Value (NPV) of forestland which is being collected from the user agencies includes the cost of the forestland diverted for non-forest use.

2. NPV is being collected as per the directives of Hon'ble Supreme Court of India since 30.10.2002 to compensate for the loss of tangible as well as intangible benefits flowing from the forestland diverted for non-forest use. It is being charged between Rs.5.80 Lakh to Rs.9.20 Lakh per hectare depending upon the quality of forest, density and the type of species in the area. The NPV so collected, is to be deposited in Compensatory Afforestation Fund Management and Planning Authority (CAMPA).

3. Thus, NPV does not include premium of the forestland. The State Government, being the owner of the land, can collect premium at rates decided by the Government in addition to NPV.

4. In this connection, the instructions contained in this Department Circular cited above may kindly be referred to (copy enclosed). It has been clearly stipulated therein that the user agencies have to pay the premium for the forest land used for mining, industries or other purposes. The principle regarding determination of quantum of premium for different purposes has also been laid down in the aforesaid letter.

5. It is, hereby, clarified that premium in respect of forestland used for different purposes may be collected from the user agencies in the manner as prescribed in this Department Circular referred to above in addition to NPV, cost of compensatory afforestation etc.

Cont.../P-2

6. Further, the Government has been pleased to decide that the premium shall be collected by the Collector of the concerned district irrespective of the category of the forestland, whether it is of revenue forest, reserved forest, protected forest etc. However, in all such cases, the user agency need not pay any premium for the non-forest lands alienated in favour of Forest and Environment Department for compensatory afforestation purposes.

7. This may kindly be brought to the notice of all field level functionaries for their future guidance.

8. Action taken in this regard may please be intimated before 31<sup>st</sup> October 2007.

Encl. : As stated.

Yours faithfully,

Sd/-  
G.V.V. Sarma  
Commissioner-cum-Secretary to Govt.

Memo No. 34970/R&DM., Dt. 31.08.2007

Copy with copy of the enclosure forwarded to Secretary, Board of Revenue, Orissa, Cuttack/ All RDCs for information and necessary action.

Sd/-  
G.N. Sahoo  
Joint Secretary to Government

Memo No. 34971/R&DM., Dt. 31.08.2007

Copy with copy of the enclosure forwarded to Forest and Environment (Forest) Department for information and necessary action.

Sd/-  
G.N. Sahoo  
Joint Secretary to Government

Memo No. 34972/R&DM., Dt. 31.08.2007

Copy with copy of the enclosure forwarded to all Assistants of LR&GE(A)/ (B)/ (C) Branch of Revenue & Disaster Management Department for information and necessary action.

Sd/-  
G.N. Sahoo  
Joint Secretary to Government

# The Orissa Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 224 CUTTACK, WEDNESDAY, FEBRUARY 17, 2010/MAGHA 28, 1931

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 11th February 2010

No. 5374—GE(GL)-S-5/2009-R&DM.—Whereas the draft of certain rules further to amend the Orissa Government Land Settlement Rules, 1983 were published as required by sub-section (1) of Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), in an extraordinary issue of the *Orissa Gazette* No. 1739, dated the 2nd December, 2009 under the notification of the Government of Orissa in the Revenue & Disaster Management Department No. 46165—GE(GL)-S-5/2009, dated the 1st December, 2009 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the same in *Orissa Gazette*;

Whereas objections and suggestions received on the said draft have duly been considered by the Government;

Now, therefore, in exercise of the powers conferred by Section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act 33 of 1962), the State Government do hereby make the following rules further to amend the Orissa Government Land Settlement Rules, 1983, namely:—

1. (1) These rules may be called the Orissa Government Land Settlement (Amendment) Rules, 2010.
- (2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), for Rule 5-B, the following rule shall be substituted, namely:—

"5-B. Settlement of Khasmahal, Nazul, Gramakantha Paramboke and Abadi lands—Notwithstanding anything contained in Rules 3,5,5-A, 8,11,12,13, settlement of Khasmahal and Nazul land leased out, and Gramakantha Paramboke and Abadi land occupied, prior to 26th day of February, 2006 and used for homestead purpose shall be made in the manner prescribed in Schedule V".

3. In the said rules, in Schedule III, after the words and figures "covering 500 acres and above" occurring in the Para. appearing at the end of Serial No. 3 shall be deleted and the said Para. shall be numbered as Serial No. 4.

4. In the said rules for Schedule V including the forms appended thereto shall be substituted by the following Schedule, namely:—

## "Schedule V

( See Rule 5-B )

Rules for Settlement of Gramakantha Paramboke, Abadi,  
Khasmahal and Nazul Lands for homestead purpose

**1. Persons eligible for settlement—**(a) A person who is in possession of Gramakantha Paramboke or Abadi (Basti) land in exercise of customary right or usage or has acquired possession of such land by way of transfer, through a registered deed of conveyance, from a person who was in lawful possession of such land in exercise of customary right or usage; and

(b) a person who is in possession of Khasmahal or Nazul land on the basis of lease granted by the Government, whether renewed or expired, or a registered sub-lease including subsequent sub-lease granted by the lessee or the sub-lessee, as the case may be, or by way of transfer of such land, through a registered deed of conveyance, from a lessee, sub-lessee or subsequent sub-lessee shall be eligible for settlement of land in his favour for homestead purpose :

Provided—

(i) the person, including his lawful predecessor(s) in-interest, was in possession of such land for a period of at least three years prior to the appointed date, i.e. the 26th February, 2009; and has submitted or submits a valid application for such settlement within a period of six months from the date of publication of Orissa Government Land Settlement (Amendment) Rules, 2010 or within such further period as may be appointed by a notification published in the official Gazette from time to time; and

(ii) the land has been used for homestead purpose.

**2. Submission of Application—**The eligible persons shall submit application, in writing, in Form 1 along with attested true copies of all documents if any, in support of their claim to the Tahasildar concerned in whose area of jurisdiction the land is situated.

**3. Procedure on receipt of application—**(a) The Tahasildar shall initiate a case record on an application made in Form 1 by the occupant of such land and make a detailed enquiry as regards possession of such land, eligibility of the applicant, purpose for which land is being used, actual extent of land under possession of the applicant and such other aspects as may be necessary for considering the claim for settlement of such land ;

(b) On the basis of such enquiry the Tahasildar shall prepare necessary map with plotting of land under possession and shall publish proclamation inviting objection for settlement of the land with the applicant(s) in the manner provided in sub-rule (5) of Rule 5 of these rules giving 30 days time to file objections.

(c) Where objection have been received within the period in sub-clause (b), the Tahasildar shall dispose of the same after notice to the concerned parties giving an opportunity of being heard to all such parties. The onus of adducing evidence in support of the claim shall lie with the applicant. In all the cases, including the cases where the name of the applicant has already been recorded in the present settlement record in "Gharabari" or "Pattadar" status, it shall be ascertained by verification that the land was recorded in the Sabik record as Gramakantha Paramboke or Abadi or Nazul or Khasmahal land, as the case may be, before the settlement is made. In cases, where Sabik records are not available, the Tahasildar shall certify that the Sabik records are not available and shall proceed with settlement, if otherwise found eligible.

(d) The Tahasildar, after conducting field verification and verification of records, shall settle the land with the applicant(s) found to be in actual possession of the land if he/she is otherwise eligible, for homestead purpose.

(e) The Tahasildar shall, as per delegation of powers, either approve the settlement, or, submit the case record to the Sub-Collector for confirmation of such settlement. While submitting the case record, all proposals of that particular village shall have to be processed together, as far as possible, taking the village as one unit. While sending proposals to the Sub-Collector, the Tahasildar shall also append a certificate in the case record to the effect that he has verified both Sabik and Hal record of rights and found that the subject land qualifies for action under the Act and these rules. In cases where Sabik records are not available, the Tahasildar shall certify that Sabik records are not available and shall conduct the verification on the basis of Hal records.

(f) The Sub-Collector shall either dispose the case or submit the case records to the Collector for settlement as the case may be.

**4. Purpose for which land may be settled—**(a) Land shall be settled only for homestead purpose under this Schedule.

(b) Land used or essentially required for community purpose such as, but not limited to, roads, playground, public places of worship, Government institutional buildings shall not be settled under this Schedule and shall be recorded in 'rakhit' khata as such.

**5. Powers to settle land—**(a) The settlement of land under these rules shall be made by the Tahasildar where the land is used for homestead purpose and the total extent of land with the applicant does not exceed 4 decimals (one-twenty fifth of an acre) and is situated in rural area.

(b) Cases involving area of land used for homestead purposes will be approved by the Sub-Collector if the extent of land is up to four decimals (one-twenty fifth of an acre) in urban area or exceeds four decimals but does not exceed ten decimals (one-tenth of an acre) in rural area.

(c) Prior approval of Collector shall be obtained, through Sub-Collector, for the settlement of land under this Schedule if the extent of land exceeds the area mentioned in sub-clause (b).

(d) The settlement of land under this Schedule shall be made on Raiyati basis on payment of Salami and rent.

(e) The Sub-Collectors will verify at least ten per cent of the cases sanctioned by the Tahasildars and Collectors shall verify at least 5 % of the cases sanctioned by the Sub-Collectors, to be selected on a random basis.

**6. Payment of amount and arrear ground rent and cess—**(a) Amount at the following rates shall be payable as Salami for settlement of Gramakantha Paramboke, Abadi (Basti), Khasmahal and Nazul land under these rules :

Extent (1)	Amount payable for settlement (2)
(i) Urban—Up to 4 decimal	3 times the normal annual rent
(ii) Rural—Up to 10 decimal	Ditto
(iii) Extent above 4 decimals but not exceeding 10 decimals in urban areas.	10 times the normal annual rent
(iv) Extent above 10 decimals in rural as well as urban areas.	15 times the normal annual rent

(b) The unpaid arrear rent for last ten years will also be recovered in case of Khasmahal and Nazul land before settlement of such land to an applicant.

(c) The applicants will be liable to pay land revenue as per relevant laws from the date of settlement of land on Raiyati basis.

(d) The 'normal rent' for the purpose of this Schedule means the rent applicable for similar category of lands in the adjoining area in the village.

(e) For the purpose of determining the amount payable under sub-item (a), the purpose of land shall be deemed to be homestead if not more than 30 % of the constructed area on land applied for or 250 square feet of constructed area, whichever is less, is being used for non-residential purpose, provided that the entire remaining portion is being used for homestead purpose by the applicant. Homestead purpose will mean residential dwelling unit used for own residence by the applicant and his family members or rented out on monthly rental basis to a tenant for residential use but shall exclude renting out of residential building as a hotel, guest house. In case of any doubt whether the particular building is used for homestead purpose or not, the Tahasildar shall prepare a report on the factual aspects of the use in the case record and the matter will be referred to the Collector for final decision.

(f) For the purpose of this Schedule, one decimal area, is area equal to one-hundredth of an acre.

**7. Miscellaneous provisions—**(a) Applications, if any, received before the coming into force of the Orissa Government Land Settlement (Amendment) Rules, 2010 for settlement of Gramakantha Paramboke, Abadi (Basti), Khasmahal or Nazul lands shall be deemed to be applications received under this Schedule and shall be disposed of in accordance with this Schedule notwithstanding that the applications have not been made in Form I.

(b) Persons who have been granted lease of Gramakantha Paramboke, Abadi (Basti), Khasmahal and Nazul land prior to commencement of the Orissa Government Land Settlement (Amendment) Act, 2009 shall be eligible for settlement of land in accordance with the provisions of this Schedule.

(c) Government shall have powers to issue executive instructions not inconsistent with the provisions of these rules to the authorities entrusted with the responsibility for settlement of land under these rules".

By order of the Governor

RAJ KUMAR SHARMA

Commissioner-cum-Secretary to Government

**GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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**No.GE(GL)-S- 58/10- 48395 / R & DM. Dtd.26.11.2010**

From

Shri R. K. Sharma, IAS  
Commissioner-cum- Secretary to Government

To

The Secretary, Board of Revenue, Orissa, Cuttack.

**Sub: Principles for determination of the basis for fixation of premium, interest and penalty for occupation of Government land before/after sanction of formal lease.**

Sir,

I am directed to say that the principle for determining the basis for fixation of premium, interest and penalty for occupation of Government land before/after sanction of lease/ alienation is being presently regulated by erstwhile Revenue & Excise Department G.O. No. 5914 dated 2.2.1966.

2. However, formulation of a revised principle for determination of the same was under active consideration of Government for some time past. Government, after careful consideration of the matter and in supercession of the existing principles as laid down in the G.O. cited above, have been pleased to decide as follows:-

(a) In respect of the cases where land is to be occupied after formal sanction of lease, the market value of the land as on the date of recommendation of the Tahasildar for sanction of lease should be charged, provided that a period of more than one year has not lapsed from the date of such recommendation to the date of submission of the proposal to the authority competent to sanction the lease. Wherever a period of more than one year has lapsed from the date of recommendation of the Tahasildar, the authority competent to sanction the lease may direct the Tahasildar to reassess the market value based on recent sale statistics.

(b) In the cases where the lands are occupied by way of advance possession with the permission of competent authority, the market value of the land should be determined as on the date of taking over advance possession or occupation by the applicant. The arrear land revenue and cess at the prescribed rates shall also be payable for the entire period of occupation. The interest on premium and arrear land revenue and cess for the entire period of occupation shall also be payable at the prevailing rate of interest i.e. 6% per annum up to 27.11.1992 and 12% after that date.

(c) In the cases where land has been occupied without prior approval of the competent authority, it should be treated as encroachment and will be liable to eviction. However, in the exceptional cases, where the Government, due to certain good and sufficient reasons, consider to settle the land with the occupier, the occupier will be required to pay:

- i) Premium calculated at the market value of the land as on the date of occupation and interest thereon for the entire period of occupation, or the market value as applicable in the cases where the land is to be occupied after formal sanction of lease, whichever is higher.
- ii) An amount equal to the penalty as would have been payable under the provisions of the OPLE Act and Rules, and
- iii) Arrear ground rent and cess with interest, based on market value prevailing during the relevant period.

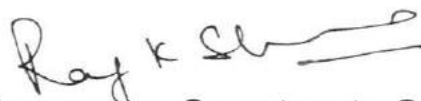
3. In respect of cases under 2(c), the benefits of concessional rates of premium, if any, available under any policy of Government for the specified purpose will not be applicable to such cases where the land has been occupied unauthorisedly without formal sanction of lease or without grant of advance possession by an authority competent to sanction the lease.

4. The interest on premium and arrear ground rent and cess will be calculated at the prevailing rates of interest, i.e. 6% per annum up to 27.11.92 and 12% per annum thereafter.

5. These principles will also be applicable to all the pending cases where lease / alienation is yet to be sanctioned. The cases where lease / alienation has already been sanctioned need not be re-opened.

All concerned may be intimated accordingly under intimation to this Department.

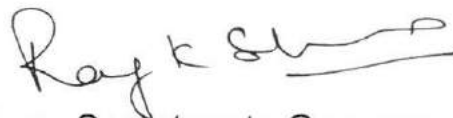
Yours faithfully,



Commissioner-cum- Secretary to Government.

Memo No. 48396 /R&D.M. dtd. 26.11.2010


Copy forwarded to All RDCs/Director, Land Records, Surveys & Consolidation, Orissa, Cuttack/ All Collectors for information and necessary action.



Commissioner-cum- Secretary to Government.

Memo No. 48397 /R&D.M. dtd. 26.11.2010

Copy forwarded to all Departments of Government for information and necessary action.



Commissioner-cum- Secretary to Government

Memo No. 48398 /R&D.M. dtd. 26.11.2010

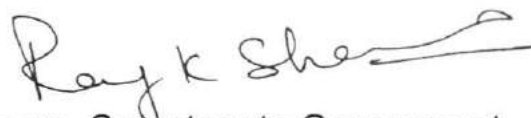
Copy forwarded to all Sub-Collectors/ all Tahasildars for information and necessary action.



Commissioner-cum- Secretary to Government

Memo No. 48399 /R&D.M. dtd. 26.11.2010

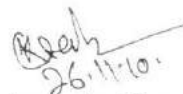
Copy forwarded to P.S to Minister, Revenue & D.M. for kind information of Hon'ble Minister.



Commissioner-cum- Secretary to Government

Memo No. 48400 /R&D.M. dtd. 26.11.2010

Copy forwarded to LR&GE(A)/(B)/(C)/ CH&S Branch/Registration Branch/LR (A)/(B)/Budget (B) Branch/OIC, IMU Cell of Revenue & D.M. Department for information and necessary action.



Under Secretary to Government



BY FAX

GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*  
No. GE(GL)-S- 76/2010- 43968, R & DM. Dtd. 24/10/2011

From

Shri R. K. Sharma, IAS  
Commissioner-cum- Secretary to Government

To

All Collectors

**Sub: Government land recorded in non-forest kisam with a note of "Sabik Kisam Jungle" in the RoR finally published after 25.10.1980 but which was forest kisam in Sabik record – application of Forest (Conservation) Act, 1980 – Clarification regarding.**

Madam/Sir,

There have been doubts about the applicability of Forest (Conservation) Act, 1980 to the lands recorded as non-forest kisam in RoR published after 25.10.1980 but which carry an entry of 'Sabik kisam jungle' in the remarks column.

This matter has been examined in consultation with Forest & Environment Department and it is noted that section 2 of the Forest (Conservation) Act, 1980 restricts the dereservation of forests or use of forest land for non-forest purpose except with prior approval of Government of India, MoEF for such non-forest use.

Further, the Hon'ble Supreme Court, in their order Dt. 12.12.1996 passed in WP(C) No. 202/1995 have observed that

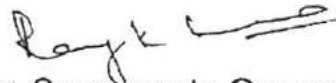
"..... The term 'forest land' occurring in section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected

therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof .....

In consideration of this position, Government have been pleased to clarify that the provisions of Forest (Conservation) Act, 1980 would be applicable to any type of forest land including the land recorded as non-forest land in Hal records published after 25.10.1980 which was of "Jungle" kism in its respective Sabik record as on 25.10.1980 irrespective of the fact that the said non-forest kism land in Hal record does not find place in the District Level Committee Report which formed the basis for the affidavit filed by the State Government before the Apex Court.

You are, therefore, requested to take appropriate action in the matter accordingly.

Yours faithfully,



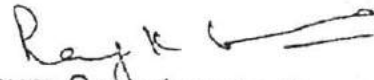
Commissioner-cum- Secretary to Government  
Memo No. 43969 /R&D.M. dtd. 24/10/2011

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/ all RDCs for information and necessary action.



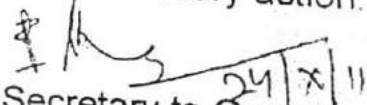
Commissioner-cum- Secretary to Government  
Memo No. 43970 /R&D.M. dtd. 24/10/2011

Copy forwarded to Forest & Environment (Forest) Department/ CMD, IDCO for information and necessary action.



Commissioner-cum-Secretary to Government  
Memo No. 43971 /R&D.M. dtd. 24/10/2011

Copy forwarded to OIC, IMU Cell/ LR&GE(A)/(B)/(C) Branch of Revenue & D.M. Department for information and necessary action.



