VOLUME 1

Land Acquisition, Rehabilitation & Resettlement

RFCTLARR Act, 2013 · R&R policies · Government orders, circulars & notifications

01

COMPILED BY

Upendra Luha, OAS

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About this volume

This volume brings together the Acts and the Government of Odisha orders, circulars, notifications and resolutions on land acquisition, compensation and rehabilitation & resettlement that are published on odisharevenuelaws.com. Each document is reproduced as issued, in its original form. Use the Contents page or the PDF bookmarks to jump to any document. Page numbers at the foot of each page run continuously through the volume. This is a compilation for ready reference only; for official purposes, please rely on the notified text and the latest orders of the Government.

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

ACT No. 30 OF 2013

[26*th 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. Short title, extent and commencement.–(*1*) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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

(*3*) It shall come into force on such date[1] 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.

2. Application of Act.–(*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

1. 1st January 2014, *vide* notification No. 3729 (E), dated 19th December, 2013, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

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. Definition.–In this Act, unless the context otherwise requires,—

(*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 (2 of 2007) 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—

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

(*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;

(*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:

Provided that 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 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 (2 of 2007) or under any other law for the time being in force; or

(*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;

(*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 (40 of 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. Preparation of Social Impact Assessment study.–(*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.

(*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.

5. Public hearing for Social Impact Assessment.–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.

6. Publication of Social Impact Assessment study.–(*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*

7. Appraisal of Social Impact Assessment report by an Expert Group.–(*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. Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government.–(*1*) The appropriate Government shall ensure that—

(*a*) there is a legitimate and *bona fide* 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. Exemption from Social Impact Assessment.–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.

CHAPTER III

SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY

10. Special provision to safeguard food security.–(*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

11. Publication of preliminary notification and power of officers.–(*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. Preliminary survey of land and power of officers to carry out survey.–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,—

(*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. Payment for damage.–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.

14. Lapse of Social Impact Assessment report.–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:

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. Hearing of objections.–(*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—

(*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.

16. Preparation of Rehabilitation and Resettlement Scheme by the Administrator.–(*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 (40 of 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. Review of the Rehabilitation and Resettlement Scheme.–(*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.

(*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. Approved Rehabilitation and Resettlement Scheme to be made public.–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.

19. Publication of declaration and summary of Rehabilitation and Resettlement.–(*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).

(*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. Land to be marked out, measured and planned including marking of specific areas.–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.

21. Notice to persons interested.–(*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.

(*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. 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 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.

(*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 (45 of 1860).

23. Enquiry and land acquisition award by Collector.–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—

(*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. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.–(*1*) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,—

(*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 (1 of 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. Period within which an award shall be made.–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:

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

(*a*) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 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

(*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 (2 of 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. Determination of amount of compensation.–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.

28. Parameters to be considered by Collector in determination of award.–In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—

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. Determination of value of things attached to land or building.–(*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.

(*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. Award of solatium.–(*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.

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

31. Rehabilitation and Resettlement Award for affected families by Collector.–(*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.

32. Provision of infrastructural amenities in resettlement area.–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.

33. Corrections to awards by Collector.–(*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. 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.

35. 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 Code of Civil Procedure, 1908 (5 of 1908).

36. Power to call for records, etc.–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:

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. Awards of Collector when to be final.–(*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.

(*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. Power to take possession of land to be acquired.–(*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:

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. Additional compensation in case of multiple displacements.–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.

40. Special powers in case of urgency to acquire land in certain cases.–(*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.

(*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. Special provisions for Scheduled Castes and Scheduled Tribes.–(*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.

(*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. Reservation and other benefits.–(*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.

(*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, than, 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 resettlment 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 (2 of 2007), 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.

CHAPTER VI

PROCEDURE AND MANNER OF REHABILITATION AND RESETTLEMENT

43. Appointment of Administrator.–(*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.

(*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. Commissioner for rehabilitation and resettlement.–(*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.

(*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.

45. Rehabilitation and resettlement committee at project level.–*(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.

46. Provisions relating to rehabilitation and resettlement to apply in case of certain persons other than specified persons.—(*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 (21 of 1860), wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

47. Quantification and deposit of rehabilitation and resettlement amount.–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.

CHAPTER VII

NATIONAL MONITORING COMMITTEE FOR REHABILITATION AND RESETTLEMENT

48. Establishment of National Monitoring Committee for rehabilitation and resettlement.–(*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.

(*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. Reporting requirements.–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.

50. Establishment of State Monitoring Committee for rehabilitation and resettlement.–(*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.

(*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

51. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.–(*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.

52. Composition of Authority.–(*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.

53. Qualifications for appointment as Presiding Officer.–(*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.

54. Terms of office of Presiding Officer.–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.

55. Staff of Authority.–(*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.

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

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

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. Orders constituting Authority to be final and not to invalidate its proceedings.–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.

60. Powers of Authority and procedure before it.–(*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 (5 of 1908) in respect of the following matters, namely:—

(*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.

(*3*) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 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.

61. Proceedings before Authority to be judicial proceedings.–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 (45 of 1860) 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 (2 of 1974).

62. Members and officers of Authority to be public servants.–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 (45 of 1860).

63. Jurisdiction of civil courts barred.–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.

64. Reference to Authority.–(*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*) 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.

65. Collector's statement to Authority.–(*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.

66. Service of notice by Authority.–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. 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.

68. Proceeding to be in public.–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.

69. Determination of award by authority.–(*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.

(*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. Form of award.–(*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.

(*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. Costs.–(*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.

(*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. Collector may be directed to pay interest on excess compensation.–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:

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.

73. Re-determination of amount of compensation on the basis of the award of the Authority.–(*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.

74. Appeal to High Court.–(*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

75. 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.

76. Dispute as to apportionment.–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

77. Payment of compensation or deposit of same in Authority.–(*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. Investment of money deposited in respect of lands belonging to person incompetent to alienate.–(*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—

(*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. Investment of money deposited in other cases.–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.

80. 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 cent. 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 cent. per annum shall be payable from the date or 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

81. Temporary occupation of waste or arable land, procedure when difference as to compensation exists.–(*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.

82. 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 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.

83. 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 Authority concerned.

CHAPTER XII

OFFENCES AND PENALTIES

84. Punishment for false information, *mala fide* action, etc.–(*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.

85. Penalty for contravention of provisions of Act.–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.

86. Offences by companies.–(*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. Offences by Government departments.–(*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:

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. Cognizance of offences by court.–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.

89. Offences to be non-cognizable.–Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence under this Act shall be deemed to be non-cognizable.

90. Offences to be cognizable only on complaint filed by certain persons.–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.

CHAPTER XIII

MISCELLANEOUS

91. 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 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.

92. Service of notice.–(*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 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.

93. Completion of acquisition not compulsory, but compensation to be awarded when not completed.–(*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.

94. 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 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.

95. Acquisition of land at cost of a local authority or Requiring Body.–(*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. Exemption from income-tax, stamp duty and fees.–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.

97. Acceptance of certified copy as evidence.–In any proceeding under this Act, a certified copy of a document registered under the Registration 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.

98. Notice in case of suits for anything done in pursuance of Act.–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.

99. No change of purpose to be allowed.–No change from the purpose or related purposes for which the land is originally sought to be acquired shall 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 permission to be allowed.–No change of ownership without specific permission from the appropriate Government shall be allowed.

101. Return of unutilised land.– 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.

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. Difference in price of land when transferred for higher consideration to be shared.– 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:

Provided that benefit shall accrue only on the first sale or transfer that occurs after the conclusion of the acquisition proceedings.

103. Provisions to be in addition to existing laws.–The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

104. Option of appropriate Government to lease.–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.

105. Provisions of this Act not to apply in certain cases or to apply with certain modifications.–(*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.

106. Power to amend Schedule.–(*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.

107. Power of State Legislatures to enact any law more beneficial to affected families.–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.

108. Option to affected families to avail better compensation and rehabilitation and resettlement.–(*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.

109. Power of appropriate Government to make rules.–(*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 (*2*) of section 16;

(*f*) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (*5*) 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 (*2*) 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. Rules made by Central Government to be laid before Parliament.–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 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.

111. Rules made by State Government to be laid before State Legislature.–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.

112. Previous publication of rules made by Central and State Government.–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.

113. Power to remove difficulties.–(*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.

114. Repeal and saving.–(*1*) The Land Acquisition Act, 1894 (1 of 1894) is hereby repealed.

(*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 (10 of 1897) with regard to the effect of repeals.

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.	Solatium	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 solatium 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 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	(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. (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: 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: 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: Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act. *Explanation.*–The houses in urban area may, if necessary, be provided in multi-storied building complexes.	
2.	Land for Land	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: 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.	

(1)	(2)	(3)	(4)
3.	Offer for Developed Land	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: 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.	
4.	Choice of Annuity or Employment	The appropriate Government shall ensure that the affected families are provided with the following options: (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 (b) one time payment of five lakhs rupees per affected family; or (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.	
5.	Subsistence grant for displaced families for a period of one year	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. 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. In case 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.	
6.	Transportation cost for displaced families	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.	
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.	

(1)	(2)	(3)	(4)
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.	
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);	

(1)	(2)	(3)
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).

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THE NATIONAL HIGHWAYS ACT, 1956

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Declaration of certain highways to be national highways.
3. Definitions.
3A. Power to acquire land, etc.
3B. Power to enter for survey, etc.
3C. Hearing of objections.
3D. Declaration of acquisition.
3E. Power to take possession.
3F. Right to enter into the land where land has vested in the Central Government.
3G. Determination of amount payable as compensation.
3H. Deposit and payment of amount.
3-I. Competent authority to have certain powers of civil court.
3J. Land Acquisition Act 1 of 1894 not to apply.
4. National highways to vest in the Union.
5. Responsibility for development and maintenance of national highways.
6. Power to issue directions.
7. Fees for services or benefits rendered on national highways.
8. [*Omitted.*].
8A. Power of Central Government to enter into agreements for development and maintenance of national highways.
8B. Punishment for mischief by injury to national highway.
9. Power to make rules.
10. Laying of notifications, rules, etc., before Parliament.

THE SCHEDULE.

THE NATIONAL HIGHWAYS ACT, 1956*

ACT NO. 48 OF 1956

[11*th September*, 1956.]

An Act to provide for the declaration of certain highways to be national highways and for matters connected therewith.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:--

1.**Short title, extent and commencement.—(***1*) This Act may be called the National Highways Act, 1956.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of certain highways to be national highways.—(*1*) Each of the highways specified in the Schedule[2]*** is hereby declared to be a national highway.

(*2*) The Central Government may, by notification in the Official Gazette, declare any other highway to be a national highway and on the publication of such notification such highway shall be deemed to be specified in the Schedule.

(*3*) The Central Government may, by like notification, omit any highway from the Schedule and on the publication of such notification, the highway so omitted shall cease to be a national highway.

[3][**3. Definitions.—**In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority for such area as may be specified in the notification;

(*b*) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

3A. Power to acquire land, etc.—(*1*) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(*2*) Every notification under sub-section (*1*) shall give a brief description of the land.

(*3*) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3B. Power to enter for survey, etc.—On the issue of a notification under sub-section (*1*) of section 3A, it shall be lawful for any person, authorised by the Central Government in this behalf, to—

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

(*b*) take levels;

(*c*) dig or bore into sub-soil;

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

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1. 15th April, 1957, *vide* S.R.O. 1180(E), dated 4th April, 1957, *see* Gazette of India, 1957, Part II, s. 3(*ii*) and Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch. (w.e.f. 1-2-1965).
2. The words "except such parts thereof as are situated within any municipal area" omitted by Act 16 of 1997, s. 2 (w.e.f. 24-1-1997).
3. Subs. by Act 16 of 1997, s. 3, for section 3 (w.e.f. 24-1-1997).

***Subject to verification and confirmation by the administrative ministry.**

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

(*f*) do such other acts or things as may be laid down by rules made in this behalf by that Government.

3C. Hearing of objections.—(*1*) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (*1*) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(*2*) Every objection under sub-section (*1*) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, it any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section, "legal practitioner" has the same meaning as in clause (*i*) of sub-section (*1*) of section 2 of the Advocates Act, 1961 (25 of 1.961).

(*3*) Any order made by the competent authority under sub-section (*2*) shall be final.

3D. Declaration of acquisition.—(*1*) Where no objection under sub-section (*1*) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (*2*) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (*1*) of section 3A.

(*2*) On the publication of the declaration under sub-section (*1*), the land shall vest absolutely in the Central Government free from all encumbrances.

(*3*) Where in respect of any land, a notification has been published under sub-section (*1*) of section 3A for its acquisition but no declaration under sub-section (*1*) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (*1*) of section 3A is stayed by an order of a court shall be excluded.

(*4*) A declaration made by the Central Government under sub-section (*1*) shall not be called in question in any court or by any other authority.

3E. Power to take possession.—(*1*) Where any land has vested in the Central Government under sub-section (*2*) of section 3D, and the amount determined by the competent authority under section 3G with respect to such land has been deposited under sub-section (*1*) of section 3H, with the competent authority by the Central Government, the competent authority may by notice in writing direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within sixty days of the service of the notice.

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

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

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

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

3F. Right to enter into the land where land has vested in the Central Government.—Where the land has vested in the Central Government under section 3D, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of a national highway or a part thereof, or any other work connected therewith.

3G. Determination of amount payable as compensation.—(*1*) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

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

(*3*) Before proceeding to determine the amount under sub-section (*1*) or sub-section (*2*), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(*4*) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (*2*) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(*5*) If the amount determined by the competent authority under sub-section (*1*) or sub-section (*2*) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government--

(*6*) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(*7*) The competent authority or the arbitrator while determining the amount under sub-section (*1*) or sub-section (*5*), as the case may be, shall take into consideration—

(*a*) the market value of the land on the date of publication of the notification under section 3A;

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

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

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

3H. Deposit and payment of amount.—(*1*) The amount determined under section 3G shall be deposited by the Central Government in such manner asmay be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

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

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

(*4*) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the

dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(*5*) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent, per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(*6*) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section

(*5*) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of sub-sections (*2*) to (*4*) shall apply to such deposit.

3I. Competent authority to have certain powers of civil court.—The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

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

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

(*c*) reception of evidence on affidavits;

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

(*e*) issuing commission for examination of witnesses.

3J. Land Acquisition Act 1 of 1894 not to apply.—Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.]

4. National highways to vest in the Union.—All national highways shall vest in the Union, and for the purposes of this Act "highways" include--

(*i*) all lands appurtenant thereto, whether demarcated or not;

(*ii*) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such highways; and

(*iii*) all fences, trees, posts and boundary, furlong and milestones of such highways or any land appurtenant to such highways.

5. Responsibility for development and maintenance of national highways.—It shall be the responsibility of the Central Government to develop and maintain in proper repair all national highways; but the Central Government may, by notification in the Official Gazette, direct that any function in relation to the development or maintenance of any national highway shall, subject to such conditions, if any, as may be specified in the notification, also be exercisable by the Government of the State within which the national highway is situated or by any officer or authority subordinate to the Central Government or to the State Government.

6. Power to issue directions.—The Central Government may give directions to the Government of any State as to the carrying out in the State of any of the provisions of this Act or of any rule, notification or order made thereunder.

7. Fees for services or benefits rendered on national highways.—(1) The Central Government may, by notification in the Official Gazette, levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of ferries,[1][permanent bridges the

1. Ins. by Act 30 of 1977, s. 2 (w.e.f. 12-8-1977).

cost of construction of each of which is more than rupees twenty-five lakhs and which are opened to traffic on or after the 1st day of April, 1976,] temporary bridges and tunnels on national highways[1][and the use of sections of national highways].

(*2*) Such fees when so levied shall be collected in accordance with the rules made under this Act.

(*3*) Any fee leviable immediately before the commencement of this Act for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on any highway specified in the Schedule shall continue to be leviable under this Act unless and until it is altered in exercise of the powers conferred by sub-section (*1*):

[2][Provided that if the Central Government is of opinion that it is necessary in the public interest so to do, it may, by like notification, specify any bridge in relation to the use of which fees shall not be leviable under this sub-section.]

8. [*Agreements with State Governments or municipalities*.]*Omitted by the National Highways Laws* (*Amendment*) *Act*, 1997 (16 *of* 1997), *s*. 4 (*w.e.f*. 24-1-1997).

[3] [**8A. Power of Central Government to enter into agreements for development and maintenance of national highways.—**(*1*) Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with any person in relation to the development and maintenance of the whole or any part of a national highway.