Deputy Secretary to Government

BY FAX

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No.GE(GL)-S- 17/2012 - 45220 / R & DM. Dtd. 8/10/12

From

Dr. Taradatt, IAS  
Principal Secretary to Government

To

All Collectors

**Sub: Realization of capitalized value of land revenue in addition to premium in respect of Government land alienated in favour of Ministries / Departments of the Central Government.**

Madam/Sir,

I am directed to say that the erstwhile Revenue & Excise Department in G.O. No. 57994 dated 4.9.1964 had communicated the decision of Government that in case of transfer of Government land to Union Government, the latter would have to pay the market value of the land which would include capitalized value of land revenue at 25 times of the annual rental. Thus, as per the said G.O., the Union Government are liable to pay market value of the land and capitalized value of land revenue which is 25 times of the annual rental at the time of alienation of Government land. The Union Government will not have to pay annual ground rent and cess. However, the G.O did not specify whether annual rental includes rent and cess or only rent.

2. Doubts have been raised in various quarters as to whether the capitalized value of land revenue would mean 25 times of annual ground rent and cess or 25 times of ground rent only.

3. The matter was examined in consultation with Law Department as well as Finance Department and this Department in Letter No. 44023/R&D.M. dated 16.11.2009 addressed to Estate Manager, DRDO, Chandipur, Balasore with copy to all Collectors vide Memo No. 44026/R&D.M. of even date, has clarified that land revenue includes the ground rent and cess and hence the capitalized value of both these items is leviable on the Central Government Organisations.

4. Even after issue of the clarification as above, various Central Government Organisations have been requesting the State Government to waive out the cess portion of the capitalized value of land revenue.

5. On the other hand, C& AG, in their various audit reports, have raised objections to non-realization of cess portion of the capitalized value from the Central Government in different Tahasils of the State by concerned revenue authorities.

6. In view of the above position, it is felt necessary to issue a general clarification to all field level revenue functionaries to settle the issue.

7. In this context, Government, after careful consideration, have been pleased to clarify as follows:-

i) The Central Government Ministries / Departments are liable to pay capitalized value of land revenue, which is equivalent to 25 times of annual ground rent and cess in addition to premium of the Government land being alienated in their favour for execution of various projects.

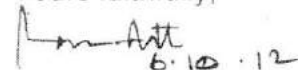
ii) In cases where the Central Government Ministries/ Departments have been allotted Government land on payment of capitalized value of land revenue which included 25 times of annual ground rent only by way of sanction orders issued by competent authorities on or after 16.11.2009 i.e. the date on which the earlier clarification was issued by this Department, cess portion of the capitalized value may be realized from such Ministries/Departments as arrear of land revenue.

iii) The cases where lease/alienation has already been sanctioned by competent authority before 16.11.2009 by realizing capitalized value of land revenue, which included 25 times of annual ground rent only, need not be re-opened.

iv) Payment of capitalized value of land revenue will be applicable in cases of alienation of Government land only in favour of Ministries/Departments of the Central Government. However, the Undertakings/ Organizations/ Corporations/ autonomous bodies under Central Government will have to pay the annual ground rent and cess in addition to premium in case of transfer of Government land in their favour.

8. All concerned field level revenue functionaries may be informed accordingly.

Yours faithfully,

  
6.10.12

Principal Secretary to Government

KIND ATTN: - GMLKAR  
21316 P.001

15/09/2013 16:00



*[Handwritten signature]*

ANNEXURE - IV

1090  
17/9

By Fax/e-Mail

**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

*16-7-13*

No. GE (GL)-S-26/2013- 26223. IR&D.M. Dated 6.7.13

From

Dr. Taradatt, IAS,  
Additional Chief Secretary to Government

To

All Collectors

**Sub: Instructions regarding direct purchase of private land for social development projects through bilateral negotiation**

Madam/ Sir,

I am directed to say that different Departments of the State Government are implementing various schemes and providing funds for construction/ development of social projects such as Anganwadi Centres, Live Stock Aid Centres, Bharat Nirman Rajiv Gandhi Seva Kendra Buildings, Primary Health Centres, Community Centres etc. Execution of these projects is largely dependent on assigning of Government land for such purposes. However, it has come to the notice of Government that various development projects could not be implemented in time either due to non-availability of Government land if the concerned village or Government land being located at faraway places from habitation. Further, since requirement of land for such purposes is usually very small, the existing procedure of acquiring private land under the Land Acquisition Act, 1894 and making it available for the said purposes is time consuming and cumbersome resulting in considerable delay in execution of such projects.

2. In order to overcome these difficulties, formulation of a principle for direct purchase of private land through bilateral negotiation, for timely execution of social development projects undertaken by different Departments was under active consideration of Government for some time past. Government, after careful consideration, have been pleased to lay down the following principles for direct

*21/9*

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4745  
9-7-13

purchase of private land through bilateral negotiation, for execution of social development projects.

- (a) Under these principles, private land up to the extent of 10 hectares can be purchased in a revenue village.
- (b) Officers authorised to file requisition under Land Acquisition Act, 1894 will be declared as the competent authority to purchase land under these principles.
- (c) The purchase price of the land required shall be fixed at a flat rate of 175% of the Bench Mark Valuation. Compensation as admissible under L.A Act shall also be paid over and above the land price stated above in respect of buildings, other structures and trees.
- (d) Legal due diligence like obtaining non-encumbrance certificate from concerned revenue authority and establishing a clear title of the seller over the land should be arrived at before purchase of the land.
- (e) Care should be taken to ensure that suitable compact patches of private land are identified for location of different projects in a cluster.
- (f) The suitability of the land for the development projects, accessibility through public road and other facilities like drinking water etc. should be ascertained.
- (g) In case of land belonging to Scheduled Caste/ Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority. However, in scheduled areas, land belonging to Scheduled Tribes shall not be purchased as the same is prohibited by law.
- (h) No negotiation/ transaction shall be made with intermediaries/ power of attorney holders. Transaction shall be made only with bona fide owners of the land.
- (i) Land purchased under these principles shall be allowed to be registered without any payment of stamp duty and registration fee.

- 3 -

(j) After purchase and registration of the land, the competent authority of concerned Department/ Organisation shall take immediate steps for mutation of the same.

(k) Budget provisions made under L.A Act can be utilized for purchase of private land through bilateral negotiation under these principles.

3. The aforesaid principles would be applicable to any Government project/ scheme. The Public Sector Undertakings may also adopt these principles, if felt necessary.

4. This has been concurred in by the Finance Department vide their UOR No. 399/ MF&PE dated 18.6.2013.

5. These instructions supersede all other instructions issued in this regard earlier.

Yours faithfully,

*[Signature]* 6.7.13

Addl. Chief Secretary to Government

Memo No. 26224 /RDM dated 6.7.13

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha. Cutrack/ All RDCs for information and necessary action.

*[Signature]* 6.7.13

Addl. Chief Secretary to Government

Memo No. 26225 /R&D.M. Dated 6.7.13

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/LR &GE(A)/ (B) / (C)/ LA (A)/ (B)/(C)/ R & R Cell/ LR (A)/ (B)/ Registration Branch/ CH&S Branch of Revenue & DM Department for information and necessary action.

*[Signature]* 6/7/13

Joint Secretary to Government



**By Fax/e-mail  
Speed Post**

**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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No: LA (A)-46/13 (Misc) 4090 /R&DM, Dated: 07.02.14

From:

Dr. Taradatt, IAS  
Additional Chief Secretary  
Revenue & D.M Department

To

All Collectors  
All Spl LAOs/LAOs

**Sub: Coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013-Making of Award in LA Cases initiated prior to 31.12.2013.**

Sir/Madam,

This is regarding coming into force of the R&R Act-2013 w.e.f 01.01.2014 and continuance of certain LA proceedings already initiated under the LA Act-1894. In accordance with the provisions u/s-24(1) (a) of the new Act, this Deptt. has already issued clarifications to all Collectors/Spl LAOs/LAOs vide letter No. 1862 dt. 24.01.2014 that the LA proceedings initiated under the LA Act-1894 in which 4(1) Notification & 6(1) Declaration have been issued but where no award has been passed as on 31.12.2013; the provisions of the new Act. in relation to determination of compensation and award shall apply.

Now in those cases where no award has been passed as on 31.12.2013; the question of determination of compensation to make the award under the new LA R&R Act. is being clarified as follows.

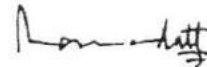
- Sec 23 - Provides for enquiry and land acquisition award by Collector. This provision is almost similar to the provision under Sec 11 of the old LA Act.-1894.
- Sec-26 - Provides the criteria for assessment and determination of market value of land. Collector, while determining market value under this Section, shall also calculate additional market value @ 12% per annum on such market value as per provisions u/s-30(3) of the Act.
- Sec -27 Provides for calculation of total amount of compensation including all assets attached to land viz- structure, trees, other immovable properties.
- Sec-28 gives about the details of the considerations which the Collector should take into account while determining the amount of compensation.

Sec- 30 under this section the Collector shall give award of solatium equivalent to one hundred percent of the compensation amount.

As per new Act, the date for such determination of market value shall be the date on which the preliminary notification u/s-11 (1) was issued. The new Act. does not indicate any 'cutoff date' for those cases already initiated under the old Act. In such a situation it would be most appropriate to accept the date of coming into force of the RFCTLAR&R Act. 2013 i.e 01.01.2014 as the 'cutoff date' for determination of market value for assessment of Land Compensation in those LA cases initiated prior to 31.12.2013.

The illustration for determination of compensation is enclosed for your information, necessary guidance and action.

Yours faithfully

  
7.2.14

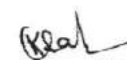
Memo No. 4031 /R&DM Dt. 07.02.14 Additional Chief Secretary  
Copy to All Departments of Govt. for information and necessary action.

Memo No. 4032 /R&DM Dt. 07.02.14 Joint Secretary  
Copy to Secretary, Board of Revenue Odisha, Cuttack & All RDCs for information and necessary action.

Memo No. 4033 /R&DM Dt. 07.02.14 Joint Secretary  
Copy to CMD, IDCO, Bhubaneswar for information and necessary action.

Memo No. 4034 /R&DM Dt. 07.02.14 Joint Secretary  
Copy to Private Secretary to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister.

Memo No. 4035 /R&DM Dt. 07.02.14 Joint Secretary  
Copy to All Officers / All Branches / IMU Cell of Revenue & DM Deptt. for information and necessary action.

  
7.2.14  
Joint Secretary

IMU cell

## Determination of Compensation

### 1. Sec-26 - Determination of market value of land –

#### (a) Cutoff date for determination-

- (i) For LA cases to be initiated under the new LA R&R Act. 2013 – Date of Preliminary notification u/s-11(1) of the Act.
- (ii) LA proposals already initiated under LA Act. 1894 (old Act).- Apparently the date of coming into force of the New LA R&R Act.2013 i.e 01.01.2014.

#### (b) Assessment of Market value

- (i) Market value of land as mentioned in the Official Sales Statistics maintained as per registration of sale deeds under Indian Stamp Act-1899, in the area where the land is situated or market value of land as per approved Bench Mark Valuation (BMV) whichever is higher.
- (ii) Average of highest sale price of 50% of sale deeds for similar type of land in vicinity immediately preceding 3 years;
- (iii) Consented amount of compensation as agreed upon in case of acquisition for Private Companies or PPP Projects as per Sec- 26(1)(c) of the Act.

**NB:-Out of the above three rates whichever is higher- multiplied by the factor specified in First Schedule of the Act (Sec- 30(2)).**

- a) Factor by which the market value is to be multiplied in the case of rural areas.  $\longleftrightarrow$  1.00(one) to 2.00(Two) based on the distance of project from Urban area, as may be notified by the Govt.
- b) Factor by which the market value is to be multiplied in the case of urban areas.  $\longleftrightarrow$  1(one)

### **Illustrative Sliding Scale**

The multiplier factor will gradually rise from 1 to 2 as we move away from urban locations to **rural areas**

Radial Distance from Urban area (Kms)	Multiplier Factor
0-10	1.00
11-20	1.20
21-30	1.40
31-40	1.80
Above 40	2.00

### Illustration for Determination of Market value of land

Kisam of land	Value as mentioned in sales statistics as on cutoff date	Average sale price during preceding 3 years	Consented Amount	Whichever is higher
Sarad 1	Rs. 20 per acre	a) There are 8 transactions in preceding 3 years b) 50% documents i.e 4 highest sale instances c) RSD-1 Rs.18 RSD-2 Rs.16 RSD-3 Rs. 20 RSD-4 Rs. 22	Rs.22	1. Rs. 22 in case of private or PPP Project
		<b>Rs. 76/4= Rs. 19 is average sale price</b>		2. Rs. 20 in case of other projects

#### 2 Computation of compensation in Rural Area

- |  |                 |                        |
|--|-----------------|------------------------|
| (i) Market value (Other than Private /PPP project)                                     | -Rs. 20/-       | } <b>20 x 1.40 =28</b> |
| (ii) To be multiplied by a factor 1.40<br>(say the distance is 30 kms from urban area) | -Rs. 8/-        |                        |
| (iii)Addl. Market value @12%<br>per annum (20+8x12)                                    | -Rs. 3.36 paisa |                        |
| iv) Cost of Structure  | -Rs 5.64 paisa  |                        |
| v) Cost of tree  | -Rs. 3.00       |                        |
| vi) All total -Rs. 28+ Rs. 3.36+ Rs. 5.64 + Rs. 3= Rs. 40.00                           |                 |                        |
| vii) Add 100% solatium =Rs.40+Rs. 40= Total compensation Rs. 80/-                      |                 |                        |

#### 3. Computation of compensation in Urban Area

- |   |                 |                     |
|---|-----------------|---------------------|
| i) Market value (Other than Private /PPP project)                 | -Rs. 20/-       | } <b>20 x 1= 20</b> |
| ii) To be multiplied by a factor 1(one) 20x1=                     | -Rs. 20/-       |                     |
| iii) Addl. Market value @12% per annum (20x12)                    | -Rs. 2.40 paisa |                     |
| iv) Cost of Structure   | -Rs 7.60 paisa  |                     |
| v) Cost of tree etc.  | -Rs. 3.00       |                     |
| vi) All total -Rs. 20+ Rs. 2.40 + Rs. 7.60+ Rs. 3= Rs. 33.00      |                 |                     |
| vii) Add 100% solatium =Rs.33+Rs. 33= Total compensation Rs. 66/- |                 |                     |

Notes & Clarifications

Government of Odisha  
Revenue & D.M. Department

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No. 22958/R&DM, Bhubaneswar, dated the 4<sup>th</sup> August, 2014.  
GE (GL)-S-31/2014

From

Dr. Taradatt. IAS,  
Additional Chief Secretary to Government.

To

All Collectors.

**Sub: Diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980.**

Sir,

I am directed to invite reference to the aforementioned subject and to say that requisitions are being filed before the revenue authorities to transfer non-forest Government land for the purpose of compensatory afforestation in lieu of forest land required for development purposes in general and for mining and other industrial projects in particular. Govt. of India, Ministry of Environment & Forest have stipulated that for diversion of forest land for non-forest use under the provisions of Forest (Conservation) Act, equivalent quantum of non-forest land need to be handed over to the Forest Department for raising compensatory afforestation. As such, whenever a forest diversion proposal is processed under the Forest (Conservation) Act, 1980, a scheme for compensatory afforestation which is required to be executed over the non-forest land is identified for this purpose by the revenue and forest officers.

2. You are aware that Government lands are borne in four khatas in the record of rights finally published under the provisions of the Orissa Survey & Settlement Act, 1958 viz., Abadajogya Anabadi, Abada Ajogya Anabadi, Rakhit and Sarbasadharana. While the land recorded as Sarbasadharan and Rakhit cannot be used for any purposes other than those of the community and is in the nature of *res communis*, the land recorded as Abadajogya Anabadi can only be diverted for raising compensatory afforestation. It may be pertinent to mention here that the land recorded as Abadajogya Anabadi is also set apart for settlement in favour of landless and homesteadless persons. It must also be kept in mind that for the purpose of



sustainable development of the State, the housing, transport and other developmental needs and rights of the populace has to be met. Moreover, a certain percentage of land of the effective area of the village is also reserved for Gramya jungle.

3. Of late, Government faced difficulties in implementing various development projects in the state due to non-availability of suitable Government land for the purpose. In order to overcome these difficulties, Government have formulated a principle for direct purchase of private land through bi-lateral negotiation for timely execution of social development projects undertaken by different Departments.

4. In view of the difficulties enumerated above, Government have been pleased to decide as follows:

- (i) The Circular No. F. No.5-1/2007-FC, dated 28.12.2007 issued by the Govt. of India, Ministry of Environment & Forest deals with compensatory afforestation of non-forest land and takes into account the difficulty of States in finding non-forest land for the purpose of compensatory afforestation. It is clarified that the revenue lands recorded as forest on which the provision of Forest (Conservation) Act, 1980 are applicable would be considered for the purpose of compensatory afforestation. The above category of land may be identified and accepted for compensatory afforestation against the development projects.
- (ii) Govt. of India, MoEF, in their guidelines have suggested to provide degraded forests twice in extent to the forest area being diverted for the purpose of compensatory afforestation where suitable non-forest lands are not available for exchange. The Collector, the Divisional Forest Officer and the District Level Officer of the Department requiring forest land for the purpose of mining, industrial or other development projects, as the case may be, should jointly identify the area comprised in the degraded forests for the purposes of compensatory afforestation and send to the appropriate authority the proposal for diversion of

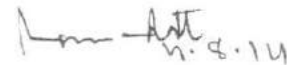


forest land for compensatory afforestation complete in all respect.

- (iii) In view of scarcity of non-forest Government land, project proponents other than Government projects requiring forest diversion should go for private purchase of land or acquire land through land acquisition mode for raising compensatory afforestation. As far as possible the private land for compensatory afforestation should be identified contiguous to or in the proximity of the reserved forest or protected forest to enable the Forest Department effectively manage the newly planted area. However, in case of availability of surplus unobjectionable Government land, the same may be offered on payment of premium.

5. Considering the importance and urgency of the matter, the State Government expect that all field officers concerned shall act with due diligence and expedition in formulating proposals for diversion of forest land for mining, industrial and other development projects.

Yours faithfully,



Additional Chief Secretary

Memo No. 22959 /R&DM, Date. 04.08.2014.

Copy to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forests for information and necessary action.



Additional Chief Secretary



GOVERNMENT OF ODISHA  
REVENUE & D.M. DEPARTMENT

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No. 31312 /R&DM, Bhubaneswar, dated the 24<sup>th</sup> October, 2014.  
GE (GL)-S-31/2014

From

Dr. Taradatt. IAS,  
Additional Chief Secretary to Government.

To

All Collectors.

**Sub: Diversion of forest land for non-forest purposes under Forest (Conservation) Act, 1980.**

Sir,

I am directed to invite reference to this Department's Letter No.22958/R&DM, dated 4<sup>th</sup> August 2014 on the aforementioned subject and to say that Government have laid down certain guidelines for transfer of non-forest Government land for the purpose of compensatory afforestation in lieu of forest land required for development purposes in general and mining and other industrial projects in particular. In the meanwhile, Government of India, Ministry of Environment, Forests and Climate Change in their F. No.11-306/2014-FC, dated the 8<sup>th</sup> August, 2014 have issued guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980.