(*2*) Notwithstanding anything contained in section 7, the person referred to in sub-section (*1*) is entitled to collect and retain fees at such rate, for services or benefits rendered by him as the Central Government may, by notification in the Official Gazette, specify having regard to the expenditure involved in building, maintenance, management and operation of the whole or part of such national highway, interest on the capital invested, reasonable return, the volume of traffic and the period of such agreement.

(*3*) A person referred to in sub-section (*1*) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (59 of 1988) on the national highway forming subject-matter of such agreement, for proper management thereof.

8B. Punishment for mischief by injury to national highway.—Whoever commits mischief by doing any act which renders or which he knows to be likely to render any national highway referred to in sub-section (*1*) of section 8A impassable or less safe for traveling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with a fine, or with both.]

9. 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 manner in which, and the conditions subject to which, any function in relation to the development or maintenance of a national highway or any part thereof may be exercised by the State Government or any officer or authority subordinate to the Central Government or the State Government;

[4][(*aa*) the manner in which the amount shall be deposited with the competent authority under sub-sections (*1*) and (*6*) of section 3H;]

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1. Ins. by Act 1 of 1993, s. 2 (w.r.e.f. 23-10-1992).
2. The proviso ins. by Act 30 of 1977, s. 2 (w.e.f. 12-8-1977).
3. Ins. by Act 26 of 1995, s. 2 (w.e.f. 16-6-1995).
4. Ins. by Act 16 of 1997, s. 5 (w.e.f. 21-1-1997).

[1][(*b*) the rates at which fees for services rendered in relation to the use of ferries, permanent bridges, temporary bridges and tunnels on any national highway[2][and the use of sections of any national highway] may be levied, and the manner in which such fees shall be collected, under section 7;]

(*c*) the periodical inspection of national highways and the submission of inspection reports to the Central Government;

(*d*) the reports on works carried out on national highways;

(*e*) any other matter for which provision should be made under this Act.

[3][(*3*) Every rule made under this section 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.]

10. Laying of notifications, rules, etc., before Parliament.—All notifications or agreements issued or entered into under this Act shall be laid before both Houses of Parliament as soon as may be after they are issued or entered into[4]***.

5. Subs. by Act 30 of 1977, s. 3, for clause (*b*) (w.e.f. 12-8-1977).
6. Ins. by Act 1 of 1993, s. 3 (w.r.e.f. 23-10-1992).
1. Ins. by Act 30 of 1977, s. 3 (w.e.f. 12-8-1977).
2. Certain words omitted by Act 30 of 1977, s. 4 (w.e.f. 12-8-1977).

THE SCHEDULE

[*See* section 2]

NATIONAL HIGHWAYS

Serial No.	National Highway No.	Description of National Highways
1	1	The highway connecting Delhi, Ambala, Jullundur and Amritsar and proceeding to the border between India and Pakistan.
2	1A	The highway connecting Jullundur, Madhopur, Jammu, Banihal, Srinagar, Baramula and Uri.
[1][2-A.	1B	The highway starting from its junction at Botole on National Highway No. 1A and connecting Doda with kishtwar to be a national highway.]
[2][2-AA	Extension of NH No. 1B	The highway starting from its junction with National Highway No. 1B near Kishtwar and connecting Chhatree, SymthanMaidan and terminating at Symthan pass in Jammu and Kashmir.
2-AAA	1C	The highway starting from its junction with National Highway No. 1A near Domel and terminating at Katra in Jammu and Kashmir.]
[3][3	2	[The highway connecting Delhi, Mathura, Agra, Kanpur, Allahabad, Banaras, Mohania, BarhiPalsit, Baidyabati, Bara, Calcutta.]
	* 2A	Sikandra - Bhognipur
4	3	The highway connecting Agra, Gwalior, Shivpuri, Indore, Dhulia, Nasik, Thana and Bombay.
[4][5	302	The highway starting from its junction with NH-2 near Theriat connecting Lunglei, Lungseni, Tuiehong and terminating at Demagiri in the State of Mizoram.]
[5][5A	4A	The highway connecting Belgaum, Anmod, Panda and Panaji.]
[6][5B	4B	The highway starting from its junction with Panvel- Uran State Highway near Nhava-Sheva Port Complex and proceeding further with one arm terminating of Kalamboli on National Highway No. 4 and another arm crossing National Highway No. 17 near Palaspe and proceeding further to terminate on National Highway No. 4.]
6	5	The highway starting from its junction near Baharagora with the highway specified in serial No. 7 and connecting Cuttack, Bhubaneswar, Visakhapatnam, Vijayawada and Madras.

1. Ins. by notification No. S.O. 1980(E), dated 25th May, 1977.
2. Ins by S.O. 7 (E), dated 6th January, 1999.
3. Ins. by notification S.O. 380(E), dated 25th July, 1975.
4. Subs. by notification No. S.O. 839(E), dated 4th March, 2014.
5. Ins. by notification No. S.O. 3344(E),dated 21st July, 1971.
6. Ins. by notification No. S.O. 865(E), dated 12th November, 1984.

SerialNo.	National Highway No.	Description of National Highways
[1][6A	5A	The highway starting from its junction near Haridaspur with National Highway No. 5 and terminating at the Paradip Port.]
7	6	The highway starting from its junction near Dhulia with the highway specified in serial No. 4 and connecting Nagpur, Raipur, Sambalpur, Baharagora and Calcutta.
[2][7A	Extension of N.H. No. 6	The highway starting from its junction with N.H. No. 6 near Dhule in Maharashtra and terminating at Surat in Gujarati.]
[3][7AA	Extension of NH No. 6	The highway starting from its junction near Surat on National Highway No. 6 and terminating at Hajira in Gujarat.]
8	7	The highway starting from its junction near Banaras with the highway specified in serial No. 3 and connecting Mangawan, Rewa, Jabalpur, Lakhnadon, Nagpur, Hyderabad, Kurnool, Bangalore, Krishnagiri, Salem, Dindigul, Madurai and Cape Comorin.
[4][8A	7A	The highway connecting Palayankottai on National Highway No. 7 with the Tuticorin Port.]
9	8	The highway connecting Delhi, Jaipur, Ajmer, Udaipur, Ahmedabad, Baroda and Bombay.
10	8A	The highway connecting Ahmedabad, Limbdi, Morvi and Kandla.
[1][10A	Extension of NH No. 8A	The highway starting from its junction near Kandla on National Highway No. 8A connecting Mundra and terminating at Mandvi in Gujarat.]
11	8B	The highway starting from its junction nearBamanbhore with the highway specified in serial No. 10 and connecting Rajkot and Porbandar.
[5][11A	8C	The highway connecting Chiloda on National Highway No. 8, in Gujarat, Gandhinagar and terminating at Sarkej on National Highway No. 8A shall be a national highway.]
[1][11AA	8D	The highway starting from its junction near Jetpur on National Highway No. 8B and connecting Junagarh, Keshod and terminating at Somnath in Gujarat.]
	*8E	Somnath-Bhavnagar

1. Ins. by notification No. S.O. 865(E), Dated 21st July, 1971.
2. Ins. by notification No. S.O. 116(E), Dated 9th February, 1998.
3. Ins. by notification No. S.O. 7(E), Dated 6th January, 1999.
4. Ins. by notification No. S.O. 179(E), Dated 7th March, 1972.
5. Ins. by notification No. S.O. 3114(E), Dated 18th October, 1978.

Serial No.	National Highway No.	Description of National Highways
12	9	The highway connecting Poona, Sholapur,Hyderabad and Vijayawada.
[1][12A	Extension of NH No. 9	The highway starting from its junction nearVijayawada on National Highway No. 5 connecting Vuyyuru, Pammari and terminating at Machilipatnam in Andhra Pradesh.]
13	10	The highway connecting Delhi and Fazilka and proceeding to the border between India and Pakistan.
[2][13A	11	The highway connecting Agra, Jaipur and Bikaner.]
[3][13B	12	The highway starting from Jabalpur, connecting Bhopal Biaora, Rajgarh, Khilehipur, AkleraJhalawar, Kota, Bundi, Devil, Tonk and terminating at Jaipur on National Highway No. 8.]
[4][13C	13	The highway connecting Sholapur and Chitradurga.]
[1][13CC	Extension of NH No. 13	The highway starting from its junction near Mangalore on National Highway No. 48 and connecting Tirthahalli, Shimoga and terminating at its junction with National Highway No. 4 near Chitradurga in Karnataka.]
	*14	Beawar-Sirohi-Radhapur
[5][13D	21	The highway starting from its junction near Chandigarh with National Highway No. 22 and connecting Ropar, Bilaspur, Mandi, Kulu and Manali.]
[1][13DD	21A	The highway starting from its junction near Pinjore on National Highway No. 22 in Haryana connecting Baddi, Nalagarh and terminating at its junction with National Highway No. 21 near Swarghat in Himachal Pradesh.]
[6][13E	15	The highway connecting Pathankot-Amritsar, Bhatinda, Ganganagar, Bikaner, Jaisalmer, Barmer to its junction with National Highway No. 8A near Samakhiali (near Kandla).]
[7][13F	17	The highway connecting Panvel on NationalHighway No. 4 Mahad, Panaji, Karwar, Mangalore, Cannanore, Calicut (Kozhikode), Feroke, Kuttipuram, PuduPonnani, ChowghatCranganpur to junction with National Highway No. 47 near Edapally.

1. Ins. by notification No. S.O. 7(E), Dated 6th January, 1999.
2. Ins. by notification No. S.O. 1199(E), Dated 4th March, 1960.
3. Ins. by notification No. S.O. 114(E), Dated 17thFebruary, 1981.
4. Ins. by notification No. S.O. 3114(E), Dated 18th October, 1978.
5. Ins. by notification No. S.O. 3344(E), Dated 21st July, 1971
6. Ins. by notification No. S.O. 179(E), Dated 7th March, 1972.
7. Ins. by notification No. S.O. 442(E), Dated 17th July, 1974.

Serial No.	National Highway No.	Description of National Highways
[1][13G	17A	The highway starting from its junction nearCortalim with National Highway No. 17 andterminating at the Marmugao Port.]
[2][13GG	17B	The highway starting from its junction with NH No. 4A near Ponda connecting Barim-verna and terminating near Vasco in Goa.]
[3][13H	*18	Junction with National Highway No. 7 near Kurnool - Nandyal - Cuddapah Junction with National Highway No. 4 Near Chittoor
[4][13-J	*19	Gazipur - Ballia - Patna
	*20	Pathankot - Mandi
14	22	The highway connecting Ambala, Kalka, Simla, Narkanda, Rampur and Chini and proceeding to the border between India and Tibet near Shipki-La.
[1][14A	23	The highway connecting Chas, Ranchi, Rourkela, Talcher and terminating at National Highway No. 42.]
15	24	The highway connecting Delhi, Bareilly and Lucknow.
[5][16	6	The highway starting from its junction with NH-27 near Jorabat in the State of Assam connecting Shillong, Dhaleshwar, Kanpui, Aizawal, Selling, Lumtui, Khawthlir, Tuisen, Neihdawn and terminating at Champai in the State of Mizoram.]
[6][16-A	25A	The highway starting from its junction with National Highway No. 25 at Km 19 and terminating at BakshikaTalab in National Highway No. 24 in Uttar Pradesh.]
17	26	The highway connecting Jhansi and Lakhnadon.
18	27	The highway connecting Allahabad with the highway specified in serial No. 8 near Mangawan.
19	28	The highway starting from its junction near Barauni with the highway specified in serial No. 23 and connecting Muzaffarpur, Pipra, Gorakhpur and Lucknow.
20	28A	The highway starting from its junction near Pipra with the highway specified in serial No. 19 and connecting Sagauli and Raxaul and proceeding to the border between India and Nepal.

1. Ins. by notification No. S.O. 179(E), dated 7th March, 1972.
2. Ins. by notification No. S.O. 116(E), dated 9th February, 1998.
3. Ins. by notification No. S.O. 57(E),dated 19th January, 1993.
4. Ins. by notification No. S.O. 87(E),dated 31st January, 1996.
5. Subs. by notification No. S.O. 839(E), dated 4th March, 2014.
6. Ins. by notification No. S.O. 7(E),dated 6th January, 1999.

Serial No.	National Highway No.	Description of National Highways
[1][20A	11A	The highway starting from Mnoharpura on National Highway No. 8 connecting Andhi to terminate at Dausa on National Highway No. 11 in the State of Rajasthan.]
21	29	The highway connecting Gorakhpur, Ghazipur and Banaras.
22	30	The highway starting from its junction near Mohania with the highway specified in serial No. 3 and connecting Patna and Bakhtiyarpur.
[2][22A	30A	The highway starting from its junction near Phatuha on National Highway No. 30 and connecting ChandiHarnaut National Highway No. 31, Saksohara and terminating in its junction on National Highway No. 31 near Barh in Bihar.]
[3][23	31	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Bakhtiyarpur, Mokameh, Purnea, Dalkhola, Siliguri, Sivok, and Cooch-Behar, North Salmara and proceeding generally via Nalbari, Charali and Amingaon to its junction with the highway specified in serial No. 28 near Pandu.]
[1][23A	16	The highway starting from its junction at Nizamabad on National Highway No. 7 in the State of Andhra Pradesh connecting Mancheral-Sironcha-Bhopalpatnam-Bijapur to terminate at Jagdalpur on National Highway No. 43 in the State of Madhya Pradesh.]
24	31A	The highway connecting Sivok and Gangtok.
[3][24A	32	The highway starting from its junction near Govindpur with National Highway No. 2 and connecting Dhanbad with Jamshedpur.]
[4][24AA	31B	The highway starting from near North Salmara to its junction with National Highway No. 37 near Goalpara.]
[5][24AAA	31C	The highway starting from near Galgalia, connectingBaghdogra, Chalsa, Nagrakata, Goyerkata.]
25	33	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Ranchi and Tatanagar and proceeding to its junction with the highway specified in serial No. 7 near Baharagora.
[6][25A	20	The highway starting from its junction at Pathankot in the State of Punjab connecting Chakki-Palampur-Joginder Nagar to terminate at Mandi in the State of Himachal Pradesh.]

1. Ins. by notification No. S.O. 147(E), dated 20th February, 1989.
2. Ins. by notification No. S.O. 7(E), dated 6th January, 1999.
3. Ins. by notification No. S.O. 568(E), dated 6th January, 1999.
4. Ins. by notification No. S.O. 513(E), dated 12th February, 1963.
5. Ins. by notification No. S.O. 698(E), dated 1st September, 1980.
6. Ins. by notification No. S.O. 147(E), dated 20th February, 1989.

Serial No.	National Highway No.	Description of National Highways
26	34	The highway starting from its junction near Dalkhola with the highway specified in serial No. 23 and connecting Berhampore, Barasat and Calcutta.
27	35	The highway connecting Barasat and Bangaon and proceeding to the border between India and Pakistan.
[1][27A	36	The highway connecting Nowgong, Dabaka, and Dimapur (Manipur Road).]
28	37	The highway starting from its junction near Goalpara with the highway specified in serial No. 23 and connecting Gauhati, Jorabat, Kamargaon, Makum and SaikhoaGhat.
	*37A	Kuarital-Junction with National Highway No. 52 Near Tezpur
29	38	The highway connecting Makum, Ledo and Lekhapani.
30	39	The highway connecting Kamargaon, Imphal and Palel and proceeding to the border between India and Burma.
31	40	The highway connecting Jorabat and Shillong and proceeding to the border between India and Pakistan near Dawki.
[2][31A	Extension of NH No. 40	The highway starting from its junction with National Highway No. 44 near Jowai connecting Amlarem and terminating at its junction with National Highway No. 40 near Dawki in Meghalaya.]
32	42	The highway starting from its junction near Sambalpur with the highway specified in serial No. 7 and proceeding via Angul to its junction with the highway specified in serial No. 6 near Cuttack.
33	43	The highway connecting Rajpur and Vizianagaram and proceeding to its junction with the highway specified in serial No. 6 near Vizianagaram.
[2][33A	44	The highway connecting Shillong, Passi, Baderpur and Agartala.]
[3][33AA	44A	The highway starting from its junction with National Highway No. 54 near Aizawl in Mizoram and connecting Sairang, Lengpui, Mamit and terminating at Manu in Tripura.]
[3][33B	Extension of NH 44	The highway starting from its junction near Agartala on NH 44 and terminating at Sabroom in Tripura.]
34	45	The highway connecting Madras, Tiruchirappalli and Dindigul.
[4][34A	45A	The highway starting from Villuspuram on National Highway No. 45 and terminating at Pondicherry.]