2. Keeping in view the above circular, paragraph-4(iii) of this Department's Letter No.22958/R&DM, dated the 4<sup>th</sup> August, 2014 is substituted as follows:

"In view of scarcity of non-forest Government land, project proponents other than Government projects requiring forest diversion should go for private purchase of land or acquire land through land acquisition mode for raising compensatory afforestation. As far as possible the private land for compensatory afforestation should be identified contiguous to or in the proximity


of the reserved forest or protected forest to enable the Forest Department effectively manage the newly planted area.

Recently, Government of India, Ministry of Environment, Forests and Climate Change in their F No.11-306/2014-FC, dated 8<sup>th</sup> August, 2014 have advised all State Governments to set up a Land Bank of non-forest land or revenue forest land for the purpose of creation of compensatory afforestation in lieu of forest land to be diverted for non-forest purposes in order to minimise the delay in clearance of forest diversion proposal. Hence, the land available in the Land Bank may be provided to User Agencies seeking prior approval of the Central Government under the Forest (Conservation) Act on realisation of premium/land cost.

The land cost of the non-forest land/revenue forest land available in the Land Bank may be determined on the basis of market value of the land as determined in case of acquisition of private land. The bench mark valuation available for the private land situated in the close vicinity having similar advantages may also be taken into account. The valuation of land which is higher may be taken as premium for the land."

All concerned may be informed accordingly.


Yours faithfully,

  
22.10.14

Additional Chief Secretary

**Memo No. 31313 /R&DM, Date. 24.10.2014.**

Copy forwarded to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forests for information and necessary action.

  
22.10.14

Additional Chief Secretary

**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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No. LA(A)-23-2014-<sup>336,05</sup> R&D.M Dated the 3<sup>rd</sup> December, 2015

From

D: Mona Sharma, IAS  
Principal Secretary to Government

To

All Collectors,

Sub: Coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: cutoff date for calculation of market value in LA Cases initiated prior to 31.12.2013 regarding

Ref: This Department letter No.4030/R&DM dated 07.02.2014 and No.23560 dated 11.08.2014

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to say that as there was no cutoff date was indicated in the new Act, instruction was issued in this Department letter No.4030 dated 07.02.2014 to accept the date of coming into force of the new RFCTLAR&R Act i.e. 01.01.2014 as the cutoff date for calculation of market value of the land under acquisition in LA cases initiated prior to 31.12.2013. Subsequently, the matter was reexamined by Government and instruction was issued in this Department letter No.23560/R&DM dated 11.08.2014 that market value of land in cases initiated prior to 31.12.2013 shall be determined at the rate as on the date of notification u/s 4(1) of the L.A.A Act, 1894.

2. Land owners in certain cases including Remuna Project have represented to Government to reconsider the decision in view of the fact that land cost of the acquired land has increased substantially during the period from date of 4(1) notification under the old Act and date of commencement of the new RFCTLAR&R Act and thereby, land owners are bearing heavy monetary loss.

3. In the meantime, Joint Secretary, Department of Land Resources, Ministry of Rural Development, Government of India vide his D.O. No. 13013/01/2014-LRD(Pt), dated 26.10.2015 (copy enclosed) has clarified that the reference date for calculation of market value under section 24(l) (a) should be 01.01.2014 (commencement of RFCTLAR&R Act, 2013). Under Section 26 of the Act reference date is date of preliminary notification, but section 24 is a special case of application of the Act in retrospective cases, and a later date of determination of market value is


suggested with a view to ensure that the land owners/ farmers/affected families get enhanced compensation under the new RFCTLAR&R Act.

4. Keeping the above in view, Government after careful consideration have been pleased to instruct that the cutoff date for ascertaining market value for calculation of compensation shall be the date of commencement of the RFCTLAR&R Act, 2013 i.e. 01.01.2014 in following cases initiated prior to 31.12.2013.

- In cases, where no Award under section 11 of the old Act has been passed.
- In cases, where Award has been passed, but compensation in respect of a majority of land holdings has not been paid/ deposited in the account of beneficiaries as specified in 4(1) Notification. In such cases, all beneficiaries (including those who have already received the compensation) shall get enhanced compensation as per the new Act.
- However, this shall not be applicable to cases initiated prior to 31.12.2013, where award has been passed and compensation paid in case of majority of holdings.

5. The earlier instruction issued in this Department letters under reference is modified to the above extent.

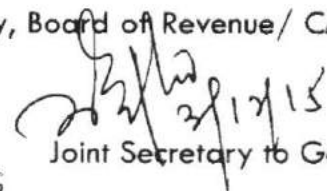
Yours faithfully,



Principal Secretary to Government

Memo No. <sup>334106</sup> /R&DM Dated 3.12.2015


Copy forwarded to all RDCs, Secretary, Board of Revenue/ CMD, IDCO for information and necessary action.



Joint Secretary to Government

Memo No. <sup>334107</sup> /R&DM Dated 3.12.2015

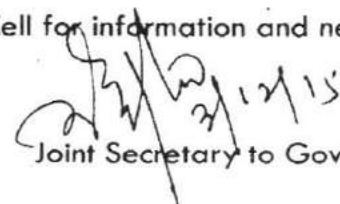
Copy to all Departments of Government for information and necessary action.



Joint Secretary to Government

Memo No. <sup>334108</sup> /R&DM Dated 3.12.2015

Copy to all Officers/all Branches/IMU Cell for information and necessary action.



Joint Secretary to Government

By e-Mail/Fax

GOVERNMENT OF ODISHA  
REVENUE & DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004/2016-30463\*\*\*\*/R&DM Dated 29<sup>th</sup> September, 2016

From

Dr Mona Sharma, IAS  
Principal Secretary to Government

To

All Collectors

**Sub:- Abatement of Land revenue and correction of RoRs in respect of acquired land under Land Acquisition proceedings.**

Sir

In inviting a reference to the subject cited above, I am directed to say that instruction have been issued by Government, Member, Board of Revenue and RDCs from time time for proper execution of abatement proposals and correction of record of rights(RoR). Despite repeated instructions, it is observed that abatement of land revenue and correction o' RORs are not being effected properly for which the records as well as the demand are not being updated on regular basis. Since the RORs have not been corrected for which the land continues to remain in the name of the earlier land owner and it has resulted in multiple fraudulent sales.

2. The abatement of land revenue is administered under para-93, 94 and 95 of the Land Acquisition Manual, prepared under the Land Acquisition Act, 1894 (Act No.1 of 1894). The paragraph 93 refers to the Statutory Rules issued by the Government of Bengal under section 55 of the LA Act 1894, which continue to be in force in Orissa. Similarly, Para-94 refers to the provisions of rule-1, section-VII, Chapter-II of the Board's Tauzi Manual, 1923 (Orissa reprint 1949). On a thorough reading of the above provisions, it is evident that the context and content of the present day LA Proceedings have undergone changes with passage of time. Besides, after coming into force of the RFCTLAR&R Act, 2013, the Land Acquisition Act, 1894 has been repealed. As such, the rules, executive instructions and formats given thereunder have become redundant. Thus, it has become imperative to revisit the instructions and to issue fresh

1

guideline elaborating the procedure for abatement of revenue and simultaneous correction of RORs, which was under active consideration of Government for some time past.

3. Keeping in view the existing procedure and practice, the Government, after careful consideration have been pleased to issue following guidelines for abatement of land revenue and simultaneous correction of RoRs in respect of lands acquired under land acquisition proceedings.

- i. No transaction on land after publication of preliminary Notification u/s 4(1) of the Land Acquisition Act, 1894(Act No.1 of 1894) or Notification for SIA study u/s 4(1) in respect of the projects for which such study is required or preliminary Notification u/s 11(1) of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) in respect of projects for which SIA study is exempted, without prior approval of the Collector shall be allowed.
- ii. After Preliminary Notification u/s 4(1) of the Land Acquisition Act, 1894 or u/s 11(1) of the RFCTLAR&R Act, 2013, till the formal sanction of abatement is accorded; it is the responsibility of the Collector to see that collection of land revenue is kept in abeyance. This does not debar the tahasildar to recover the arrear land revenue due in respect of the said land.
- iii. Thus, pending formal sanction of abatement proposal by the Collector, Tahasildar shall keep in abeyance collection of current land revenue from the land owners, once preliminary Notification is issued. However, the arrear rent and cess, if pending for collection any, shall be collected.
- iv. As the revenue paying lands are acquired and collection of revenue has been kept in abeyance from the date of preliminary notification till order of abatement, the capitalized value of land revenue i.e. 25 times the annual rent shall be continued to be collected, as is done under Rule 95 of the Orissa Land Acquisition Manual, 1976. The capitalized value of revenue shall be included in the preliminary estimate of the project. The capitalized value so collected shall be deposited in the relevant Head of Account of Government.

- v. Once the possession of land has been taken over by the Collector u/s 16 or 17 of the Land Acquisition Act, 1894, or u/s 38 or 40 of the RFCTLAR&R Act, 2013, as the case may be, the concerned land Acquisition Officer will submit the proposal for abatement of land revenue in Form 38 (revised) to the Collector for approval. The Form No.-38 has been revised and enclosed herewith for reference.
- vi. The Collector shall pass necessary orders for abatement of rent and approve the abatement proposal. Two copies of the approved abatement proposal shall be sent to Tauzi section of the Collector for records and another copy to the concerned Tahasildar for implementation of the order.
- vii. On receipt of two copies of the abatement statements, with the number and date of the order noted on the top and the tauzina will return one copy with his signature and the date noted thereon, in token of his receipt of the Statement. The copy of the statement should then be placed in the record of the case to which it refers.
- viii. On receipt of formal abatement order, Tahasildar concerned will initiate a Touzi (abatement) Mis. Case and pass necessary orders to give effect to the abatement of land revenue and correction of RoR. The record keeper of the tahasil shall correct the maintained khatians and record all changes in the Register No.1 (Register of Changes) as per rule 98-101 of the Mutation Manual and shall issue intimation slip (in duplicate) to the concerned Revenue Inspector for necessary correction at his level.
- ix. On receipt of the intimation slip in duplicate, the concerned R.I. shall correct his Register No. 1 (Jamabandi Register), Register No. II (Tenants Ledger) and effect necessary changes in Register No.III A (Register of Changes affecting demand) and No.III B (Register of changes not affecting demand), as the case may be. He shall return the second copy of the intimation slip to Tahasildar as token of the proof of his effecting the changes.
- x. Same procedure shall be followed in respect of acquisition of land under other enactments listed in the fourth schedule of the RFCTLAR&R Act, 2013 like the National Highways Act, 1956 (Act No.48 of 1956), the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Electricity Act, 2003

(36 of 2003) and the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), etc for abatement of land revenue and correction of RoR.

- xi. For abatement of land revenue and correction of RoRs in respect of lands acquired earlier for which correction of RoR has not been done, the Project proponents shall furnish the relevant copies to the concerned Collectors and pursue the matter to get the RoRs corrected.
- xii. Collectors shall ensure that approval of all backlog cases of abatement and correction of pending RORs are completed within six months. Month-wise targets may be given to the concerned Tahasildars to effect corrections. Sub-Collectors may be assigned the task of conducting reviews as special drive for this purpose. The RDCs shall conduct reviews on this item bimonthly and Secretary, Board of Revenue shall conduct quarterly review on such cases and furnish a consolidated report to this Department.

Yours faithfully,

*hame sharma*

Principal Secretary to Government

*By PAA*

*30464*

Memo No. \_\_\_\_\_ / R&DM Dated 29-9-16

Copy forwarded to Secretary, Board of Revenue, Cuttack/ All RDCs/ All sub-Collectors/ All tahasildars for information and necessary action.

*hame sharma*

Principal Secretary to Government

Memo No. 30465 / RDM dated 29-9-16

Copy forwarded to LA(A), LA(B), LA(C), CH&S branch of R&DM Department for information and Dy Secretary to Govt. (in charge of IMU Cell) of Revenue & DM Department for information with a request to upload the same the website.

*[Signature]*

Joint Secretary to Government





By e-Mail/Fax

GOVERNMENT OF ODISHA  
REVENUE & DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004/2016-<sup>39548\*\*\*\*</sup>/R&DM Dated 16<sup>th</sup> December, 2016

From

Dr Mona Sharma, IAS  
Principal Secretary to Government

To

All Collectors

**Sub:- Abatement of Land revenue and correction of RoRs in respect of acquisition of land through Direct Purchase for Social Infrastructure/ Infrastructure/ Government Projects.**

Sir

In inviting a reference to the subject cited above, I am directed to say that Project proponents/ Executing agencies/ Departments of Government are acquiring land by direct purchase through bilateral negotiations for Social Infrastructure/ Infrastructure/ Government Projects as per instructions issued by Government in this Department from time time vide this Department letter No.26223 dated 6.07.2013, No.10241 dated 31.03.2014, No.2846 dated 27.01.2016 and No.10811 dated 5.04.2016. As per the guidelines, the project proponents/ Government agencies are expected to purchase land, subject to the conditions, restrictions and limits as per the RFCTLAR&R Act, 2013 and Rules made thereunder. As the revenue paying lands are acquired through direct purchase for infrastructure and other developmental purposes and the same shall be recorded in Government khata after mutation, it involves abatement of land revenue.

2. Keeping in view the above, the Government, after careful consideration have been pleased to issue following guidelines for abatement of land revenue and simultaneous correction of RoRs in respect of acquisition of land through Direct Purchase for Social Infrastructure/ Infrastructure/ Government Projects.

- i. The procedure for abatement of land revenue as is followed in LA Cases, shall be followed for the lands acquired through direct purchase for social infrastructure, infrastructure and Government projects.

- ii. The lands, which are purchased directly on bilateral negotiations by project proponents / project implementing agencies for social infrastructure, infrastructure and Government projects, shall be recorded in the Government khata or in the concerned Department khata after mutation.
- iii. As the revenue paying lands are acquired through direct purchase for infrastructure and other developmental purposes and the same shall be recorded in Government khata, land revenue in respect of those lands shall be abated.
- iv. Since the land revenue shall be abated for all time to come, the capitalized value of land revenue i.e. 25 times the annual rent shall be collected, as is done under Rule 95 of the Orissa Land Acquisition Manual, 1976. The capitalized value of revenue shall be included in the preliminary estimate of the project. The capitalized value so collected shall be deposited in the relevant Head of Account of Government.
- v. Project proponents/ project implementing agencies shall submit the detailed land schedule of purchased lands (village-wise) along with copies of the Registered sale deeds to the Land acquisition officer of the District.
- vi. In certain cases, the project proponents may file mutation cases with tahasildars directly on the basis of the registered sale deeds. On receipt of such applications, the tahasildars shall forward all applications to the LAO of the District for preparation and approval of Land abatement proposal by Collector.
- vii. The Land Acquisition Officer shall prepare the abatement proposal in triplicate in form-38 and submit the same to Collector for approval.
- viii. The Collector shall pass necessary orders for abatement of rent and approve the abatement proposal. Two copies of the approved abatement proposal shall be sent to Tauzi section of the Collector for records and another copy to the concerned Tahasildar for implementation of the order.
- ix. On receipt of two copies of the abatement statements, with the number and date of the order noted on the top and the tauznavis will return one copy with his signature and the date noted thereon, in token of his receipt of the

Statement. The copy of the statement should then be placed in the record of the project/case to which it refers.

- x. On receipt of formal abatement order, Tahasildar concerned will initiate a Touzi (abatement) Misc Case and pass necessary orders to give effect to the abatement of land revenue and correction of RoR. The record keeper of the tahasil shall correct the maintained khatians and record all changes in the Register No.1 (Register of Changes) as per rule 98-101 of the Mutation Manual and shall issue intimation slip (in duplicate) to the concerned Revenue Inspector for necessary correction at his level.
- xi. On receipt of the intimation slip in duplicate, the concerned R.I. shall correct his Register No. 1 (Jamabandi Register), Register No. II (Tenants Ledger) and effect necessary changes in Register No.III A (Register of Changes affecting demand) and No.III B (Register of changes not affecting demand), as the case may be. He shall return the second copy of the intimation slip to Tahasildar as token of the proof of his effecting the changes.
- xii. Tahasildar shall collect the capitalized value of land revenue as well as the arrear land revenue over the land till the date of purchase, if not collected before the final order of mutation and deposit the same in relevant head of Government account.

Yours faithfully,

*Mane Sharma*  
14/12

Principal Secretary to Government

By *RAJ/2-mal*  
39549

Memo No. 39549 / R&DM Dated 16.12.16

Copy forwarded to Secretary, Board of Revenue, Cuttack/ All RDCs/ All sub-Collectors/ All tahasildars for information and necessary action.

*Mane Sharma*  
14/12

Principal Secretary to Government

Memo No. 39550 /RDM dated 16.12.16

Copy forwarded to LA(A), LA(B), LA(C), CH&S branch of R&DM Department for information and Dy Secretary to Govt. (in charge of IMU Cell) of Revenue &DM Department for information with a request to upload the same the website.

*[Signature]*  
16/12/16  
Joint Secretary to Government



GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

No. GE (GL) -S- 05/2017- 5317 / R&D.M Dated 15.2.2017

From

Sri Avaya Kumar Nayak, OAS (S)  
Joint Secretary to Government

To

All Collectors

**Sub- Identification of land for compensatory afforestation**

Madam/ Sir,

I am directed to say that in order to attract investments in industrial projects and to ensure timely taking up of industries, the State Government have decided to identify suitable patches of land, both government land and private land, in areas having industrial potential and future requirements to keep it under one basket with ready to use status, called 'Land Bank' and IDCO has been entrusted with the task of constituting the said Land Bank. This Department vide Resolution No. 31320/R&DM dated 13.11.2015 has already laid down the mode of transfer of government land and acquired private land in favour of IDCO for creation of such Land Bank.


2. Of late, doubts have been raised in certain quarters as to whether land available in the Land Bank constituted by IDCO can be utilized for compensatory afforestation purpose or not.

3. In this context, it may be noted that non-forest government land borne in Abada Ajogya Anabadi khata which are not fit for being leased out for agriculture and other developmental purposes but suitable for raising plantations are kept in Land Bank constituted for compensatory afforestation purpose. Degraded forest lands are also kept in the said Land Bank. On the other hand, lands having potential for development of industries are kept in the Land Bank constituted by IDCO. As has been enunciated in IPR, 2015, such Land Banks shall be converted into Industrial Estates, Industrial Areas and Industrial Parks by making provision of enabling infrastructure.

4. In view of the above, it is hereby clarified that the lands kept in Land Bank of IDCO may not be utilized for compensatory afforestation purpose. As has been instructed in this Department G.O No. 31312/R&DM dated 24.10.2014, land

available in the Land Bank constituted for compensatory afforestation purpose may be provided to the user agencies seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 on realization of premium/ land cost. If land is not available in Land Bank constituted for the purpose, project proponents other than Government projects requiring forest diversion should go for private purchase of land or acquire land through land acquisition mode for raising compensatory afforestation.