1 Ins. by notification No. S.O. 3344(E), dated 21st July, 1971.
2. Ins. by notification No. S.O. 7(E),dated 6th January, 1999.
3. Ins by notification No. S.O. 116(E), dated 9th February, 1998.
4 Ins. by notification No. S.O. 803(E), dated 7th November, 1983.

Serial No.	National Highway No.	Description of National Highways
[1][34-AA	Extension of NH No. 45A	The highway starting from its junction with National Highway No. 45A near Pondy in Pondicherry and connecting Cuddalore-Chidambaram and terminating at its junction with National Highway No. 67 near Nagapattinam in Tamil Nadu.]
[1][34-AAA	45B	The highway starting from its junction with National Highway No. 45 near Trichy and connecting Viralimalai, Tovarankuruchchi, Melur, Madurai (National Highway No. 7), Aruppakottai and terminating at its junction with National Highway No. 7A near Tuticorin in Tamil Nadu.]
35	46	The highway connecting Krishnagiri and Ranipet.
36	47	The highway connecting Salem, Coimbatore, Trichur, Ernakulam, Trivandrum and Cape Comorin.
[1][36A	41	The highway between its junction (near Kolaghat) with the National Highway No. 6 and the point where it touches Haldia Port to be a National Highway.]
[2][36B	47A	The highway starting from WillingdonIslads and Terminating at Cochin on National Highway No. 47.]
37	47A	[3]* * * * * *
[4][37A	48	The highway connecting Bangalore, Hassan and Mangalore.]
38	49	The highway connecting Madurai and Dhanushkodi.
39	50	The highway connecting Nasik with the highway specified in serial No. 5 near Poona.
[5][40	51	The highway starting from its junction at BaihataCharali on National Highway No. 37, in Assam, connecting Tura and terminating at Dalu in Meghalaya.
41	52	The highway starting from its junction at BaihataCharali on National Highway No. 31, in Assam, connecting Tejpur, BanderDewa, Northlakhimpur, Pasighat, Tezu, Sitapani and terminating near Saikhoaghat on National Highway No. 37.
42	52A	The highway starting from its junction at BanderDewa on National Highway No. 52 in Assam and terminating at Hanagar in Arunachal Pradesh.]
[6][42A	Extension of NH 52 A	The highway starting from its junctions near Itanagar on National Highway No. 52A in Arunchal Pradesh and terminating at its junction with. National Highway No. 52 near Gohpur in Assam.]

1. Ins. by notification No. S.O. 39(E), dated 18th December, 1967.
2. Ins. by notification No. S.O. 849(E), dated 18th November, 1986.
3. Omitted by notification No. S.O. 178(E), dated 6th March, 1972.
4. Ins. by notification No. S.O. 179(E), dated 7th March, 1972.
5. Ins. by notification No. S.O. 698(E), dated 1st September, 1980.
6. Ins. by notification No. S.O. 116(E), dated 9th February, 1998.

Serial No.	National Highway No	Description of National Highways
[1][43	53	The highway starting from its junction near Badarpur on National Highway No. 44, in Assam connecting Silchar, Jirighat and terminating near Imphal on National Highway No. 39.]
		[2]* * * * * *
[3][44A	54	The highway starting from its junction at Silcharin Assam on N.H. No. 53 connecting Aizawal and terminating at Tuipang in Mizoram.]
[4][44-AA	Extension of NH No. 54	The highway starting from its junction near Daboka on National Highway No. 36 and connecting Lumding, Langdin, Haflong and terminating at its junction with National Highway No. 54 near Silcharin Assam.]
[4][44B	54A	The highway starting from its junction at Theriat in Mizoram on National Highway No. 54 and terminating at Lungli in Mizoram.
44C	54B	The highway starting from its junction at "Venas Saddle" in Mizoram on National Highway No. 54 and terminating at Saiha in Mizoram.]
[5][44D	55	The highway starting from Siliguri on National Highway No. 31 passing through Kurseong and terminating at Darjeeling.]
[6][45	56	The highway starting from Lucknow and connecting Jagdishpur, Sultanpur and Jaunpur and terminating near Varanasi.]
[5][45-A	*56A	The highway starting from its junction with National Highway No. 28 near Chenhat and terminating at Km. 16 of NHNo. 56 in Uttar Pradesh.
45-AA	56B	The highway starting from its junction with National Highway No. 56 near Km 16 and terminating at Km 19 of NH No. 25 in Uttar Pradesh.]
[7][46	*NE-1	The highway starting from Ahmedabad passing close to the town of Nadiad, Anand and terminating at Vadodara.]
[8][47	61	The highway starting from its junction near Kohima on National Highway No. 39 in Nagaland and connecting Workha-Moko-Kchung-Amguri and terminating at its junctions with National Highway No. 37 near Jhanji in Assam.]

Serial No.	National Highway No.	Description of National Highways

1. Ins. by notification No. S.O. 698(E), dated 1st September, 1980.
2. Omitted by notification No. S.O. 457(E), dated 4th August, 1986.
3. Ins. by notification No. S.O. 458(E), dated 4th August, 1986.
4. Ins. by notification No. S.O. 7(E),dated 6th January, 1999.
5. Ins. by notification No. S.O. 845(E), dated 6th November, 1990.
6. Ins. by notification No. S.O. 868(E), dated 17th November, 1984.
7. Ins. by notification No. S.O. 92(E), dated 13th March, 1986.
8. Ins. by notification No. S.O. 116(E), dated 9th February, 1998.

[1][48	52B	The highway starting from its junctions on National Highway 52 near Kuljan and terminating at its junction with National Highway 37 in Assam.]
[1][49	62	The highway starting from its junction on National Highway 37 near Damra in Assam and terminating at Bhaghmara in Meghalaya.]
[1][49-A	Extension of NH No. 62	The highway starting from its junction with National Highway No. 62 near Baghmara and terminating at its junction with National Highway No. 51 near Dalu in Meghalaya.]
[1][50	63	The highway starting from its junction with National Highway No. 17 near Ankola-Hospet and terminating at its junction with National Highway No. 7 near Gooty in Andhra Pradesh.]
51	64	The highway starting from its junction on National Highway No. 22 near Chandigarh and connecting Rajpura-Patiala-Sangrur and terminating at its junction with NH No. 15 near Bhatinda in Punjab.
[2][51A	Extension of NH No. 64	The highway starting from its junction with National Highway No. 15 near Bhatinda in Punjab and terminating at its junction with National Highway No. 10 near Dabwali in Haryana.]
52	65	The highway starting from its junction with NH No. 1 near Ambala in Haryana and connecting Kaithal-Hisar and terminating at its junction with NH No. 11 near Fatehpur in Rajasthan.
[1][52-A	Extension of NH No. 65	The highway starting from its junction with National Highway No. 11 near Fatehpur and connecting Nagaur, Jodhpur and terminating at its junction with National Highway No. 14 near Pali in Rajasthan.]
53	66	The highway starting from its junction with National Highway No. 45A in Pondicherry and connecting Tindivanam-Gingee-Thiruvannamalai and terminating at its junction with National Highway No. 7 near Krishnagiri in Tamil Nadu.
54	67	The highway starting from Nagapattinam andconnecting Trichy and terminating at its junction on National Highway No. 7 near Karur in Tamil Nadu.
[1][54-A	Extension of NHNo. 67	The highway starting from its junction with National Highway No. 7 near Karur and connecting Palladam and terminating at its junction with National Highway No. 47 near Coimbatore in Tamil Nadu.]
55	68	The highway starting from its junction on National Highway No. 45 near Ulundrupet and terminating at its junction with National Highway No. 7 near Salem in Tamil Nadu.

Serial No.	National Highway No.	Description of National Highways

1. Ins. by notification No. S.O. 7(E), dated 6th January, 1999.
2. Ins. by notification No. S.O. 7(E), dated 6th January, 1999.

[1][57	70	The highway starting from its junction near Jalandhar on National Highway No. 1 in Punjab and connecting Hoshiarpur, Hamirpur, Toni Devi, Ahwa Devi, Dharampur and terminating at its junction with National Highway No. 21 near Mandi in Himachal Pradesh.]
[1][58	71	The highway starting from its junction near Jalandhar on National Highway No. 1 in Punjab and connecting, Moga, Barnala, Sangrur, Narwana, Rohtak, Jhajjar and terminating at its junction with National Highway No. 8 near Bawal in Haryana.]
[1][59	71A	The highway starting from its junction near Rohtak on National Highway No. 10 and connecting Gohana and terminating at its junction with National Highway No. 1 near Panipat in Haryana.]
[1][59A	24A	The highway starting from its junction with National Highway No. 24 near BakshiKaTalab and terminating near Chenhat on National Highway No. 28 in Uttar Pradesh.]
[1][60	72	The highway starting from its junction near Ambala on National Highway No. 1 and connecting Nahan, Paonta Sahib, Dehradun and terminating at its junction with National Highway No. 58 near Rishikesh (Haridwar) in Uttar Pradesh.]
[2][60A	09	Extension of National Highway No. 49 starting from Madurai in the State of Tamil nadu connection Muvattupuza-MunnarTheni to terminate at Cochin in the State of Kerala.]
[1][61	73	The highway starting from its junction near Roorkee on National Highway No. 58 in Uttar Pradesh and connecting Saharanpur, Yamunanagar, Saha and terminating at its junction with National Highway No. 22 near Panchkula in Haryana.]
[1][62	74	The highway starting from its junction with National Highway No. 58 near Haridwar and connecting Najibabad, Nagina, Afzalgarh, Kashipur, Kichha, Jehanabad, Pilibhit and terminating at its junction with National Highway No. 24 near Bareilly in Uttar Pradesh.]
[1][63	75	The highway starting from its junction with National Highway No. 3 near Gwalior in Madhya Pradesh and connecting Jhansi (Uttar Pradesh), Khajuraho, Chhatarpur, Panna, Satna and terminating at its junction with National Highway No. 7 near Rewa in Madhya Pradesh.]
[1][64	76	The highway starting from its junction with National Highway No. 14 near Pindwara in Rajasthan and connecting Udaipur, Mangarwar, Chittaurgarh, Kota (National Highway No. 12), Shivpuri (National Highway No. 3), Jhansi (National Highway No. 25), Mahoba, Banda, Karwi, Mau and terminating at its junction with National Highway No. 27 near Allahabad in Uttar Pradesh.]

Serial No.	National Highway No.	Description of National Highways
[1][65	77	The highway starting from its junction near Hajipur on National

1. Ins. by notification No. S.O. 7(E), dated 6th January, 1999.
2. Ins. by notification No. S.O. 147(E), dated 20th February, 1989.

		Highway No. 19 and connecting Muzaffarpur (National Highway No. 28), Sitamarhi and Sonbarsa in Bihar.]
[1][66	78	The highway starting from its junction near Katni on National Highway No. 7 in Madhya Pradesh connecting, Shahdol, Nagar, Ambikapur-Jashpurnagar and terminating at its junction with National Highway No. 23 near Gumla in Bihar.]
[1][67	79	The highway starting from its junction with National Highway No. 8 near Ajmer in Rajasthan and connecting Nasirabad, Bhilwara, Chittaurgarh, Nayagaon, Nimach, Ratlam and terminating at its junction with National Highway No. 59 near Ghatbilod (Indore) in Madhya Pradesh.]
[1][68	80	The highway starting from its junction near Mokama on National Highway No. 31 in Bihar and connecting Munger, Bhagalpur, Sahebganj, Rajmahal and terminating at its junction with National Highway No. 34 near Farakka in West Bengal.]
[2][68A	81	The highway starting from its junction with National Highway No. 31 near Kora in Bihar and connecting Katihar and terminating at its junction with National Highway No. 34 near Maldah in West Bengal]
[1][68B	.82	The highway starting from its junction near Gaya on National Highway No. 83 and connecting Rajgir, Bihar Sharif and terminating at its junction with National Highway No. 31 near Mokama in Bihar.]
[1][68C	83	The highway starting from its junction with National Highway No. 30 near Patna and connecting Punpun, Gaya, Bodh Gaya and terminating at its junction with National Highway No. 2 near Dobhi in Bihar.]
[1][68D	84	The highway starting from its junction with National Highway No. 30 near Arrah and connecting Bhojpur and terminating on National Highway No. 19 near Buxar in Bihar.]
[1][68E	85	The highway starting from its junction with National Highway No. 19 near Chhapra and connecting Siwan and terminating at its junction with National Highway No. 28 near Gopalganj in Bihar.]
[1][68F	86	The highway starting from its junction with National Highway No. 2 near Kanpur in Uttar Pradesh and connecting Chhatarpur and terminating at its junction with National Highway No. 26 near Sagar in Madhya Pradesh.]
[3][68G	87	The highway starting from its junction with National Highway No. 24 near Rampur and connecting Bilaspur, Pantnagar, Haldwani and terminating at Nainital in Uttar Pradesh.]

Serial No.	National Highway No.	Description of National Highways
[1][68H	88	The highway starting from its junction with National Highway No. 22

1. Ins. by notification No. S.O. 7(E), dated 6th January, 1999.
2. Ins. by notification No. S.O. 561(E), dated 7th July, 1999.
3. Ins. by notification No. S.O. 561(E), dated 7th July, 1999.

		near Simla and connecting Bilaspur, Hamirpur, Nadaun, Ranital, Kangra and terminating near Bhawan on National Highway No. 20 in Himachal Pradesh.]
[1][68-1	89	The highway starting from its junction with National Highway No. 8 near Ajmer and connecting Nagaur, and terminating at its junction with National Highway No. 11 near Bikaner in Rajasthan.]
	*90	Baran - Aklera
	*91	Ghaziabad - Aligarh - Eta - Kannauj - Kanpur
	*92	Bhongaon - Etawah - Gwaiior
	*93	Agra - Aligarh - Babrala - Chandausi - Moradabad
	*94	Rishikesh - Ampata - Tehri - Dharasu - Kuthnaur - Yamnotr
	*95	Kharar (Chandigarh) - Ludhiana - Jagaron - Ferozepu
	*96	Faizabad - Sultanpur - Pratapgarh - Allahabad
	*97	Ghazipur - Zamania - Saiyedraja
	*98	Patna - Aurangabad - Rajhara
	*99	Dobhi - Chatra - Chandwa
	*100	Chatra - Hazaribagh - Bogoda
	*101	Chhapra - Baniapur - Maharajganj - Barauli
	*102	Chhapra - Rewaghat - Muzaffarpur
	*103	Hazipur - Musahrigharar
	[1][104	The highway strating form its junction near Chakia on National Highways No. 28 connecting Narhar-Pakri Bridge-Madhuban-Shivhar-Sitamarhi-Umagaon-Jayanagar-Lakoush-Laukahiand terminating at its junction near Narahia on National Highway No. 57 in the State of Bihar.]
	*105	Darbhanga - Aunsi - Jaynagar
	*106	Birpur - Madhepura - Bihpur
	*107	Maheshkhunt - SonbarSaraj - SimriBakhtiarpur - Bariahi - Saharsa - Madhepura - Purnea

Serial No.	National Highway No.	Description of national highways

1. Subs. by notification No. S.O. 251(E),dated 27th February, 2002.

[3][69	150	The highway starting from its junction with National Highway No. 54 near Aizawl in Mizoram and connecting Ipaimukh, Churachandpur, Imphal, Ukhrul, Jessami and terminating at its junction with National Highway No. 39 near Kohima in Nagaland.]
	*151	Karimganj - Bangladesh Border
[3][69-A	Extension of NH No. 60	The highway starting from its junction with National Highway No. 6 near Kharagpur and connecting Bishnupur, Bankura and terminating at its junction with National Highway No. 2 near Asansol in West Bengal]
[1][69B	152	The highway starting from its junction near Patacharkuchi on National Highway No. 31C,connecting Hajua and terminating at Indo-Bhutan border.]
	*15	Ledo-Lekhapani - Indo/Mynamar Border
	*154	Dhaleshwar - Bhairabi - Kanpu
[2][70	200	The highway starting from its junction with National Highway No. 6 near Raipur in Madhya Pradesh and connecting Bilaspur, Sarangarh, Raigarh, Kanaktura, Jharsuguda, Kochinda, Pravasuni, Deogarh. Talcher, and terminating at its junction with National Highway No. 5 near Chandikhol in Orissa.]
[3][71	201	The highway starting from its junction with National Highway No. 43 near Boriguma and connecting Bhawanipatna, Bolangir, Barapali and terminating at its junction with National Highway No. 6 near Bargarh in Orissa.]
[1][72	202	The highway starting from its junction near Hyderabad on National Highway No. 7 in Andhra Pradesh and connecting Warangal, Venkatpuram and terminating at its junction near Bhopalpatnam on National Highway No. 16 in Madhya Pradesh.]
[1][73	203	The highway starting from its junction with National Highway No. 5 near Bhubaneshwar and terminating at Puri in Orissa.]
[1][74	204	The highway starting from Ratnagiri and connecting Hathkamba (National Highway No. 17), Pali (National Highway No. 17), Sakharpa, Malkapur, and terminating at its junction with National Highway No. 4 near Kolhapur in Maharashtra.]
[75	205	The highway starting from its junction near Ananthapur on National Highway No. 7 in Andhra Pradesh and connecting Kadiri, Tirupati, Renigunta, Tiruttani and terminating at its junction with National Highway No. 5 near Chennai in Tamil Nadu.]