Yours faithfully,



Joint Secretary to Government

Memo No. 5318 / RDM Dated 15.2.2017

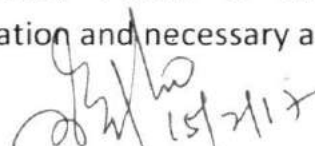
Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.



Joint Secretary to Government

Memo No. 5319 / RDM Dated 15.2.2017

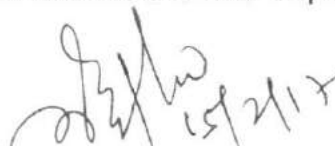
Copy forwarded to Industries Department/ Forest & Environment Department/ M.D, IDCO, Bhubaneswar for information and necessary action.



Joint Secretary to Government

Memo No. 5320 / RDM Dated 15.2.2017

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.



Joint Secretary to Government

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No. GE (GL) -S- 10/2017- 10894 / R&D.M Dated 31-3-2017

From

Dr. Mona Sharma, IAS  
Principal Secretary to Government

To

All Collectors

**Sub- Clarification regarding realization of premium from the user agencies for use of forest land for mining, industrial and other purposes**

Madam/ Sir,

I am directed to say that the erstwhile Revenue & Excise Department vide G.O No. 18758/R dated 07.04.1998 had communicated the decision of Government that the user agencies have to pay the premium for the forest land used for mining, industries or other purposes. The principle regarding determination of quantum of premium for different purposes was also laid down in the aforesaid G.O.

2. Subsequently, this Department vide G.O No. 34969/R&DM dated 31.08.2007, while reiterating the same position, further communicated the decision of Government that the premium shall be collected by the Collector of the concerned district irrespective of the category of the forest land, whether it is of revenue forest, reserved forest, protected forest etc. The said G.O also specified that in all such cases, the user agency need not pay any premium for the non-forest lands alienated in favour of Forest & Environment Department for compensatory afforestation.

3. However, the aforesaid two G.Os of this Department have been quashed by Hon'ble High Court of Orissa in separate judgments passed in different writ petitions and also by the Hon'ble Supreme Court in SLP filed by the State Government against the judgments of Hon'ble High Court in the meantime. Now, the State Government is contemplating to file a fresh Inter Locutory Application before the Hon'ble Apex Court praying for allowing the Government to collect the premium/ user charges of the forest land used by user agencies.

4. Under these circumstances, doubts are being raised in several quarters as to whether the user agencies are liable to pay the premium of the forest land being

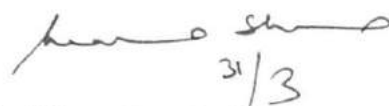
diverted for non-forest use or not. It has also come to the notice of Government that handing over the forest land to user agencies, for which final approval of Central Government have already been accorded, are getting delayed due to absence of clear-cut guidelines issued from Government.

5. Keeping the above position in view, the Government, after careful consideration, have been pleased to decide that the forest land in respect of which Central Government has accorded final approval for diversion under section 2 of the Forest (Conservation) Act, 1980 may be handed over to the user agency following due procedure of law subject to the condition that the user agency shall furnish an undertaking through an affidavit to the effect that the agency shall pay such amount to the State Government as would be decided in accordance with the final judgment of the Hon'ble Supreme Court in respect of the forest land diverted for non-forest use.

6. Government have further been pleased to decide that in respect of the non-forest government land being alienated in favour of State Forest & Environment Department for compensatory afforestation purpose, the project proponents/ user agencies other than Government projects shall have to pay the cost of such land as per the principles laid down in this Department G.O No. 22958/R&DM dated 04.08.2014 read with G.O No. 31312/R&DM dated 24.10.2014.

Appropriate action may be taken in the matter accordingly.

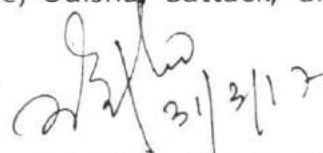
Yours faithfully,



Principal Secretary to Government

Memo No. 10895 / RDM Dated 31-3-2017

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs for information and necessary action.



Joint Secretary to Government

Memo No. 10896 / RDM Dated 31.3.2017

Copy forwarded to Forest & Environment Department/ Industries Department/  
Steel & Mines Department for information and necessary action.

  
31/3/17

Joint Secretary to Government

Memo No. 10897 / RDM Dated 31.3.2017

Copy forwarded to Deputy Secretary to Government (in charge of IMU Cell)/ all  
seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and  
necessary action.

  
31/3/17

Joint Secretary to Government



Government of Odisha  
Forest & Environment Department

Memo No. 21448 /F&E, Dated: <sup>-0-</sup> 18-10-17  
No.10F(Cons) 41/2017(Pt.)

Copy of Gol, Ministry of Environment, Forest and Climate Change, guideline bearing F.No.5-5/2017-FC dt.20.09.2017 regarding further clarification of MoEF& CC's guidelines F.No.11-51/2015-FC dt.01.04.2015, F.No.11-599/2014-FC dt.01.04.2015 and F.No.11-599/2014-FC dt.01.05.2015 issued by the Ministry regarding extension of period of validity of approvals accorded under FC Act,1980 for diversion of forest land for mining projects in light of extension of mining lease under MMDR Amendment Act,2015 forwarded to the PCCF, Odisha in reference to earlier memo of this department bearing No.6796 dt.25.04.2015, No.6791 dt.25.04.2015 and No.7668 dt.11.05.2015 for information and necessary action.

The DFOs (T&WL) may be instructed appropriately in this context for follow up action.

*[Signature]*  
Special Secretary to Government

Memo No. 21449 /F&E, Dated: 18-10-17

Copy with copy of enclosures forwarded to the PCCF(WL)& CWLW, Odisha with reference to memo No.6777 dt.25.04.2015, No.6792 dt.25.04.2015 and No.7669 dt.11.05.2015 for information and necessary action.

*[Signature]*  
Special Secretary to Government

Memo No. 21450 /F&E, Dated: 18-10-17

Copy with copy of enclosures forwarded to the Special Secretary to Govt., S&M Department/ Director of Mines, Odisha with reference to memo No.6799dt.25.04.2015, No.6794 dt.25.04.2015 and No.7671 dt.11.05.2015 for information and necessary action.

*[Signature]*  
Special Secretary to Government

Memo No. 21451 /F&E, Dated: 18-10-17

Copy with copy of enclosures forwarded to all RCCFs/ all DFOs(T&WL) with reference to memo No.6798 dt.25.04.2015, No.6793 dt.25.04.2015 and No.7670 dt.11.05.2015 for information and necessary action.

*[Signature]*  
Special Secretary to Government

Memo No. 21452 /F&E, Dated: 18-10-17

Copy with copy of enclosures forwarded to the MD, OMC Ltd. OMC House, Bhubaneswar/ CMD, Mahanadi Coalfields Ltd, Jagruti Vihar, Burla. Sambalpur/ MD, IDCOL, Bhubaneswar/ MD, OPGC Ltd., Fortune Tower, Bhubaneswar for information and necessary action.

*[Signature]*  
Special Secretary to Government

✓ DT(P&P)  
GM(E&F) *[Signature]*  
237

महानदी कोलफील्ड्स लि.  
नि (तक) चौ/पट्टि/D (I) P&P  
प्रति/Rec 8763  
दिनांक/Dt. 26.10.17

Receipt No. 12273 Dt. 02/11/17

2964  
25/10/18



F.No. 5-5/2017 - FC  
Government of India  
Ministry of Environment, Forest and Climate Change  
(F C Division)

Dy/12301 FSG  
12.X.17

(613)

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110003.  
Dated: 26<sup>th</sup> September 2017

To,  
The Principal Secretary  
All States/Union Territories

*Pr. Secy (DB)*  
*Pr. Secy*  
*11/10/17*  
Sub: Clarification on guideline dated 01.04.2015 and 01.05.2015 issued by this ministry regarding extension of period of validity of approvals accorded under the Forest (Conservation) Act, 1980 for diversion of forest land for mining projects in light of extension of mining lease under MMDR Amendment Act 2015

The Government of Karnataka has sought a clarification on guidelines dated 01.04.2015 and 01.05.2015 issued by this ministry regarding proposals presently under various stages of examination in the Central and State Governments for renewal of mining lease.

*D.V.*  
*Pr. Secy*  
*13*  
*12*  
*A*  
*AB*  
In this regard kindly refer to the Ministry's letter of even number dated 1<sup>st</sup> April 2015 on subject regarding extension of period of validity of approvals accorded under the Forest (Conservation) Act, 1980 for diversion of forest land for mining projects wherein it was informed that in case of existing mining leases in respect of minerals specified in sub-section (1) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR, Act, 1957) inserted by the Mines and Mineral (Development and Regulation) Amendment Act, 2015, period of validity of approvals accorded under section 2 of the Forest (Conservation) Act, 1980 (FC Act) shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957, as amended, subject to the conditions stipulated in the afore-mentioned letter.

Further refer to the guideline dated 1<sup>st</sup> May 2015 whereby it was clarified that proposals seeking prior approval of Central Government under the FC Act for renewal, in accordance with the provisions of the MMDR, Act, 1957 prior to its amendment by promulgation of the afore-mentioned Ordinance, of mining leases to which provisions of the afore-mentioned guidelines dated 1<sup>st</sup> April 2015 extends, shall be closed, in case prior approval of Central Government under the FC Act for the entire forest land indicated in such proposal has already been obtained during the original lease period or previous renewal(s) of the mining lease. However, in case during the validity of the original lease or previous renewal prior approval of Central Government under the FC Act for a part of the forest land indicated in such proposal has only been obtained, such proposals shall be processed for such reduced area of forest land for which approval

(12)

under the FC Act during the original lease period or previous renewal(s) has not been obtained.

The above referred clarifications were issued assuming that no FC violation has been committed by the user agencies at the time of extending the period of FC clearance co-terminus with the extended mining lease.

In light of the clarification sought by Government of Karnataka, it is clarified that as a matter of fact the FC clearance expired on the date the lease expired as per the un-amended MMDR Act 1957. There was no provision for deemed extension of FC clearance in the existing rules. The user agencies must stop the working in the lease area involving forest land till the renewal of FC clearance. The Mines and Mineral (Development and Regulation) Amendment Act, 2015 came into effect from 12<sup>th</sup> January 2015 extending the original lease period to 50 years from the date of original assignment of lease. Before such amendment any non-forestry activity in the absence of valid FC clearance amounts to violation committed by the user agencies and appropriate penal action for violation of FC Act must be taken before extending the period of validity of the existing FC clearance co-terminus with the mining lease period extended in accordance with the MMDR Amendment Act, 2015.

The matter has been examined in the ministry and I am directed to state that those mining leases, whose lease had expired but were under extension (deemed or otherwise) when MMDR Act 2015 came in force and had not obtained Forest Clearance will be required to obtain fresh Forest Clearance under section 2(ii) of Forest Conservation Act 1980.

A'

This issues with the approval of competent authority

*[Signature]*  
20/9/17  
(Naresh Kumar)

Dy. Inspector General of Forests

Copy to:

- 1. All PCCFs States/UTs
- 2. All Regional Office, MOEF&CC
- 3. Secretary, M/o Tribal Affairs, Shastri Bhawan, New Delhi
- 4. Nodal Officers (FCA) O/o the PCCFs All States/UT
- 5. DIGF(FC)/Dir(ROHQ)/All AIGFs(FC), MOEF&CC New Delhi
- 6. PPS to Secretary, M:DEF&CC New Delhi
- 7. PPS to DGF&SS, MOEF&CC New Delhi
- 8. PPS to IGF(FC)
- 9. Guard File

*For necessary compliance pl.*

*[Signature]*  
20/9/17  
(Naresh Kumar)  
Dy. Inspector General of Forests

*GM(ERF)/GM(LRA)/Area GMs*

*DEPAP*

*[Signature]*

*20/9/17  
S. Patel*



No.8(18)/2010 -E-II(A)  
Government of India  
Ministry of Finance  
Department of Expenditure

Page No 6

North Block  
New Delhi, dated 28<sup>th</sup> March, 2011.

OFFICE MEMORANDUM

**Subject: Approval of the Union Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory bodies.**

The undersigned is directed to refer to this Department's O.M. of even number dated 25<sup>th</sup> June 2010 reiterating the provisions of Rules 28 and 278 of General Financial Rules 2005 (GFRs) and making express approval of Finance Ministry essential for sale/ grant/ assignment/ allocation/ disposal of Government assets or resources or assets/ resources created from Government funds by autonomous bodies.

2. Cabinet Secretariat vide the DO letter No. 511/2/1/2010-CA.III dated 21.3.2011 have informed that instances have come to the notice of the Government where land in possession and control of Government / Government controlled entities is sought to be alienated through means such as sale, lease and /or licence and that it has been observed that the value of land has increased tremendously, especially during last one or two decades. In this context, Cabinet Secretariat has informed that a policy with regard to transfer or alienation of land held by the Government or statutory authorities etc. is being framed by the Government and that the Prime Minister has approved that in the meanwhile all the Ministries/Departments would seek specific approval of the Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

3. The provisions of this Department's aforementioned OM dated 25<sup>th</sup> June 2010 stand accordingly amended to the extent that the specific approval of the Cabinet would be sought in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

4. These provisions may be noted and brought to the notice of all concerned including Heads of autonomous bodies, for strict compliance.

5. This issues with the approval of the Finance Secretary.

*R. Prem Anand*

(R.Prem Anand)

Under Secretary to the Government of India

All Ministries and Departments of Govt. of India  
All Financial Advisers.

Copy to: Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi - for information w.r.t. d.o. letter No. 511/2/1/2010-CA.III dated 21.3.2011

Copy also to :

NIC Cell, Dept. of Expenditure for uploading a clear version on MOF website



**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

\*\*\*\*\*

No. RDM-LAA-CLRFIC-0002-2015(part)/ 22485/R&DM, Dated. 22 JUN 2018

From

Dr. C. S. Kumar, IAS  
Principal Secretary to Government

To

All RDCs  
All Collectors  
All LAOs/ Spl LAOs

Sub: Calculation of solatium for determination of compensation under RFCTLAR&R Act, 2013: Clarification regarding

Ref: This Department letter No.4030 dated 07.02.2014/ Lt No 29747 dated 7.09.2017 and Notification No.14131 dated 19.04.2018

Sir/ Madam,

In inviting a reference to the subject cited above, I am directed to say that confusion regarding calculation of compensation under the RFCTLAR&R Act still persists in certain quarters in the field. In this connection, Commerce and Transport Department has sought clarification as to whether 100% solatium will be paid on the cost of land alone or on the cost of land and the cost of structure and or trees attached to the land taken together.

2. In this connection, the relevant provision of the RFCTLAR&R Act, 2013 were examined. The term 'Land' is defined under Section-3(p) of the Act as that "Land includes benefits to arise out of the land and things attached to the earth or permanently fastened to anything attached the earth". Section-27 of the Act provides that "The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land". Similarly, Section-30(1) of the Act envisages that "The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred percent of the compensation amount. In the explanation, it further states that "For the removal of doubts it is hereby declared that

solutium amount shall be in addition to the compensation payable to any person whose land has been acquired." Further the First Schedule of the Act at sl No 5 while prescribing the manner of determination of value of Solutium states that solatium is " equivalent to one hundred percent of the market value of land mentioned against serial No.1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column 2."

3. It is relevant to reiterate that the State Government in the Notification under reference has prescribed the following sliding scale (from 1 to 2 in urban- rural continuum) on the basis of the radial distance from the nearest urban area to determine the multiplying factor.

Radial Distance from nearest Urban area ( in Km)	Multiplying factor
0-10	1
>10- 20	1.2
>20-30	1.4
>30-40	1.8
Above 40	2

4. In careful consideration of the facts above, the Government have been pleased to clarify that solatium will be calculated on the cost of land and cost of building taken together, but not on the additional market value.

5. For better appreciation, the calculation of total compensation to be awarded, supposing the cost of market value of land as Rs.1,00,000/-, multiplying factor being 2 supposing that the land issituated beyond 40 km from the nearest urban area and cost of structure being Rs.1,00,000/-is illustrated below;

Sl	Items (supposing the land value to be Rs.1.00 lakh)	Amount
1	Market Value	1,00,000/-
2	Multipled factor as per distance- 2	X 2
3	Total	2,00,000/-

4	Cost of structure, trees etc	1,00,000/-
5	Total (3+4)	3,00,000/-
6	100% Solutium	3,00,000/-
7	Additional Market value on cost of land @ 12% per year for two years (cut off date being the date of preliminary notification, from 11(1) to 19(1) one year and from 19(1) to Award maxm one year)	24,000/-
8	Grand total (5+6+7)	6,24,000/-

Yours faithfully,




Principal Secretary to Government

Date 22 JUN 2018

22486  
Memo No. \_\_\_\_\_/R&DM

Copy forwarded to P.S. Minister, Revenue and DM/ OSD to Chief Secretary for kind information of Hon'ble Minister and Chief Secretary, respectively.

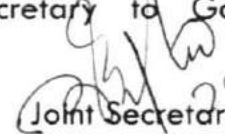


Joint Secretary to Government

Date 22 JUN 2018

22487  
Memo No. \_\_\_\_\_/R&DM

Copy forwarded to CRC-cum-Special Secretary to Government, C&T Department for information and necessary action.

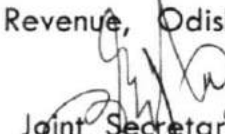


Joint Secretary to Government

Date 22 JUN 2018

22488  
Memo No. \_\_\_\_\_/R&DM

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

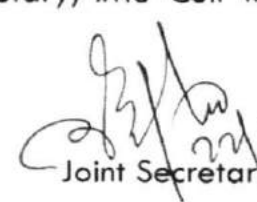


Joint Secretary to Government

Date 22 JUN 2018

22489  
Memo No. \_\_\_\_\_/R&DM

Copy forwarded to Joint Secretary, LA(B) and (C) Branch, R&R Cell/ IMU Cell for information and necessary action. Joint Secretary, IMU Cell with a request to upload the circular in the Department website.



Joint Secretary to Government



175

Copy of letter No. L.A.-1/71-3150, 187311 P., Dated the 9th December, 1971 from Sri A.N. Dasgupta, Deputy to Government of Orissa, Revenue Department addressed to the Secretary, Board of Revenue, Orissa, Cuttack.

Sub:- Instructions regarding fixation of the value of the land to be acquired under the Land Acquisition Act, 1894.

I am directed to say that instances have come to the notice of Government where this Department circulated the No. L.A. dated 22.1.71 has been misinterpreted these instructions to propose an assessment of market value. The essential features of the said circular are, therefore discussed below for guidance and removal of doubts.

2. The aforesaid circular envisages three important factors. They are as follows :-

1. The sale deeds relating to land similar to the land proposed to be acquired on the basis of which the value is to be determined must be on the date of publication of notification under section 4(1) or about that date.
2. The sale deeds pertaining to different transactions should be considered as to form the basis on which the value can be reasonably fixed.
3. Among such sale deeds which are relied upon for fixation of market value, the one that represents the highest market value should be preferred to the rest unless there are strong reasons to the contrary.