Serial No.	National Highway No.	Description of national highways

1. Ins. by notification No. S.O. 561(E),dated 7th July, 1999.
2. Ins. by notification No. S.O. 7(E),dated 6th January, 1999.

[1][76	206	The highway starting from its junction near Tumkur on National Highway No. 4 and connecting Shimoga and terminating at its junction with National Highway No. 17 near Honnavar in Karnataka.]
[1][77	207	The highway starting from its junction near Hosur on National Highway No. 7 in Tamil Nadu connecting Sarjapur, Devenhalli (on National Highway No. 7), DodaBallapur and terminating at its junction with National Highway No. 4 near Nelamangala in Karnataka.]
[1][78	208	The highway starting from its junction near Kollam on National Highway No. 47 in Kerala and connecting Punalur, Tenkasi, Rajapalaiyam, Srivilliputtur and terminating at its junction with National Highway No. 7 near Tirumangalam in Tamil Nadu.]
[1][79	209	The highway starting from its junction near Dindigul on National Highway No. 7 in Tamil Nadu and connecting Pollachi, Coimbatore, Annur, Satyamanglam, Chamrajnagar, Kollegal and terminating at its junction with National Highway No. 7 near Bangalore in Karnataka.]
[1][80	210	The highway starting from its junction with National Highway No. 45 near Trichy and connecting Pudukottai, Devakottai and terminating at its junction with National Highway No. 49 near Ramanathpuram in Tamil Nadu.]
[1][81	211	The highway starting from its junction with National Highway No. 9 near Solapur and connecting Osmanabad, Aurangabad and terminating at is junction with National Highway No. 3 near Dhule in Maharashtra.]
[2][82	212	The highway starting from its junction with National Highway No. 17 near Kozhikode in Kerala connecting Mysore, and terminating at its junction with National Highway No. 209 near Kollegal in Karnataka.]
[1][83	213	The highway starting from its junction with National Highway No. 47 near Palghat and terminating at its junction with National Highway No. 17 near Kozhikode in Kerala.]
[1][84	214	The highway starting from its junction with National Highway No. 5 near Kathipudi and connecting Kakinada, and terminating at its junction with National Highway No. 9 near Pamarru in Andhra Pradesh.]
[1][85	215	The highway starting from its junction with National Highway No. 5 near Panikoli and connecting Keonjhar, and terminating at its junction with National Highway No. 23 near Rajamunda in Orissa.]

National Highway No.	Description of national highways

1. Ins. by notification No. S.O. 7(E),dated 6th January, 1999.
2. Ins. by notification No. S.O. 561(E), dated 7th July, 1999.

	*216	Raigarh - Sarangarh - Saraipalli
	*217	Raipur - Gopalpur
	*218	Bijapur - Hubli
	*219	Madnapalli - Kuppam - Krishnagiri
	*220	Kollam (Quilon) - Teni.
[1][225	563	The highway starting from its junction with NH-63 near Mancheral connecting Karimnangar and terminating at NH-163 near Warangal in the State of Andhra Pradesh.
226	365A	The highway starting from its junction with NH-65 near Kodad connecting Khammam and terminating at NH-365 near Mahboobabad in the State of Andhra Pradesh.]
[2][227	334B	The highway starting from its junction with new NH-34 near Meerut in the State of Uttar Pradesh connecting Sonipat, Kharkhauda, Sampla, Jhajjar, CharkhiDadri and terminating at its junction with NH-709 near Loharu in the State of Haryana.]
[3][228	150 Extn.	The highway starting from its junction with new NH-50 near Gulbarga connecting Chowdapur, Afzalpur in the State of Karnataka, Dudhani, Akkalkote and terminating at its junction with new NH-52 near Sholapur in the State of Maharashtra.]
[4][229	848B	The highway starting from its junction with NH-48 near KarembaliPhatak connecting Bamanpunja, Dholar Road in the State of Gujarat, Ambawadi, Patalia Costal Highway in the Union Territory of Daman and Diu and terminating at NH-48 near Udvada in the State of Gujarat.
230	251	The highway starting from its junction with NH-51 near Una in the State of Gujarat connecting Ghoghla in the Union Territory of Daman and Diu and terminating at NH-51 near Kesaria in the State of Gujarat.]
[5][231	248A	The highway starting from its junction with NH-48 near Sahpura connecting Alwar, Ramgarh, Haryana/Rajasthan border in the State of Rajasthan, Nuh and terminating at its junction with new NH No. 48 near Gurgaon in the State of Haryana.]

Serial No.	National Highway No.	Description of national highways

1. Ins. by notification No. S.O. 775(E), dated 4th March, 2014.
2. Ins. by notification No. S.O. 766(E), dated 4th March, 2014.
3. Ins. by notification No. S.O. 772(E), dated 24th February, 2014.
4. Ins. by notification No. S.O. 838(E), dated 4th March, 2014.
5. Ins. by notification No. S.O. 842(E),dated 4th March, 2014.

[1][232	107A	The highway starting from its junction with new NH No. 7 near Chamoli connecting Gopeshwar, Okhimath and terminating at its junction on new NH No. 107 near Baramwari in the State of Uttrakhand.
233	309A	The highway starting from its junction with new NH No. 9 near Rameshwar connecting Gangolihat, Berinag, Chaukori, Kanda, Bagheshwar, Takula and terminating at its junction with new NH No. 109 near Almora in the State of Uttrakhand.]
[3][234	325	The highway starting from its junction with NH-25 near Balotra connecting Siwana, Jalore, Ahor and terminating at its junction with new NH No. 62 near Sandera in the State of Rajasthan.
235	25 Extension.	The highway starting from Barmer connecting Ramsar and terminating at Munabao Road in the State of Rajasthan.]
[2][236	102C	The highway starting from its junction with NH-2 near Maram in the State of Manipur connecting Peren, Jaluki, Pimla, Junction, Razaphe Junction and terminating at NH-29 Near Dimapur in the State of Nagaland.]
[3][237	381	The highway starting from its junction with NH-544 near Avinashi connecting Tirupur and terminating at its junction with new NH No. 81 near Avinashipalaiym in the State of Tamilnadu.]
[4][238	367	The highway starting from its junction with NH-67 near Bhanapur connecting Kukunur, Yelburga, Gajendragad, Badami, Guledaguda, Bagalkote, Bagalkot and terminating at its junction with new NH No. 52 near Gaddankeri in the State of Karnataka.
239	173	The highway starting from its junction with NH-73 near Mudigere connecting Chikkamagaluru and terminating at its junction with new NH No. 69 near Kadur in the State of Karnataka.
240	275	The highway starting from its junction with NH-75 near Bantwala connecting Puttur, Sulya, Madikeri, PriyapatnaMysuru, Srirangapattana, Mandya, Channapatnam, Ramanagaram and terminating at its junction with new NH No. 75 on Bengaluru in the State of Karnataka.
241	150A	The highway starting from its junction with NH-50 at Jevargi connecting Siriguppa, Bellary, Hiriyur, Huliyur, Chikkanayakanahalli, NagamangalaSrirangapatna-Mysore-Nanjangud and terminating at its junction with NH-948 at Chamarajanagar in the State of Karnataka.]

Serial No.	National Highway No.	Description of national highways

1. Ins. by notification No. S.O. 867(E),dated 4th March, 2014.
2. Ins. by notification No. S.O. 767(E), dated 4th March, 2014.
3. .Ins. by notification No. S.O.770(E), dated 4th March, 2014.
4. Ins. by notification No. S.O. 774(E), dated 4th March, 2014.