3. Section 23 of the L.A. Act envisages that market value should be determined as it stands at the date of publication of the notification under section 4(1). The basic principle involved in the assessment of the market value is that the market value should be so fixed as to represent the market value of the land as it stands on the date of publication of the notification under section 4(1). If sale instances relating to a particular classification of land on the date of publication of notification under section 4(1) are not available, then such sale instances occurring about the date of publication of notification should be taken into

F-37

If sale instances for particular classification of land in the same village either on the date of publication of notification under section 4(1) or nearabout that date are not available, then the sale instances for the neighbouring villages for identical classification of land should be taken into account. The sale instances on the date of publication of notification or failing that, on a date as near the date of publication of notification as possible should, therefore, be preferred to the said indication of market value unless there are strong circumstances justifying a different course.

4. It will be necessary to spell out the various circumstances which would justify a course of action different from the one indicated in the foregoing paragraph. Instructions have been issued that where the price of a land in a particular sale document appears to be speculative in character the same should be discarded. Similarly, sale deeds which relate to Benami transactions or sale transactions executed under artificial circumstances or court sales are not to be taken into consideration as they never fetch the real value of the land. There may be also cases in which transactions take place between relatives and interested parties or there may be sale deeds executed at inflated rates anticipating the speculative development projects are likely to come up in a particular area. All such sales should be carefully sorted before the highest market value is accepted. These are only illustrative and there may be similar instances which have to be studied carefully in deciding which of the sale transactions are or are not reliable for the purpose of determination of market value.

5. Care should be taken to ensure that only bonafide sale transactions entered into between a willing purchaser and a willing seller are to be considered for the correct market value on the date of publication of the notification under section

4(1) or nearabout that date are taken into account for determination of market value. The sale instances involving transactions of land similar in classification, quality of soil and productivity, situation and locational advantages etc. to the land proposed under acquisition should be taken into account for the purpose of determination of market value. For the sale instances as are indicated in the foregoing paragraphs are collected, the one that represents the highest market value which similar land in the locality is shown to have fetched should be taken into account for determination of market value. Care should, however, be taken to ensure that inflated rates or unnecessarily high rates are not allowed as this may influence the market rate to be determined in other land acquisition cases. It will not be enough to say that particular sale transactions are similar or dissimilar in quality and situation etc., and are, therefore, accepted or discarded. Every case of acceptance or rejection and the reasons must be explained with reference to the locational advantages, situation and accessibility, type of soil, productivity, nature and number of crops raised, availability of irrigation facilities, potential value of the land and possibilities of development in the near future etc. This should be clearly explained in the valuation statement furnished with the estimate so as to enable Government to appreciate the correctness of the assessment made. The report of the L. & Office, should be based on personal local inspection.

7. In the aforesaid circular of this Department it was mentioned that the Supreme Court have held that transactions of small plots do not afford real assistance when a large plot has to be valued as well as in land where such plots which were not several times the figures for those which can be had for large plots. This, however, does not imply that the small plots of land should be ignored even if they fetch

reasonable prices according to the prevailing market rate. A sale deed should not be registered simply because it involves transaction of a smaller area compared with other sale instances. It should be judged according to the situation and circumstances, whether it should be taken into consideration for the purpose of determination of market value.

It is, therefore, requested that these instructions be kept in mind while assessing the market value of land and circulated to all concerned for their guidance.

Memo.No. 6701/1971 Dated 11.12.71.

Copy is forwarded to all Departments of Government for information & guidance.

Sd/-  
Assistant Secretary to Government.

Memo.No. 6701/1971 Dated 11.12.71.

Copy is forwarded to the Secretaries to all Revenue Divisional Offices and all Collectors for information and guidance.

Sd/-  
Asst. Secretary to Government.

Office of the Revenue Divisional Commissioner,  
Northern Division, Orissa, Bhubaneswar.

Memo.No. I(1)3/71 Dated 11.12.1971.

Copy to K.O. Superintendent / Head Assistant, L.A. / S.A. / Stand. Secy. / D.A. (L.A. Secy) for keeping it in Guard File.

Asst. Secretary.

Panigrahi. 13/12.

GOVERNMENT OF ORISSA  
REVENUE AND EXCISE DEPARTMENT

NOTIFICATION

Nb.LA-17/88. 268/38 /R.

Bhubaneswar, date the 25<sup>th</sup> April, 1988.

In partial modification of the Executive Instruction No.185 contained in the Land Acquisition Manual and Revenue Department Notification No.LA. 3/85-Misc.47662/R. dated 22.9.1985, the Governor of Orissa do hereby direct that charges towards establishment cost, newspaper publication expenses, law charges and contingencies etc. shall be realised from the requisitioning authorities in Land Acquisition Proceedings at the following consolidated rates.

- |   |  |
|---|--|
| (1) Government Departments, Companies, Projects, Corporations and Local Bodies etc.                         | 20% of the estimated compensation amount of land to be acquired. |
| (1) Land requiring organisation/projects which bear the expenses of Special Land Acquisition establishment. | 10% of the estimated compensation amount of land to be acquired. |

By order of Governor

B. C. Patnaik

SECRETARY TO GOVERNMENT

Memo No. 268/39

R. Dated. 26/4/88

Copy forwarded to Director of Printing, Stationery and Publication, Madhyapatna, Cuttack for publication of the above Notification in the next issue of Extra-ordinary Gazette and supply 100 copies of the same to this Department soon.

DEPUTY SECRETARY TO GOVERNMENT

Memo No. 268/40

R. Dated. 26/4/88

Copy forwarded to all Departments of Government/all Heads of Departments/Secretary, Board of Revenue, Orissa, Cuttack/All Revenue Divisional Commissioners/All Collectors/All Land Acquisition Officers/All Special Land Acquisition Officers for information and necessary action in continuation of this Department letter No.950/R. dated 7.1.1988. This amendment will come into force from February, 1988.

DEPUTY SECRETARY TO GOVERNMENT



Exact copy of Notification No.LA-17/88.26838/R,Dt.25.4.1988

GOVERNMENT OF ORISSA  
REVENUE AND EXCISE DEPARTMENT  
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NOTIFICATION

No.L.A.17/88. 26838/R

Bhubneswar, date, the 25 th April, 1988

In partial modification of the Executive Instruction No.185 contained in the Land Acquisition Manual and Revenue Department Notification No.8/85-Misc.47662/R., dated.22.8.1985 , the Governer of Orissa do hereby direct that charges towards establishment cost, newspaper publication expenses, law charges and contingencies etc. shall be realised from the requisitoning authorities in Land Acquisition Proceedings at the following consolidated rates.

- |  |  |
|--|--|
| (i) Government Departments, Companies<br>Projects, Corporations and Local<br>Bodies etc.                               | 20% of the estimated<br>compensation amount<br>of land to be acquired. |
| (ii) Land requiring organisation/<br>projects which bear the expenses<br>of Special Land Acquisition<br>establishment. | 10% of the estimated<br>compensation amount of<br>land to be acquired. |

By order of Governer

B.C. Patnaik  
SECRETARY TO GOVERNMENT

Memo No.26839/R., Dated.26/4/88

Copy forwarded to Director of Printing Stationery and Publication, Madhupatna,Cuttack for publication of the above Notification in the next issue of Extra-ordinary Gazette and supply 100 copies of the same to this Department soon.

Sd/-  
DEPUTY SECTETARY TO GOVERNMENT

Memo No.26840/R, Dated.26/4/88

Copy forwarded to all Departments of Government/all Heads of Departments/Secretary,Board of Revenue, Orissa,Cuttack/ All Revenue Divisional Commissioners/All Collectors/All Land Acquisition Officers/All Special Land Acquisition Officers for information and necessary action in continuation of this Department letter No.950/R, dated.7.1.1988. This amendment will come into force from February, 1986.

Sd/-  
DEPUTY SECRETARY TO GOVERNMENT

Government of Orissa  
Revenue & Excise Department.

No.L.A. 60/890k1-

60/890k1-  
R., dt. 4.11.89

From

Shri B. Samal, C.A.S.,  
Deputy Secretary to Government.

To

The Addl. Secretary to Govt. Irrigation & Power  
Department, Bhubaneswar.

Subj: Deposit of 20% of the estimated compensation amount  
of land to be acquired for N.T.P.C. towards cost of  
establishment contingencies, Law charges News papers  
publication purposes by N.T.P.C.

Sir,

I am directed to invite reference to your D.O. letter  
No.44304 dt.30.10.89 on the subject noted above and to say that  
according to E.I.185 of the L.A. Manual 1976 where land is  
acquired at the cost of any fund controlled or managed by a  
local authority or a company the charges incidental to the  
acquisition shall be defrayed from such fund or such company

These charges comprise the salaries, T.A. of the L.A.O.  
and his establishment (permanent as well as temporary), the  
contribution for leave and pension charges of the L.A.O and the  
pensionable members of his establishment, contingency charges  
including the cost of statutory forms and law charges incurred  
including references.

In Revenue Department Notification No.L.A.17/88 Misc.  
26838 dt.26.4.88 Government have fixed the above charges in case  
of Department of Government companies, project, corporation and  
Local bodies etc. at 20% of the estimated compensation amount of  
land to be acquired and in case of land requiring Organisations,  
Projects, which bear the expenses of special land Acquisition  
establishment at 10% of the estimated compensation amount of  
land acquired. As such the N.T.P.C. is to deposit 20% of the  
estimated compensation amount of land to be acquired towards cost  
of establishment and contingencies.

The establishment cost in relation to acquisition is  
not only the cost of the staff engaged in the field but also the  
staff engaged indirectly including the Secretariat staff and  
the staff of Adm. Department. It is also not possible to  
anticipate the law charges. The State Government undertaking  
like O.P.G.C. and the other central Government authority the  
S.E.C.I. are paying at the rate of 20% of the compensation amount.

contd....2

- 1 2 1 -

So the question of granting any exemption to N.T.F.C. authority does not arise. You are therefore requested to intimate the N.T.P.C. authority to deposit 20% contingency amount immediately.

Yours faithfully,



Deputy Secretary to Government

R.F./



No: 43020/11/90-LSW

New Delhi the 18.9.90

To,  
The Chairman,  
Coal India Limited,  
10, Netaji Subhas Road,  
CALCUTTA.

*Handwritten:* 2/1/90  
4/1/90

*Handwritten:* CMJ Aug 20/90  
B. Han

Sub: Principle of determination of rates of compensation payable for the lands acquired under CBA Act.

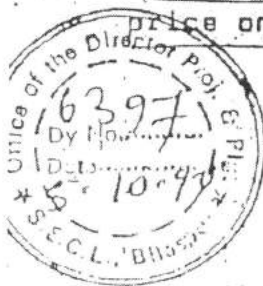
Sir,

I am directed to say that as provided for under section 13 (5) of CBA Act, there shall be paid compensation to the persons interested which shall be determined after taking into consideration the market value of land on the date of publication of notification under section 4 (1) of the CBA Act. However as per the instructions issued by this Department, in addition to the market value of land, at the rate 30% of the market and an additional amount at the rate of 12% per annum of the market value for a period commencing on the date of notification under section 4 (1) of the CBA Act till the date of notification under section 9 (1) of the same Act, or for a maximum period of three years whichever is less, are allowed to be included while determining the rate of compensation for the lands acquired under CBA Act.

*Handwritten:* 26/07/90

Instances have however, come to our notice in which coal companies are at times fixing the amount of compensation by agreement after negotiations with land owners as provided for under section 14 (1) of CBA Act. In this regard it is stated that whenever compensation amount payable to the land owners is determined after negotiations it should be ensured that such negotiated price of land is around the fair market price of land plus 30% thereof towards compulsory nature of acquisition. No payment towards escalation or interest would be payable as the price being paid is not the market price on the date of notification under section 4 (1) of the CBA Act but the market price on the date of negotiation.

contd.....2



The above instructions may be circulated to all concerned who are engaged in processing land acquisition cases.

Yours faithfully,

*P.H.C.*  
( B. B. RAO )

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

Copy: tpt-

1. Chairman/Managing Director,  
South Eastern Coalfields Ltd, Seepat Road, Bilaspur (M.P)
2. Chairman/Managing Director,  
Northern Coalfields Ltd, Singrauli, PO Singrauli,  
Distt. Sidhi (M.A)
3. Chairman/Managing Director,  
Bharat Coking Coal Ltd, Koyla Bhavan, Koyla Nagar,  
Dhanbad.
4. Chairman/Managing Director,  
Western Coalfields Ltd, Coal Estate, Civil Lines,  
Nagpur- 440 001
5. Chairman/Managing Director,  
Central Coalfields Ltd, Darbhanga House, Ranchi-4 834001
6. Chairman/Managing Director,  
Eastern Coalfields Ltd, Sanctoria P.O. Dishergharh,  
Distt. Burdwan, (W.B).

Copy for information and necessary action to:

All Chief General Managers  
All General Managers  
CGM (P&P), Bilaspur  
Addl. CME (LEAD)  
Dy. Chief Estate Manager  
Legal Manager, SECL  
All Estate Officers

Director (T)(P&P)

(122)

GOVERNMENT OF ORISSA  
REVENUE AND EXCISE DEPARTMENT.

NOTIFICATION

Dated Bhubaneswar, the 4th September, 1993.

No. GE-GL-S-33/93 : 40474 /R ;Whereas the draft of the Orissa Government Land Settlement (Amendment) Rules, 1993 were published as required by sub-section(1) of Section -8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act, 33 of 1962) in an extra-ordinary issue of Orissa Gazette No 196 dated the 9th February, 1993 bearing S.R.O. No. 61/93 under the notification of the Government of Orissa in the Revenue and Excise Department No. 2230-OE-(GL)-S-120/92-93 dated the 14th January, 1993 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of one month from the date of such publication.

And whereas no objection or suggestion has been received on the said draft.

Now, therefore, in exercise of the powers conferred by section 8-A of the Orissa Government Land Settlement Act, 1962 (Orissa Act, 33 of 1962) the State Government do hereby make the following rules further to amend the Orissa Government Land Settlement Rules, 1983, namely:-

1(1) These rules may be called the Orissa Government Land Settlement (Amendment) Rules, 1993.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Government Land Settlement Rules, 1983 for Schedule -III the following Schedule shall be substituted, namely.

SCHEDULE -III

(See rule -12)

Fees payable in course of proceedings under the Act:-

Sl.No.	Nature of documents etc.	Fees and premium to be charged.
1.	Application for settlement	
	(i) Application fees.	Rs.3.00
	(ii) Proclamation fees.	Rs.3.00
		(Up to three persons and Rs.1/- for each person exceeding three)
	(iii) Measurement fee per plot.	Rs.4.00
2.	Petition of objection to the sanction of any settlement.	Rs.3.00
3.	Fee for service of notice on appropriate parties respondents or defendants on summons etc. of them.	Rs.3.00

*True copy  
Assted.*

*[Signature]*  
7/12/93

(i) In every case where personal or substituted service of any notice is required for service of the same documents.

Rs.3.00

(on not more than three persons and additional fee of Rs.1.00 for every persons in excess of three persons).

(ii) Fee for issued of a general notice.

Rs.3.00

At the rate of 10% of the market value of the land.

4. Fee for incidental charges like establishment cost, contingencies etc. in case of lease/alienation of Government land covering 500 acres and above in favour of any Department of Govt. for commercial purposes and in favour of any organization for industrial, mining or commercial purposes and in favour of any individual for the purpose of industry, mining or purposes other than agriculture and homestead.

*True copy  
A Heptel*  
Section Officer  
-cum-Asst.  
D/o. R.F.C. (D),  
Orissa, Sambalpur

By order of the Governor  
S.R.Pal,

Principal Secretary to Govt.

Memo No. 404715 /R Dated 4.9.1993

Copy forwarded to the Director, Printing Stationery & Publication, Orissa, Cuttack with a request to publish the notification in the next extra-ordinary issue of the Orissa Gazette and to supply 1000 copies to this Department.

Sd/-

Additional Secretary to Govt.

Memo No. 404716 /R Dated 4.9.1993

Copy forwarded to all Departments of Government/Secretary Board of Revenue, Orissa, Cuttack /Secretary to All Revenue Divisional Commissioners/Land Reforms Commissioner, Orissa, Cuttack /Commissioner, Land Records and Settlement, Orissa, Cuttack /Director of Land Records and Surveys, Orissa, Cuttack /Director of Consolidation of Holdings, Orissa, Cuttack /All Collectors for information and necessary action.

Sd/-

Additional Secretary to Govt.

Office of the Revenue Divisional Commissioner,  
Northern Division, Orissa, Sambalpur.

Memo No. XIII-G-7/93 3366 /RA Dated 4.9.1993

Copy forwarded to Sri A.K.Pujari, Sr. Asst/Sri H.K. Pradhan, Sr. Asst/ Sri K. Babu, Sr. Asst/ Guard file .  
20 spare copies.

M.B.

Section Officer.

GOVERNMENT OF WEST BENGAL  
REVENUE AND EXCISE DEPARTMENT

NO. 52 (Coal)-6/96, 10758  
Shubaneswar, dated 7-4-98

From

Sri D. K. Das, O.A.S.,  
Deputy Secretary to Govt.

F - Insp Circular

To

All Collectors.

Subj-

Payment of premium by the user agencies including M.C.L. for use of forest land for mining, industrial and other purposes.

Sir,

I am directed to say that the question of payment of premium in respect of forest land used for mining, industries and other purposes by the user agencies had engaged the attention of Government for some time past. After careful consideration of the issue, Government have been pleased to decide as follows:-

1. For mining purposes, the user agencies have to pay the market value of the land or the rate prescribed in the prevailing I.P.R., whichever is less. In case of forest land taken over for mining purpose under C.B.A. Act, the cost of the land would be determined by taking into consideration the date of notification u/s 7 (1) of the Act as the reference date. In other cases, the actual date of handing over of possession would be reckoned as the reference date for determination of the cost to be paid by the user agencies.

2. In case of the forest land diverted for non-mining purpose, the rate prescribed in the prevailing I.P.R. would be applicable.

3. In case of land transferred for purposes other than those enumerated above, market value at the prevailing rate would be charged.

Suitable instructions may be issued accordingly to all concerned.

Yours faithfully,

DEPUTY SECRETARY TO GOVERNMENT

contd. p. 2.

Mem No. ~~18759~~ /R., Dated

Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack/All Revenue Divisional Commissioners for information and necessary action.

Mem No. 18760 DEPUTY SECRETARY TO GOVERNMENT /R., Dated 7/14/56

Copy forwarded to LRGE (A)/LRGE (B)/Coordination Branch for compilation of circulars/25 copies to Guard File for information and necessary action.

Mem No. 18761 DEPUTY SECRETARY TO GOVERNMENT /R., Dated 7/14/56

Copy forwarded to the Mahanadi Coal Fields Limited, Mand. Vihar, P.O. U.C.E., Burla, Dist-Sambalpur - 768018 (Orissa) for information and necessary action.

DEPUTY SECRETARY TO GOVERNMENT

G.JAY/

173

Government of Orissa  
Revenue & Excise Department

24.6.99

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No. LA(C)-22/96(Misc.) 3 2 4 6 3 /R.,

Dated, Bhubaneswar, the 14th June, 1999

RECEIVED  
JUN 15 1999  
FROM

*Handwritten notes:*  
TO  
(OP)  
Sub:  
Copy of this  
letter may be sent to  
all LAC/ESA  
etc

Sri J.K. Mohapatra, I.A.S.,  
Commissioner-cum-  
Secretary to Government.

*Handwritten signature/initials*

All Collectors  
All Special Land Acquisition Officers.

*Handwritten notes:*  
Manual  
w/ sent  
all LAC  
S  
27.6

Sub: Deposit of 20% of the estimated amount towards cost of establishment, publication and law charges - Proposal for refund thereof.

Sir,

I am directed to say that as per the Executive Instruction - 9 of the land acquisition manual, the requisitioning authorities are required to deposit 20% of the estimated compensation amount towards cost of establishment, law charges and publication charges etc., Deposit of this sum is an essential pre-requisite for initiating any land acquisition proposal.

2. It is sometimes observed that the requisitioning authorities file application for withdrawal of the land acquisition proceedings and consequently claim refund of the sum deposited by them towards establishment cost, law charges and printing charges etc. In such cases, no clear cut policy guidelines had been, hitherto, enunciated by the State Government for deciding upon the entitlement of the requisitioning authorities for refund. In this connection, a draft policy was circulated by the Revenue & Excise Department vide letter No.27885 dated 4.6.98. On the basis of the suggestions received from some of the Collectors and the Revenue Divisional Commissioners it has been decided that the entitlement of the requisitioning authorities for refund of the amount deposited under Executive Instruction 9 towards

*Handwritten:*  
Fr  
N. C. Mishra  
Sd/-  
20.7.2000

....2

establishment charges will be determined as per the schedule contained in the Annexure. However, in case any legal expenses have already been incurred in connection with any land acquisition proceedings, the cost thereof should also be deducted from the amount refundable to the requisitioning authorities.

3. All proposals for refund in accordance with this policy should be sent along with the proposal for withdrawal with recommendation of the Revenue Divisional Commissioner and the concerned Administrative Department for approval of Revenue Department. Formal sanction for refund should be issued only after receipt of approval of this Department.

4. This has been concurred by the Finance Department vide their U.O.R. No.1878/PSF., dated 27.5.99.

Yours faithfully,

*[Signature]*  
Commissioner-cum-Secretary to Government

Memo No. 3 2 4 6 4 /R., Dated 14-6-'99

Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack/All Revenue Divisional Commissioners/Managing Director, IDCO, Bhubaneswar/Water Resources Deptt/Rural Development Deptt/Works Department/Commerce & Transport Department/Energy Department/Industrial Department for information and necessary action.

*Bijoy 14.6.99*  
Deputy Secretary to Government.

Memo No. 3 2 4 6 5 /R., Dated 14-6-'99

Copy to all Treasury Officers/Sub-Treasury Officers for information and necessary action.

*Bijoy 14.6.99*  
Deputy Secretary to Government.

*[Signature]*  
Rangopal/14-6-99

Schedule for Refund

<u>Stage of receipt of withdrawal proposal</u>	<u>Percentum of refund</u>
L.A. proposal received but not processed at all.	100%
After submission of draft Notification U/S 4(1) to R.D.C./Government.	75%
After issue of Notification U/S 4(1)	60%
After survey, collection of sale data, valuation statement and framing of estimate.	50%
After issue of Declaration U/S 6(1)	40%
After issue of Orders U/S 7	30%
After completion of enquiring U/S 9 but before passing of award.	20%
After passing of award.	-NIL-

District Office, Angul.  
Memo No 124

Copy forwarded to SPL LAO, MCL/  
NTPC / NALCO, Angul / SPL LAO, Talcher-  
Sambalpur Rail-Link, Angul / SPL LA, RER  
Office, Baghumbol for information and  
necessary action.

✓  
Addl. Dist. Magistrate  
Angul.



Date: 15.9.06

GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RECEIVED  
From: 15.9.06  
To: Shri T. S. Chakraborty  
Secretary to Government.

NO. (R&DM)-7/06: 34111

/R&DM., Dated: 1.9.06

Good file  
MCL

Suman  
11/09/06

To: The Collector, Angul.  
Sub: Payment of compensation of structures made in between 4(1) and 7 (1) Notification under CBA (A&D) Act of village Majhika.

Sir,  
I am directed to invite a reference to your letter No. 66 dated 16.01.2006 and letter No.620 dated 25.04.2006 on the above noted subject and to say that it has come to the notice of Government that some land losers of Coal Bearing Areas have demanded full compensation for structures constructed in between 4(1) and 7(1) Notification under CBA (A&D), 1957. The MCL authorities are of opinion that they are not entitled for such benefits after issue of 4(1) Notification under CBA Act. After careful consideration, the Government in Revenue & Disaster Management Department in consultation with Law Department is pleased to clarify that:

- 1) The declaration under Section 9 of the Act is a stage after observing formalities under Section 4, 7 & 8 of the Act, only for the purpose of determining and commuting compensation under Sub-Section 5 of Section 13 and under clause (a) it has been mentioned that the market value of land at the date of publication under Sub-Section (1) of Section 4 shall be taken into consideration, that does not mean that a person making improvement on his land after Section 4 Notification will be deprived of the Improvement. It may be clarified that the land owner is not prohibited for making construction on his land after Section 4 Notification under CBA Act.
- 2) The land losers are entitled to development made on the land even after issue of 4 (1) Notification in the area concerned as the Central Government is not duty bound to acquired a land in spite of Notification under Section 4(1) of the Act and their enjoyment of such benefits can be prohibited only after vesting of the land with Central Government absolutely consequent upon Notification under Section 9 of the CBA (A&D) Act, 1957.

You are therefore requested to take appropriate action as per advice of the Law Department indicated above.

Yours faithfully,

*[Signature]*

Joint Secretary to Government

*Dug*  
*M. keep it in*  
*S. F. send a copy*  
*Call up*  
*11/9*  
2382  
12-9-06

- 1) Dy. Com.
- 2) Som (R&M)
- 3) Asst. Secy.
- 4) Som/Managerial

*[Signature]*  
15/9

Memo No. 34112 / Dated: 1.9.56

Copy forwarded to R.D.C. (ND), Sambalpur/ R.D.C. (CD), Cuttack/ R.D.C. (SD), Berhampur/ Collector, Jharsuguda/ Collector, Sundargarh/ Collector, Deogarh for favour of information and necessary action.

*[Handwritten signature]*

Memo No. 34113 / Dated: 1.9.56

Joint Secretary to Government  
Copy to Secretary, Board of Revenue for information and necessary action.

*[Handwritten signature]*

Joint Secretary to Government



DISTRICT OFFICER, AGRI. DEPT.

Memo No/322/MCL.Dt 13.9.56

Copy forwarded to the Chief General Manager, Jessenat Area, MCL, Talcher/ General Manager, Hingula Area, MCL, Talcher/ General Manager, Lingoraj Area, MCL, Talcher/ General Manager, Bharatpur Area, MCL, Talcher/ General Manager, Talcher Area, MCL, Talcher for kind information and necessary action.

*[Handwritten signature]*  
Spl. Land Acquisition Officer  
S. C. Talcher

90

forest etc. However, in all such cases, the user agency needs to ensure that the non-forest lands alienated in favour of Forest and Environment Department are for compensatory afforestation purposes.

7. This may kindly be brought to the notice of all relevant functionaries for their future guidance.

8. Action taken in this regard may please be intimated before 31 October 2007.

Encl.: As stated.

Yours faithfully,

*[Signature]*  
31/8/2007  
Commissioner-cum-Secretary to Govt

Memo No. 34970 /R&DM., Dt. 31.8.07

Copy with copy of the enclosure forwarded to Secretary, Board of Revenue Orissa, Cuttack/ All RDCs for information and necessary action.

*[Signature]*  
Joint Secretary to Government

Memo No. 34971 /R&DM., Dt. 31.8.07

Copy with copy of the enclosure forwarded to Forest and Environment (Forest) Department for information and necessary action.

*[Signature]*  
Joint Secretary to Government

Memo No. 34972 /R&DM., Dt. 31.8.07

Copy with copy of the enclosure forwarded to all Assistants of LR&GE(A)/ (B) (C) Branch of Revenue & Disaster Management Department for information and necessary action.

*[Signature]*  
Joint Secretary to Government

Memo No. 2959 dt. 1.10.07

Forwarded to the All Sub-cell  
All Tahsildars for information and  
necessary action and copy to G.O.

(Tahsildar, Rengali)

*[Signature]*  
Revenue Officer  
Chhatrapur, Bhubaneswar

9/5/09

Gram Sabha (FRA Act, 2006)

97  
354  
25/5/09

F.No.23011/15/2008-SG II  
Government of India  
Ministry of Tribal Affairs

Chief Secretary  
Dated

Shastri Bhawan, New Delhi  
May 18, 2009

AS ST/SE AW  
Secy, FFL

FC Act / FRA Act Guideline

To

The Chief Secretary / Administrator  
[ All State/UT Governments, except J&K,  
Punjab, Haryana, Pondicherry and Chandigarh ]

Subject: Procedure for seeking prior approval for diversion of forest land for non-forest purposes for facilities, managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

AS  
Diversion  
Action  
in Guideline  
file  
25/5/09

Sir,

I am directed to invite attention to Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

G  
26/5

- (i) the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

3  
27-5-09

2. The question of laying down the procedure for implementing the above provisions of the Act has been under examination of this Ministry, in consultation with the Ministry of Environment & Forests and other concerned Ministries. The agreed procedure for considering and approving proposals for diversion of forest land for non-forest purposes under Section 3(2) of the Act is Annexed to this letter.

B  
SNR  
28-5-09

3. It is requested that the procedure as in the Annexure may be brought to the notice of all Principal Secretaries / Secretaries (Forests) / PCCFs in the State/UT for information and necessary action.

4. Further, the Nodal Agency nominated in your State/UT for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 may also be directed to take necessary steps immediately for giving wide publicity to the procedure and to bring the same to the notice of all the Gram Sabhas in your State.


5. This issues with the concurrence of Ministry of Environment & Forests vide their O.M. No.11-9/98-FC (pt.) dated 19.3.2009, Ministry of Panchayati Raj, vide their O.M.No.R-12011/6/04-PR(pt.1) dated 12.3.2009 and Ministry of Rural Development (Deptt. of Land Resources) vide their O.M.No.14015/5/2007-LRD (pt.) dated 19.3.2009.

Yours faithfully,

  
[ A.K. Srivastava ]  
Director  
Tel. 23387444

Copy for information to:

1. All Secretaries in-charge of Tribal Welfare Department in the States/UTs, (except J&K, Punjab, Haryana, Pondicherry and Chandigarh).
2. Ministry of Environment & Forests (Shri P.R. Mohanty, DG[Forests]), Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi-110003. It is requested that the enclosed procedure may be brought to the notice of all Regional Offices of Ministry of Environment & Forests and other concerned Officers in the State/UT Governments for necessary action.
3. Ministry of Panchayati Raj, (Shri A.N.P. Sinha, Secretary), Krishi Bhawan, New Delhi.
4. Ministry of Rural Development, Department of Land Resources (Smt. Rita Sinha, Secretary), Nirman Bhawan, New Delhi.
5. Cabinet Secretariat (Shri C.S. Kedar, Joint Secretary) Rashtrapati Bhawan, New Delhi.
6. Prime Minister's Office (Ms. Kalpana Awasthi, Director), South Block, New Delhi.

  
[ A.K. Srivastava ]  
Director

96

4412  
852  
23

Annexure to letter No 23011/15/2008-SG.II  
dated May 18, 2009

Government of India  
Ministry of Tribal Affairs

Procedure for seeking prior approval for diversion of forest land for non-forest purposes for facilities managed by the Government under Section 3(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for certain facilities managed by the Government, as specified in that Section, which involve felling of trees not exceeding seventy-five trees per hectare, provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in the said sub-section is less than one hectare in each case; and
- (ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

2. For implementation of the provisions of sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Central Government hereby lays down the following procedure:-

2.1 **Definitions.-** In the procedure, unless the context otherwise requires:-

- (a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ( 2 of 2007);
- (b) "District Level Committee" shall mean the Committee constituted under Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Rules, 2008;
- (c) "Forest Land" shall have the same meaning as defined in Section 2(d) of the Act;
- (d) "Gram Sabha" shall have the same meaning as defined in Section 2(g) of the Act;
- (e) "Nodal Officer" means any officer not below the rank of Conservator of Forests, authorized by the State Government to deal with matters relating to diversion of forest land under the Act;

- 5
- 22
- 851
- (f) "Section" means a section of the Act;
  - (g) "User Agency" means a Department of the Central or State Government or a District Panchayat making a request for diversion of forest land for developmental projects managed by the Government as specified in sub-section (2) of Section 3 of the Act;
  - (h) "Village" shall have the same meaning as defined in Section 2(p) of the Act.

2.2 **Submission of the proposals seeking approval for diversion of the forest land under sub-section (2) of Section 3 of the Act.-**

- (i) Every User Agency, that wants to use any forest land for any developmental project, specified in Section 3(2) of the Act, shall make a proposal in the appropriate Form appended, i.e. Form 'A', and place it before the general assembly of the concerned Gram Sabha for adopting a resolution to that effect.
- (ii) A quorum of atleast half the members of the Gram Sabha should be present for adopting a resolution recommending the diversion of forest land.
- (iii) On receipt of a recommendation of the proposal by the Gram Sabha, the User Agency will submit the proposal to the concerned Range Forest Officer (RFO) of the area, along with the resolution adopted by the Gram Sabha.
- (iv) The Range Forest Officer (RFO) concerned will carry out site inspection of the proposed area to opine on the acceptance of the proposal.
- (v) The Range Forest Officer (RFO) concerned will submit the proposal and his recommendation to the concerned Divisional Forest Officer (DFO) in Form 'B' appended, along with his site inspection report and his opinion within three weeks from the date of receipt of complete proposal from the User Agency.
- (vi) The Divisional Forest Officer (DFO) concerned will consider the proposal, and if he agrees, he will accord his approval and communicate his decision to the Range Forest Officer (RFO) concerned with a copy to the Chairperson of the District Level Committee, within four weeks from the date of receipt of the proposal from the RFO.

- 1111  
350  
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- (vii) After receipt of the approval from the concerned DFO, the RFO will demarcate the area of the forest land approved for diversion and hand over the same to the User Agency under the supervision of the Gram Sabha.
  - (viii) If the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO), he shall forward the proposal to the District Level Committee for a final decision.
  - (ix) The District Level Committee will meet and take a final decision, with at least 1/3 quorum, and convey the decision to the DFO for implementation and correction of records and map if the proposal is accepted.
  - (x) The approval for diversion of the forest land by the Divisional Forest Officer (DFO) or by the District Level Committee, as the case may be, shall be accorded subject to the condition that the land diverted for a specific purpose shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handling over the land to the User Agency.
  - (xi) The DFO concerned will submit a quarterly report of the approvals accorded for diversion of forest land under Section 3(2) of the Act to the Nodal Officer of the State who, in turn, will furnish the consolidated information quarterly to the Secretary, Tribal Welfare Department who will, in turn send the consolidated report to the Ministries of Tribal Affairs and Environment & Forests.
  - (xii) The Nodal Officer will also monitor the progress.

\*\*\*\*

APPENDIX

Form for seeking prior approval for diversion of forest land for non-forest purposes for the facilities managed by the Government under sub-section (2) of Section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

FORM-A

[See para 2.2(i)]

(To be filled up by the User Agency)

1. Project details:
  - (i) Short narrative of the proposed project / scheme for which the forest land is required.
  - (ii) Details of the forest land required (two options to be indicated)
    - a. Location – Survey No./ Compartment No.
    - b. Extent of the area (in hectare)
    - c. Forest Division
    - d. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
  - (iii) Justification for locating the project in proposed forest land(s)
  - (iv) Number of trees to be felled (per hectare) and number that will be kept standing
2. Detailed, purpose-wise break-up of the total forest land required with proposed building/activity area map.
3. Confirmation that User Agency will plant at least twice the number of trees to be felled, in the project or adjacent area and the amount to be provided annually for protection and maintenance of these plants for at least five years (Details to be enclosed).
4. Recommendation of the Gram Sabha – Accepted/Rejected  
[Please tick (✓), as the case may be]. [Copy of the Gram Sabha resolution to be attached.]

Signature of the authorized person for the User Agency

(Name in Block letters) \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Serial No. of proposal \_\_\_\_\_

(To be filled up by the Range Forest Officer with date of receipt)

FORM-B

[See para 2.2(iv)]

(To be filled by the concerned Range Forest Officer)

Serial No. of proposal \_\_\_\_\_

438  
848  
15

1. Location of the project / Scheme:

- (i) State / Union Territory
- (ii) District.
- (iii) Forest Division
- (iv) Proposed forest land(s) (two options to be indicated)
  - i. Location – Survey No./ Compartment No.
  - ii. Extent of the area (in hectare)
- (v) Whether part of biosphere reserve, tiger reserve, elephant corridor, etc.

2. Site inspection report (to be attached), containing the date of visit, and justified opinion on the acceptability of the proposal (separately for the two options).

3. Specific recommendation of the Range Forest Officer for acceptance or otherwise of the proposal and the better option.

Signature of the RFO

Name \_\_\_\_\_

Official Seal

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Accepted / Not accepted  
with reasons to be recorded

Signature of the DFO

Name \_\_\_\_\_

Official Seal

Date: \_\_\_\_\_

Place: \_\_\_\_\_

\*\*\*\*



Tarun Kanti Mishra, IAS  
Chief Secretary &  
Chief Development Commissioner,  
Orissa, Bhubaneswar.



67  
26  
Phone-0674-2534300 (O)  
0674-2536700 (O)  
0674-2534000 (R)  
0674-2536660 (Fax)  
e-mail- cson@ori.nic.in

DO. No. 17593 JCS/F&E  
10F(Cons)-96/2009(Pt)  
Date : 24.10.2009

To

All Collectors & District Magistrates-cum  
Chairpersons, District Level Committees  
(Constituted under ST & OTFD (RFR) Act, 2006)

Sub: Diversion of forest land for non-forest purposes under the Forest conservation Act, 1980- ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir/Madam,

You are aware that forestland is being used for non-forest purposes for various development projects under approval of the Government of India, MoEF as per provisions of the Forest conservation Act, 1980. At present, the project proponents desirous of using forest land for their projects are required to file the relevant forest diversion proposals with the Chief Conservator of Forests (Forest diversion) & Nodal Officer, FC Act in the office of the Principal Chief Conservator of Forests, Orissa in prescribed format specified in the Forest Conservation Rules, 2003 with necessary requisites, which are then processed as per Rule to obtain approval of Govt. of India, MoEF.

In the meantime, "The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" has been enforced with a view to settling the individual as well as community rights over the forest land under the occupation of the eligible tribal people and other traditional forest dwellers. This has been made effective from dt. 1.1.2008.

For the purpose of operationalisation of the provisions of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 while formulating/processing proposals under the Forest Conservation Act/Rules, the Govt. of India, Ministry of Environment & Forests have now come up with their latest circular vide letter F. No. 11-9/1998-FC(PT) dt. 3.8.2009 (copy enclosed for reference) which seeks for incorporation of certain certificates to be furnished by State Government in the forest diversion proposals itself so as to make the proposal unconditional and complete.

In this context, Government have been pleased to decide that the Collectors being the Chairpersons of the District Level Committees constituted under the provisions of Section 6(5) of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, shall submit a set of certificates appended with required evidences (copy of the model certificate as approved by Government enclosed) whenever any User Agency applies for diversion of forest land for projects under Forest Conservation Act, 1980 along with the two other documents of the concerned Gram Sabhas as indicated below.

- (i) A letter from each concerned Gram Sabha in local language duly signed by the Sarpanch and Members present in the Gram Sabha that the processes under the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been carried out and that they have given their consent to the proposed diversion and the compensatory and ameliorative measures having understood the purposes and details of proposed diversion.
- (ii) A letter from each concerned Gram Sabha in local language indicating their written consent or rejection to the forest diversion proposal.

One English translated version of the Resolution of the Gram Sabha as mentioned above may be furnished by the Collectors for onward transmission to

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Government of India, MoEF for their consideration of the diversion proposal being processed under the Forest Conservation Act, 1980. The Collectors are required to furnish the certificates along with the resolution of the Gram sabhas to the concerned Divisional Forest Officers for incorporating the same in the forest diversion proposal.

It may please be ensured that all forest diversion proposals filed under the provisions of the Forest Conservation Rules, 2003 are processed as per the procedure outlined above so as to operationalise the provisions of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Yours faithfully,

T  
24/10  
Chief Secretary to Government &  
Chief Development Commissioner, Orissa

Memo. No. 17594 /F&E dt. 24.10.2009

Copy with copy of the enclosures forwarded to the Secretary to Government, ST&SC Development Department/Secretary to Government, Revenue & Disaster Management Department/Secretary to Government, Water Resources Department/Secretary to Government Steel & Mines Department/Secretary to Government, Industries Department/ Secretary to Government, Works Department/Secretary to Government, Rural Development Department/Secretary to Government, Energy Department/ Secretary to Government, Commerce & Transport Department for kind information.

24.10.09  
Joint Secretary to Government

Memo. No. 17595 /F&E dt. 24.10.2009

Copy with copy of the enclosures forwarded to the Principal Conservator of Forests, Orissa/ Chief Conservator of Forests (Forest Diversion) Officer, FC Act, O/O Pr. CCF, Orissa for information and necessary action. This brought to knowledge of all Regional CCFs/all Conservator of Forests/all Divisional Officers/ all project proponents desirous of using forest land for non-forest use.


The Divisional Forest Officers concerned upon receipt of the certificates/ documents from the concerned Collectors, shall annex all such certificate documents to the forest diversion proposals while compiling Part-II of the proposal and the same to the Regional Chief Conservator of Forests/Conservator of Forests compilation of Part-III of the application form.

The Chief Conservator of Forests (Forest Diversion) & Nodal Officer, FC Act, O/O Pr. CCF, Orissa shall issue requisite instructions in the matter to the Divisional Forest Officers for required follow-up action in the matter.

  
24-10-09  
Joint Secretary to Government

Memo. No. 17596 /F&E dt. 24.10.2009

Ten (10) Copies of the above circular along with enclosures to Forest Diversion section guard file for information and reference.

  
24-10-09  
Joint Secretary to Government

66

24

CERTIFICATE TO BE FURNISHED BY THE DISTRICT COLLECTOR

1. It is certified that the complete process for diversion and settlement of rights under the Schedule Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act 2006 has been carried out for the entire forest area of \_\_\_\_\_ Ha proposed for diversion for \_\_\_\_\_ project . The concerned record of all consultations and meetings held are annexed .
2. It is certified that the proposals for such diversion have been placed before each of the Gram Sabhas of forest dwellers who are eligible under the Forest Rights Act . Details of the projects and its implications have been explained to them in vernacular / local language .
3. It is certified that discussions and decisions on such proposals had taken place only when there was a quorum of minimum 50 % of members of the Gram Sabha present .
4. It is certified that the rights of primitive tribe groups and pre-agricultural communities have been specifically safeguarded as per section 3 (1) (e) of the Forest Rights Act.
5. It is certified that the diversion of forest land for facilities managed by Government as required under Section 3 (2) of the Forest Rights Act (if any) have been completed and that the Gram Sabhas have consented to it.

} 50%  
with  
IA  
require it.

Collector \_\_\_\_\_ District &  
Chairman .District Level Committee.



Coal Dept 2

21/4/14

No. 43018 / 6 / 2009 / PRIW-1  
Government of India  
Ministry of Coal

New Delhi, dated the 18<sup>th</sup> January, 2010.

NAGPUR

To,  
The Chairman-cum-Managing Director,  
Western Coalfields Limited,  
Coal Estate, Civil Lines,  
Nagpur 440 001. Mah.

WCL/CMD/1/SECY/No. 153  
Date / Dated :- 11/02/2010

1954  
22/1/14

**Subject : Acquisition of surface right under CBA Act over the land where mining lease is permitted under Mineral Concession Rules.**

Sir,

I am directed to refer to your letter No. WCL /L&R/ AK / 996 dated 16/17<sup>th</sup> September, 2009 on the above cited subject and to say that the matter has been examined in the Ministry. In respect of land where mining rights have been obtained earlier, all rights including surface rights can be obtained under the CBA (A&D) Act, 1957. WCL may, therefore, send land acquisition proposals to the Ministry for all rights under the CBA (A&D) Act, 1957, in respect of land where mining rights have already been acquired.

Yours faithfully,

(Signature)

SO(L&R)  
Area Survey Officer  
20-1





AJIT SETH

सचिव (राजन्वय एवं लोक शिवालय)  
भविष्यदल सचिवालय  
राष्ट्रपति भवन, नई दिल्ली  
SECRETARY (COORD. & PG)  
CABINET SECRETARIAT  
RASHTRAPATI BHAWAN  
NEW DELHI-110004

23/0  
S(A)  
B (Gao)  
D (LCS)  
24/3/11

D.O. No. 511/2/1/2010-CA.III

March 21, 2011

Dear Secretary,

PR min to DG DER PMA.  
DOC

Instances have come to the notice of the Government where land in possession and control of Government / Government controlled entities is sought to be alienated through means such as sale, lease and / or licence. It has been observed that the value of land has increased tremendously, especially during last one or two decades.

2. A policy with regard to transfer or alienation of land held by the Government or statutory authorities etc. is being framed by the Government. Prime Minister has approved that in the meanwhile; all the Ministries / Departments would seek specific approval of the Cabinet in each case of sale or long term lease of land belonging to the Government or Government controlled statutory authorities.

With regard,

Yours sincerely,

*Ajit Sethi*  
(Ajit Sethi)

Shri Pradeep Kumar  
Secretary,  
Ministry of Defence  
New Delhi

6776/CS(A)  
24/3/11  
Defence Secretary's Office  
Date: 21-3-11  
Dy. No. 3587

25/3/2011

TEL : 23017075, 23345545 ☐ Fax : 23018949, 23345637



1291/DC/AZ  
07/08/12

F.No. 511/2/1/2010-Cab.II  
Cabinet Secretariat  
Rashtrapati Bhawan

New Delhi, the 30<sup>th</sup> July, 2012

OFFICE MEMORANDUM

Subject :- Transfer or alienation of land held by Government or Government controlled statutory authorities - Regarding.

Reference is invited to this Secretariat's instructions, as contained in D.O. letters of even number dated 21<sup>st</sup> March, 2011 and 21<sup>st</sup> November, 2011, on the subject cited above.

2. The following relaxations in the instructions circulated vide above said D.O. letters are now approved :-

- (i) All cases of land transfers from Ministries to statutory authorities or PSUs may be allowed, subject to the requirements of Government of India (Transaction of Business) Rules;
- (ii) All cases of land transfer on lease or rent or license to a concessionaire which have been appraised through the PPPAC route and approved by the Finance Minister or by the Ministers concerned or by the Cabinet, as the case may be, depending upon the value of the project;
- (iii) Development and use of railway land by Rail Land Development Authority (RLDA) as per provisions of Railways Amendment Act, 2005 and the Rules framed thereunder and in accordance with the prevalent policies and guidelines of the Railway Ministry and the Government.

Secy (L) - O.P.T  
 AS/C  
 All accounts to  
 the companies  
 DS (PRW)  
 G/P

GM (LRA)  
 Ans

*[Signature]*  
 30-7-12

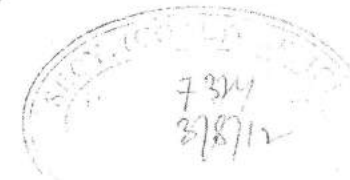
(Bhaskar Jyoti Sarma)  
 Deputy Secretary  
 Tele : 23013662

Secretaries of all the Ministries / Departments of Govt. of India

JS (M)  
 still  
 DS (PRW) / P

H. Jain  
 7/8  
 US (PRW-I)

By 68/M...  
 9/8/12



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7364 24/8

No. 43022/1/2010-PRIW-I(Part)  
Government of India  
Ministry of Coal

New Delhi, the 8<sup>th</sup> August, 2012

Subject: Transfer or alienation of land held by Government or Government controlled statutory authorities –reg.

A copy of O.M. No. 511/21/2010-Cab III dated 30.7.2012 received from Cabinet Secretariat on the above subject for information and necessary action.

Encl : as stated



*(Signature)*  
(D.S. Rawat)  
Section Officer

To

CMDs: CIL/ MCL/WCL/NCL/CCL/SECL/BCCL/ECL/CMPDIL and NLC

CIL/6453/MOC

14.8.12  
17.

DCP (IB), CIL

CC: All CMDs

*(Signature)*  
16/8/12

24/10  
All FDS  
Co. Secy / Gats / Circular file  
*(Signature)*  
23/8/12

18253  
23/8/12

Ministry of Defence  
D(Lands)

Subject: Instructions regarding transfer or alienation of land held by the Government of statutory authorities.

Please find enclosed herewith a copy of D. O. No. 511/2/1/2010-CA-III, dated 21.03.2011 issued by Secretary (Coord & PG), Cabinet Secretariat on the above subject, for taking further necessary action accordingly.

Encl. as above

*Narendra Kumar*  
(Narendra Kumar) <sup>25/3/2011</sup>  
Desk Officer

QMG, Army Hqs

DG, DGDE

MOD Dy. No. 371/DO(N)/D(Lands)/2011, dated 25.03.2011

*28/3/11*  
*CS/DG, seelt.*  
*25/03/11*

*KADG*  
*28-3-11*

*28/3/11*  
*28/3/11*

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*28/3/11*

*@ H. circulate to all PDs*  
*@ Put it in DNS.*  
*28/3/11*

*SADG*

*[Signature]*  
*28-3-11*

*ADDL DG (Coord)*

*[Signature]*  
*28/3/11*

*DD (Coord)*  
*Pl give copy to*  
*all PDs.*  
*Addl DG (Coord)*  
*28/3/11*



91

DISTRICT OFFICE, JHARSUGUDA  
(Revenue Section)

Letter No.                      /Rev. Date                     

To  
The Tahasildar, Jharsuguda  
The Tahasildar, Lakhanpur.

Sub: Regarding handing over of diverted forest land i.e. 22.48 ha. of forest land including 0.614 ha. of forest land towards safety zone in addition to already diverted 313.052 ha. of forest land for expansion of Samaleswari CCP, IB Valley Area, Brajrajnagar of Mahanadi Coal Fields Ltd. (MCL), Jharsuguda.

Ref: Order No. 10F(Con) 464/2012-8233/F&E Dtd 18.05.2015 of Forest & Environment Deptt., of Govt. of Odisha.

Sir,

Enclosing herewith the Order No. 8233/F&E, Dtd. 18.05.2015 of Forest & Environment Deptt., Govt. of Odisha along-with its enclosures, I am to say that Ministry of Environment & Forest, Govt. of India have accorded final approval for diversion of 22.48 ha. of forest land for expansion of Samaleswari CCP, IB Valley Area, Brajrajnagar of Mahanadi Coalfields Ltd. (Mch) in Jharsuguda District.

In the above cited order of Govt. in Forest & Environment Deptt., it has been allowed diversion of 22.48 ha. of forest land in favor of M/s Mahanadi Coalfields Ltd., as per approved land use pattern, detailed land schedule of 22.48 ha. of forest land duly authenticated by Tahasildar, Jharsuguda and Divisional Forest Officer, Jharsuguda Forest Division in the District Jharsuguda & the Collector, Jharsuguda has been authorized to hand over the forest land, as diverted to the user agency following due procedure of law.

In view of the above, you are directed to handover the forest land as diverted in favour of General Manager, IB Valley Area, Mahanadi Coalfields Ltd., At./Po. Brajrajnagar, District, Jharsuguda as per the land schedule relating to your Tahasil.

Further, you are directed to realise the premium for the forest land being diverted for non-forest purpose as per Letter No. GE (GL)-S. 130/07-34969/R&DM, Dated, 31.08.2007 of Revenue & Disaster Management Deptt., Govt. of Odisha, Bhubaneswar before handing over the forest land for expansion of Samaleswari CCP, IB Valley Area, Brajrajnagar of Mahanadi Coalfields Ltd. (Mch) in Jharsuguda District.

Action taken in this matter shall be intimated to this office.

Yours faithfully,

  
Collector, Jharsuguda

Encl. As above.

*Received @ RPF  
22.7.2015  
RPF, Lakhanpur  
Jharsuguda.*

Contd., Page.2

Memo No. 6354 / Rev. Dtd. 21 / 07 / 2015

Copy forwarded to the Divisional Forest Officer, Jharsuguda Forest Division, Jharsuguda for information and necessary action.


He is requested to file requisition before Tahasildar, Kolabira as per Circular No. 17396/F&E, 10(Con)16/2000, Dtd. 1<sup>st</sup> November, 2000 of Forest & Environment Deptt. Govt. of Odisha, Bhubaneswar.

  
Collector, Jharsuguda

Memo No. 6355 / Rev., Dtd. 21 / 07 / 2015

Copy forwarded to the Tahasildar, Kolabira for information and necessary action.

She is requested to process the Case Record after receipt of requisition from the DFO, Jharsuguda Forest Division, Jharsuguda.

  
Collector, Jharsuguda

Memo No. 6356 / Rev., Dtd. 21 / 07 / 2015

Copy forwarded to the General Manager, IB Valley Area, Mahanadi Coalfields Ltd., At./Po. Brajrajnagar, District, Jharsuguda, for information and necessary action.

  
Collector, Jharsuguda

Memo No. 6357 / Rev., Dtd. 21 / 7 / 2015

Copy forwarded to the Special Secretary to Govt. Forest & Environment Deptt., for information and necessary action with reference to Memo No. 8237, Dtd. 18.05.2015 of Forest & Environment Deptt.

  
Collector, Jharsuguda

114  
1090  
17/7



*[Handwritten signature]*



By Fax/e-Mail

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

18-7-13

No. GE (GL)-S-26/2013- 26223 R&D.M. Dated 6.7.13

V.P.M.  
F-6  
12/15

From  
Dr. Taradatt, IAS,  
Additional Chief Secretary to Government

To  
All Collectors

Sub: Instructions regarding direct purchase of private land for social development projects through bilateral negotiation

Madam/ Sir,

I am directed to say that different Departments of the State Government are implementing various schemes and providing funds for construction/ development of social projects such as Anganwadi Centres, Live Stock Aid Centres, Bharat Nirman Rajiv Gandhi Seva Kendra Buildings, Primary Health Centres, Community Centres etc. Execution of these projects is largely dependent on assigning of Government land for such purposes. However, it has come to the notice of Government that various development projects could not be implemented in time either due to non-availability of Government land in the concerned village or Government land being located at faraway places from habitation. Further, since requirement of land for such purposes is usually very small, the existing procedure of acquiring private land under the Land Acquisition Act, 1894 and making it available for the said purposes is time consuming and cumbersome resulting in considerable delay in execution of such projects.

2. In order to overcome these difficulties, formulation of a principle for direct purchase of private land through bilateral negotiation, for timely execution of social development projects undertaken by different Departments was under active consideration of Government for some time past. Government, after careful consideration, have been pleased to lay down the following principles for direct

1745  
1-7-13

put land purchase file  
*[Handwritten signature]*

Badrachari  
*[Handwritten signature]*

purchase of private land through bilateral negotiation, for execution of social development projects.

- (a) Under these principles, private land up to the extent of 10 hectares can be purchased in a revenue village.
- (b) Officers authorised to file requisition under Land Acquisition Act, 1894 will be declared as the competent authority to purchase land under these principles.
- (c) The purchase price of the land required shall be fixed at a flat rate of 175% of the Bench Mark Valuation. Compensation as admissible under L.A Act shall also be paid over and above the land price stated above in respect of buildings, other structures and trees.
- (d) Legal due diligence like obtaining non-encumbrance certificate from concerned revenue authority and establishing a clear title of the seller over the land should be arrived at before purchase of the land.
- (e) Care should be taken to ensure that suitable compact patches of private land are identified for location of different projects in a cluster.
- (f) The suitability of the land for the development projects, accessibility through public road and other facilities like drinking water etc. should be ascertained.
- (g) In case of land belonging to Scheduled Caste/ Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority. However, in scheduled areas, land belonging to Scheduled Tribes shall not be purchased as the same is prohibited by law.
- (h) No negotiation/ transaction shall be made with intermediaries/ power of attorney holders. Transaction shall be made only with bona fide owners of the land.
- (i) Land purchased under these principles shall be allowed to be registered without any payment of stamp duty and registration fee.

- (j) After purchase and registration of the land, the competent authority of concerned Department/ Organisation shall take immediate steps for mutation of the same.
  - (k) Budget provisions made under L.A Act can be utilised for purchase of private land through bilateral negotiation under these principles.
3. The aforesaid principles would be applicable to any Government project/ scheme. The Public Sector Undertakings may also adopt these principles, if felt necessary.
4. This has been concurred in by the Finance Department vide their UOR No. 399/ MF&PE dated 18.6.2013.
5. These instructions supersede all other instructions issued in this regard earlier.

Yours faithfully,

*M. Aditt* 6-7-13

Addl. Chief Secretary to Government

Memo No. 26224 /RDM dated 6.7.13

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs for information and necessary action.

*M. Aditt* 6-7-13

Addl. Chief Secretary to Government

Memo No. 26225 /R&D.M. Dated 6.7.13

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/LR & GE(A)/ (B) / (C)/ LA (A)/ (B)/(C)/ R & R Cell/ LR (A)/ (B)/ Registration Branch/ CH&S Branch of Revenue & DM Department for information and necessary action.

*ll* 6/7/13

Joint Secretary to Government







125

By Fax/e-mail/Speed Post

GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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No. LA (A)-46/13 (Misc) 1862 /R&DM, Dated: 24.01.14

From:  
Dr. Taradatt, IAS  
Additional Chief Secretary  
Revenue & D.M Department

To  
All Collectors/ Spl LAOs/ LAOs

Sub: Clarification on Section-24 of the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013".

Sir/Madam,

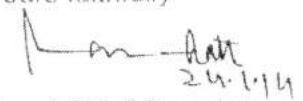
In inviting reference to the subject mentioned above, I am directed to say that the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" has come into force from 01.01.2014 and after careful consideration, Government have been pleased to issue the following clarifications on the provisions laid down under Section -24 of the said Act. (RFCTLAR&R Act, 2013) for your information, necessary guidance and action.

Retrospective effect clause in the Section-24 of the RFCTLAR&R Act, 2013 (New LA R&R)	Corresponding action envisaged to be followed.
Section 24(1) (a)- LA proceedings where no award u/s-11 has been made, then all provision of the new Act relating to determination of compensation shall apply.	4(1) Notification . and 6(1) Declaration issued by Government shall continue up to the stage u/s-7 under the old LA Act 1894; but from the stage of determination of compensation and award, all provision of the Right to Fair Compensation and Transparency in Land Acquisition Resettlement & Rehabilitation Act-2013 (new LAR&R Act) shall apply.
Section 24(1) (b)- LA proceedings where award u/s-11 has been made.	Payment of compensation shall continue under the Provision of L.A. Act-1894 (Old Act).
Section 24(2) - LA proceedings where award u/s-11 has been made five years or more prior to commencement of the new Act i.e. 1.1.2014, but compensation has not been paid or physical possession has not been taken.	Such LA proceedings shall be deemed to have lapsed. The Requiring Authority if it so chooses shall initiate LA proceedings afresh under the provision of the new LAR&R Act-2013.
Section 24(2) proviso- LA proceedings where award u/s 11 has been made 5 years or more prior to commencement of the new Act, i.e. 1.1.2014 but compensation in respect of the majority of land holding has not been paid to the beneficiaries.	All awardees whose land is covered in 4(1) Notification under LA Act 1894 shall be entitled to compensation in accordance with the provision of the new LAR&R Act-2013.

Necessary follow up action may be taken accordingly.

This may be brought to the notice of all concerned.

Yours faithfully

  
24.1.14

Additional Chief Secretary

Memo No. 1863 /R&DM Dt. 24.01.14

Copy to All Departments of Govt. for information and necessary action.

  
Additional Secretary 24/1/14

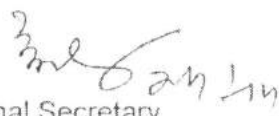
Memo No. 1864 /R&DM Dt. 24.01.14

Copy to Secretary, Board of Revenue Odisha, Cuttack & All RDCs for information and necessary action.

  
Additional Secretary 24/1/14

Memo No. 1865 /R&DM Dt. 24.1.14

Copy to Private Secretary to Hon'ble Minister, Revenue & DM for kind information of Hon'ble Minister.

  
Additional Secretary 24/1/14

Memo No. 1866 /R&DM Dt. 24.01.14

Copy to All Officers / All Branches / IMU Cell of Revenue & DM Deptt. for information and necessary action.

  
Additional Secretary 24/1/14

Memo No. 1870 /R&DM Dt. 24.1.14

Copy to CMD, IDCO, Bhubaneswar for information and necessary action

  
Additional Secretary 24/1/14

GOVERNMENT OF ODISHA  
REVENUE & DISASTER MANAGEMENT DEPARTMENT

\*\*\*\*\*

No. 23560 /R&DM Dated Bhubaneswar 11st August, 2014  
LA (A) 23/2014 Misc.

From

Dr. Taradatt, IAS  
Additional Chief Secretary to Government

To

All Collectors

Sub:- Coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013-Making of Award in LA Cases initiated prior to 31.12.2013

Ref: - This Department Letter No. 4030/ R&DM Dated 07.02.2014

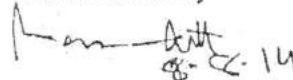
Madam/ Sir,

I am directed to say that instructions were issued in this Department letter under reference wherein it was, inter alia, clarified that as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 does not indicate any "cut-off date" for determination of market value of the land under acquisition in respect of cases initiated prior to 31.12.2013 under Land Acquisition Act, 1894, it would be appropriate to accept 01.01.2014 as the "cut-off date" as the said new Act came into force on that date.

The matter has been re-examined and Government after careful consideration have been pleased to direct that the market value of the land under acquisition in Land Acquisition cases initiated before 31.12.2013 shall be determined at the rate as on the date of notification u/s 4(1) of LA Act, 1894.

The earlier instruction issued in this Department letter under reference is modified to the above extent.

Yours faithfully



Additional Chief Secretary to Government



GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. LA (C)-49/12 (DKL) <sup>24026</sup> \*\*\* /R&DM, Dated: 16.5.12

From: Dr. Taradatt, IAS  
Principal Secretary  
Revenue & D.M Department

To

The Collector, Dhenkanal

**Sub: Clarification regarding handing over of possession of acquired land to Requiring Authority irrespective of Status of payment vis- a- vis the provisions Under Section 17 (3-A) read with Section 12, 16, 18 and 31 of L.A Act.**

Sir,

In inviting a reference to your letter no- 467 dt. 12.04.12 and the provisions contained in under Section 17 (3-A) read with section 12, 16, 18 and 31. I am directed to say that Government after careful consideration has been pleased to issue clarifications there on as follows.

After declaration, Govt. directs the Collector to take order for the acquisition of the land U/s-7 of LA Act. Under Section-11 Collector makes the award and U/s 12(2) he gives notice of the award to the awardees. **Section 16 speaks that when the Collector has made the award U/s-11, he may take possession of the land. Here the inherent meaning of award is payment of compensation. Also the cogent provision is Section 17 (3-A) which prescribes tendering payment of 80% of the compensation before taking possession.**

Payment of compensation is dealt in section 31 of LA Act. Sec 31(1) says that on making an award U/s-11, Collector shall tender payment of the compensation as per the award to the awardees unless prevented by one or more contingencies mentioned in Subsection (2) of Sec-31, which embodies- **'if they shall not consent to receive, if there be any dispute as to title or apportionment'**.

**Sub-Sec-2 of section-31 further carries that in such contingencies as described above, the collector shall deposit the amount of compensation in the court to which a reference U/s-18 would be submitted.**

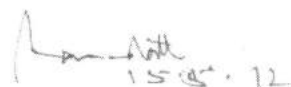
Sec-18 speaks of reference to court by the collector as to determination of compensation, the persons to whom it is payable or the apportionment of the compensation among persons interested.

From the above discussion it summarily transpires that the mode of payment of compensation is of two types-1) Direct payment by cash or alternative form 2) payment by deposit in court. The qualifying provision of tendering of 80% compensation to the awardees before taking possession as is stipulated in Sec 17 (3-A) construed to mean percentage of payment by any or two modes as above aggregating to 80 %. Sec 17 (3-A) also alternately deals with the course of action in case of those contingencies as spelt out in Sec 31, Sub-Sec-(2) thus:- "where the collector is so prevented, the provision of section 31, Sub-section(2) shall apply as they apply to the payment of compensation under that section".

Form this enabling provision it can be arrived at that when the awardees are not forth coming either to receive their compensation or they are not giving consent to receive the same; the compensation can be disbursed by the mode of depositing it in the court by the Collector as per Sec-31(2) with submission of a reference U/s -18 of the Act.

In view of the above statutory provisions, you are directed to follow the procedure explained above and take recourse to depositing the undisbursed compensation money in the court as per provision Under Section-31-Sub-Sec-2 of LA Act 1894 read with Sub-sec. (3-A) of Sec-17 of the Act, and handover possession of the acquired land by following all other provisions of L.A Act and Executive Instruction there under.

Yours faithfully



Principal Secretary to Government

Memo No. 24027 Dt. 16.5.12


Copy to All Collectors / SPL LAOs / LAOs for information and necessary action. They are instructed to adopt the procedure as explained in the foregoing Para and take necessary steps for depositing the undisbursed land compensation in consonance with the Section 31- Sub Sec-2 of LA Act, read with Sub-Sec(3-A) of Sec-17 of the Act, and handover possession of the acquired land to Requiring Authority by following all other provisions of L.A Act and Executive Instruction there under.



Principal Secretary to Government

Memo No. 24028 Dt. 16.5.12


Copy to the All RDCs for information and necessary action.

 15.5/12

Additional Secretary to Government

Memo No. 24029 Dt. 16.5.12


Copy to LA (A) Section/ LA(B) Section/ LA(C) / R&R section for information and necessary action.

 15.5/12

Additional Secretary to Government

Memo No. 24030 Dt. 16.5.12

Copy to Guard files (5 copies).

 15.5/12

Additional Secretary to Government



GOVERNMENT OF ODISHA  
REVENUE & D.M. DEPARTMENT

\*\*\*

No. 29089/R&DM, Bhubaneswar, dated the 29<sup>th</sup> September, 2014.  
GE (GL)-S-31/2014

From

Dr. Taradatt. IAS,  
Additional Chief Secretary to Government.

To

The Collector, Keonjhar.

**Sub: Diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – clarifications.**

Sir,

I am directed to invite reference to your Letter No.1745/Rev., dated 06.09.2014 on the aforementioned subject and to say that you have raised the following issues on alienation of Government land for compensatory afforestation in lieu of forest land to be diverted for non-forest use.

- (a) Whether Government land recorded as Abada-Ajogya Anabadi Khata can be alienated/leased out for raising compensatory afforestation?
- (b) What is surplus unobjectionable land?
- (c) Whether Government land recorded as 'forest' available in the land bank can be provided for raising compensatory afforestation on realisation of land cost?
- (d) What is the method of fixation of the cost of non-forest land/revenue forest land available in the land bank?
- (e) Whether land recorded as Abada Ajogya Anabadi Khata provided for raising compensatory afforestation can be taken to Abadajogya Anabadi Khata after Stage-1 clearance of the Central Government?

2. After careful consideration of the aforesaid issues, it has been clarified as follows:

- (a) Lands covered by rivers, nalas, hills, hillocks, stoneflats, sand hills, lake, sea or other natural collections of water etc. which are not ordinarily fit for occupation for any non-agricultural or agricultural purposes and over which there is

no communal right will be recorded in a separate khatian to be known as Abada-Ajogya Anabadi. Lands recorded in the Abada-Ajogya Anabadi khatian can be used only for a public purpose. If it is intended to be used for any other purpose and if such use will not cause any inconvenience to anybody it has first to be transferred to the Abadajogya Anabadi khatian under the orders of the competent authority. Hence, if any Abada-Ajogya Anabadi land is fit for raising compensatory afforestation, then the same is required to be transferred to Abadajogya Anabadi khatian and to be alienated/leased out.

- (b) Government land classified as 'Gochara', 'Rakhit' or 'Sarbasadharana' and used as burial ground, Government premises, tanks, roads, public place of worship and lands prohibited to be alienated by any Central or State Acts are coming under objectionable category and the remaining Government lands are to be treated as unobjectionable land. The lands coming under objectionable and unobjectionable category are enumerated vide Government Letter No. 4898-R, dated 28.1.1966 and in the Odisha Prevention of Land Encroachment Act, 1972. In view of the scarcity of Government land, the Revenue & D.M. Department vide their Letter No.2258/R&DM, dated 4.8.2014 in paragraph-2 have clarified that for the purpose of sustainable development of the State, the housing, transport and other developmental needs and rights of the populace has to be met first and thereafter Government land kept under Abada Jogya Anabadi Khata may be alienated for raising compensatory afforestation.
- (c) Government of India, Ministry of Environment & Forest and Climate Change in their F. No.11-306/2014-FC, dtd. 8<sup>th</sup> August, 2014 have advised all the State Governments to set up a land bank of non-forest land or revenue forest land for the purpose of creation of compensatory afforestation in lieu of forest land to be diverted for non-forest work which will help to minimise the delay in clearance of forest diversion proposal. Hence, the land recorded as non-forest or revenue forest such as chhota jungle, bada jungle etc. (having no forest growth) available in the land bank can be

provided for raising compensatory afforestation on realisation of premium.

- (d) The land cost of the non-forest land/revenue forest land available in the land bank can be determined on the basis of the market value of land as determined in case of acquisition of private land. The bench mark valuation available for the private land situated in the close vicinity having similar advantages may also be taken into account. The valuation of the land which is higher may be taken as premium for the land.
- (e) This point has already been clarified at “(a)” above. However, in the instant case since in-principle approval of the Central Government has already been obtained, there is no necessity to change the status of the land at this stage. The Abada Ajogya Anabadi land set apart for raising compensatory afforestation is mutated in favour of the Forest & Environment Department; the same shall be declared as reserved/protected forests as the case may be under the Indian Forest Act, 1927.

Yours faithfully,



Additional Chief Secretary

**Memo No. 29090 /R&DM, Date. 29.09.2014.**

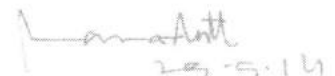
Copy forwarded to all Collectors (except Collector, Keonjhar) for information and necessary action.



Additional Chief Secretary

**Memo No. 29091 /R&DM, Date. 29.09.2014.**

Copy forwarded to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forests for information and necessary action.



Additional Chief Secretary



**Government of Odisha**  
**Revenue & D.M. Department**

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No. 17450 /R&DM, Bhubaneswar, dated the 17<sup>th</sup> June, 2014.  
GE (GL)-5-63/13

From

Dr. Taradatt, IAS,  
Additional Chief Secretary.

To

All Revenue Divisional Commissioners,  
All Collectors,  
All Sub-Collectors,  
All Tahasildars.

**Sub: Clarification regarding classification of land in the RoR.**

Sir,

I am directed to invite reference to the last paragraph of this Department's letter No.44019/R&DM, dated 23<sup>rd</sup> November, 2013 on the aforementioned subject, wherein it was stated that "lands included within the list filed before the Hon'ble Apex Court may be treated as forest land and which are not included in the list may be treated as non-forest land".

2. The legal and constitutional provisions in regard to "forests" vis-a-vis the judgement rendered by the Hon'ble Apex Court in T.N. Godavarman Thirumulkpad Vrs. Union of India have been examined again in consultation with the legal experts, and as advised by them, the said paragraph is substituted as follows:

"In view of the affidavit filed by the State Government in WP(C) No.202/1995, lands included in the list filed before the Hon'ble Supreme Court may be treated as forest land. If the lands are not covered under the said affidavit, but if in fact, they satisfy the description of "forest", the same shall be treated as forest".

Yours faithfully,



Additional Chief Secretary

Memo No. 17457 /R&DM, Date.17.06.2014.

Copy forwarded to the Principal Secretary, Forest & Environment Department/ Principal Chief Conservator of Forest for information and necessary action.



Additional Chief Secretary



**Government of Odisha**  
**Revenue & D.M. Department**

\*\*\*

No. 25616 /R&DM, Bhubaneswar, dated the 27/11 August, 2014.  
GE (GL)-S-15/14

From

Dr. Taradatt., I.A.S.,  
Additional Chief Secretary to Government.

To

All Collectors.

**Sub: Clarification regarding change of classification of land classified as communal.**

Sir,

I am directed to invite a reference to this Department's Letter No.44485/R, Dated 5.10.1991 on the aforementioned subject and to say that doubts have been entertained at certain quarters as to whether permissive possession can be accorded for utilisation of the land recorded as communal or Sarbasadharana in the settlement records for industrial/development purposes in the context of the judgement rendered by the Hon'ble Apex Court in the case of Jagpal Singh & others Vrs. State of Punjab & others wherein it has been directed inter alia to protect the common rights of the villagers and evict the illegal/unauthorised occupants from the land burdened with communal characteristics.

2. This matter was discussed with the Law and Industries Departments. After detailed deliberations, it was decided that, if such communal lands are absolutely necessary for use by the requisitioning authority, the said authority shall have to provide equal extent of suitable land for the same purpose which can be reserved under Rakhit khata/Sarbasadharana khata and utilised for the common benefits of the villagers.

3. Keeping in view the interest of the public at large and the observations of the Hon'ble Supreme Court as indicated supra, Government have been pleased to issue the following guidelines which shall be followed in the matter concerning lands classified as communal or sarbasadharan in the settlement records.


(a) Where the entire land of the village along with the habitation is required for industrial/development purposes by the requisitioning authority, there is no need to reserve land for communal purpose. In that case the classification of the land may be changed and recorded under Abadjogya Anabadi

khata and alienated/ acquired in favour of the concerned requisitioning authority.

- (b) Where the Road/Danda etc. is confined to the compact area to be acquired/alienated and does not extend beyond its limit, and the same is not required for the use of the villagers, the classification of the land may be changed under Rule 34 (e) of the Orissa Survey & Settlement Rules, 1962.
- (c) If the Road/Danda etc. is a portion of a continuous path extending beyond the limit of such compact area to be acquired or alienated, the requisitioning authority shall have to provide alternate road/Danda for the common use of the villagers.
- (d) If a Tank/Bandha/Kata and Aadi is within the compact area and the water of such water body is being used for drinking/bathing purposes of the villagers and cattle, the requisitioning authority shall have to acquire/purchase equal extent of suitable land and provide similar facilities to the villagers.
- (e) If the water of such Tank/Bandha/Kata etc. is used for irrigation purpose and the same is required for the project, the requisitioning authority shall have to create alternate irrigation source which can provide irrigation to the equal extent of land irrigated earlier.
- (f) Where Gochar lands are found surplus and required by the requisitioning authority, those may be dereserved as per the provisions of the Orissa Government Land Settlement Act, 1962.
- (g) Where no surplus Gochar lands are available and where the Gochar lands are absolutely necessary for the project, the requisitioning authority shall have to provide equal extent of suitable private land in exchange of the Gochar land to be dereserved/ acquired for industrial/development purpose. In addition, the requisitioning authority shall have to provide a common passage to the Gochar land to be reserved for the purpose of Gochar, if not available.
- (h) If other communal lands like Melana Padia, Hata-Pada etc. are absolutely necessary for the project, the requisitioning authority shall have to provide equal extent of suitable alternate sites having similar facilities as are available in the existing sites.

- (i) Where the land is recorded as 'Nala', 'Mahara', 'Nayanjori' etc. and is absolutely required for development/industrial purpose, the requisitioning authority shall have to provide adequate drainage facilities for smooth discharge of water without causing any obstruction.
- (ii) Where the land is recorded as smasana/burial ground/ grave yard etc., in the record of rights and the same is absolutely required for the project, the requisitioning authority shall have to provide equal extent of suitable alternate sites having similar facilities as are available at the existing sites. The classification of land required by the requisitioning authority may be changed under the provisions of Rule 34(e) of the Orissa Survey and Settlement Rules, 1962.
4. The Collector of the District shall ensure that all the conditions as enumerated above are fulfilled before alienation/sanction of lease in favour of the requisitioning authority.
5. The instruction issued by the erstwhile Revenue & Excise Department vide No.44485/R., Dated 5.10.1991 is hereby withdrawn.
6. All concerned may please be informed accordingly.

Yours faithfully,

  
27-8-14

Additional Chief Secretary to Government

FAX

**Memo No.** 25617 /R&DM, **Date.** 27-8-14

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/all Revenue Divisional Commissioners/Chairman-cum-Managing Director, IDCO for information and necessary action.

  
27-8-14

Additional Chief Secretary to Government