[1][242	154A	The highway starting from its junction with NH-154 near Chakki, Dhar in the State of Punjab connecting Banikhet, Chamba and terminating at Bharmour in the State of Himachal Pradesh
243	505	The highway starting from its junction with NH-5 near KhabSangam connecting Chango, Sumdo, Tabo, Attargo, Kaza, Morang, Hanse, Losar, Lachu, ChhotaDhara and terminating at Gramphoo in the State of Himachal Pradesh.
244	503 Extention.	The highway starting from its junction with NH-3 near Mubarakpur connecting Amb, Una, Dehlan in the State of Himachal Pradesh, Anandpur Sahib, Kiratpur and terminating at its junction with new NH No. 205 in the State of Punjab.]
[2][245	444	The highway starting from its junction with NH-44 near Srinagar connecting Badgam, Pulwama, Shupiyan, Kulgam and terminating at its junction with new NH No. 44 near Quazigund in the State of Jammu and Kashmir*.
246	144A	The highway starting from its junction with NH-44 near Jammu connecting Akhnur, Naoshera, Rajauri and terminating at Punch in the State of Jammu and Kashmir*.]
[3][247	627	The highway starting from its junction with new NH-27 near Nelle (Amsoi Gate) connecting Rajagaon, Doyangmukh, Umrangso, Khobak and terminating at NH-27 near Harangajao in the State of Assam]
[4][248	310A	The highway starting from its junction with NH-10 near Tashiview point connecting Phodang and terminating at Mangan in the State of Sikkim
249	710	The highway starting from its junction with NH-10 near Melli connecting Manpur, Namchi and terminating at Damthang in the State of Sikkim
250	510	The highway starting from its junction with NH-10 near Singtham connecting Damthang, Legship and terminating at Geyzing in the State of Sikkim.]
[5][251	427	The highway starting from its junction with NH-27 near Howli connecting Barpeta, Hajo and terminating at its junction with new NH No. 27 near Jalukbari in the State of Assam
252	329	The highway starting from its junction with NH-29 near Manja connecting Diphu and terminating at its junction with new NH No. 27 near Lumding in the State of Assam

Serial No.	National Highway No.	Description of National Highways

1. Ins. by notification No. S.O. 836(E), dated 4th March, 2014.
2. Ins. by notification No. S.O. 764(E), dated 4th March, 2014.
3. Ins. by notification No. S.O. 840(E), dated 4th March, 2014.
4. Ins. by notification No. S.O. 768(E), dated 4th March, 2014.
5. Ins. by notification No. S.O. 863(E), dated 4th March, 2014.

*. *Vide* notification NO. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

253	117A	The highway starting from its junction with NH-17 near Bilasipara connecting Kokrajhar and terminating at its junction with New NH-27 near Garubhasa in the State of Assam
254	715A	The highway starting from its junction with NH-27 near Nakhola connecting Jagiroad, Marigaon, Kaupati, Rowta, Udalguri, Khoirabari and terminating at Indo/Bhutan border in the State of Assam
255	127E	The highway starting from its junction with NH-27 near Barama connecting Baska, Subankhata and terminating at Indo/Bhutan border in the State of Assam]
[1][256	326A	The highway starting from its junction with new NH No. 326 near Mohana connecting Chandiput, Chheligada, RamagiriUdayagiri, Raygarh, Parlakimidi, Kotabommali and terminating at its junction with NH-16 near Narasannapeta in the State of Odisha.]
[2][257	702	The highway starting from its junction with NH-2 near Chantongia connecting Longling, Lonhching, Mon, Lapa, Tizit in the State of Nagaland, Sonari and terminating at its junction with new NH No. 215 near Sapekhati in the State of Assam.
258	702A	The highway starting from its junction with new NH No 2 near Mokokchung connecting Zunheboto, Phek in the State of Nagaland and terminating at Jessam near new NH No. 29 in the State of Manipur.
259	208	The highway starting from its junction with NH-8 near Kumarghat connecting Kailashahar, Khowai and terminating at its junction with new NH-8 near Teliamura in the State of Tripura.
260	108A	The highway starting from its junction with new NH No. 8 near Jolaibari connecting Belonia and terminating at Indo/Bangladesh border.
261	102C	The highway starting from its junction with new NH No. 102 near Palel and terminating at Chandel in the State of Manipur.]
[3][262	103A	The highway starting from its junction with new NH-3 near Hoshiarpur connecting Mahalpur, Gurhshankar, Nawanshahr, Balachur and terminating at its junction with new NH No. 205 near Rupnagar in the State of Punjab.
263	703A	The highway starting from its junction with new NH-3 near Jalandhar connecting Kapurthala, SultanpurLodhi, Pindi and terminating at its junction with new NH No. 54 near Makhu in the State of Punjab.]

Serial No.	National Highway No.	Description of national highways

1. Ins. by notification No. S.O.869(E), dated 4th March, 2014.
2. Ins. by notification No. S.O. 868(E),dated 4th March, 2014.
3. Ins. by notification No. S.O. 864(E),dated 4th March, 2014.

[1][264	512	The highway starting from its junction with NH-12 near Gajol connecting Daulatpur, Bansihari, Gangarampur, Harsura, Balurghat and terminating at Hilli in the State of West Bengal near Indo/Bangladesh Border.]
[1][265	754	The highway starting from its junction with new NH-54 near KotKapurthala connecting Khara, Muktsar, Saidoke and terminating at Jalalabad in the State of Punjab.]
[2][266	185	The highway starting from its junction with new NH No. 85 near Adimali connecting Cheruthoni, Painavu and terminating at its junction with new NH No. 183 near Kumily in the State of Kerala.
267	183A	The highway starting from its junction with new NH No. 183 near Adur connecting Pathanamthitta, Vadserikkara, Lahai, and terminating at its junction with new NH No. 183 near Vandiperiyar in the State of Kerala.]
[3][268	333A	The highway starting from its junction with NH-33 near Bar Bigha connecting Shekhpura, Sikandra, Jamui, Jha-Jha, Banka in the State of Bihar and terminating at its junction with NH-133 near Godda in the State of Jharkhand.
269	527A	The highway starting from its junction with new NH No. 527 B near PokhrauniChowk connecting Madhubani, Rampatti and terminating at its junction with new NH No. 27 near Jhanjharpur in the State of Bihar.
270	219	The highway starting from its junction with new NH No. 19 near Mohania connecting Bhabhua, Chainpur, Chand in the State of Bihar and terminating at its junction with NH-19 near Chandauli in the state of Uttar Pradesh.]
[4][271	753	The highway starting from its junction with NH-53 near Duggipar connecting Goregaon, and terminating at Gondia in the State of Maharashtra.
272	753A	The highway starting from its junction with NH-53 near Malkapur connecting Buldhana, Chikhli, Deulgaon Raja, Jalna and terminating near Aurangabad on NH-52 in the State of Maharashtra.
273	753B	The highway starting from its junction with NH-53 near Shevali connecting Nizampur, Chhadvel, Nundurbar, Taloda, Akkalkura in the State of Maharashtra, Dediapada and terminating at Netrang on NH-56 in the State of Gujarat.

Serial No.	National Highway No.	Description of national highways

1. Ins. by notification No. S.O. 871(E), dated 4th March, 2014.
2 Ins. by notification No. S.O. 866(E), dated 4th March, 2014.
3. Ins. by notification No. S.O.870(E), dated 4th March, 2014.
4. Ins. by notification No. S.O. 875(E), dated 5th March, 2014.

274	166A	The highway starting from Vadkhal on NH-66 and terminating at Alibaginthe State of Maharashtra.]
[1][275	130D	The highway starting from its junction with NH-30 on Kondagaon and terminating at Narainpur in the State of Chhattisgarh.
276	163A	The highway starting from Geedam(Gidam) on NH-63 and terminating at Dantewara in the State of Chhattisgarh.
277	149B	The highway starting from its junction with NH-49 near Champa connecting Korba, Chhuri and terminating at its junction with new NH No. 130 near Katghora in the State of Chhattisgarh
278	130C	The highway starting from its junction with NH-30 near Abhanpur connecting Rajim, Gariaband, Bardula, Deobhog in the State of Chhattisgarh and terminating at its junction with new NH No. 201 near Baldhimal in the State of Odisha.
279	930	The highway starting from its junction with NH-30 near Purur connecting Balod, Kusumkasa, Kumhari, Manpur in the State of Chhattisgarh, Muramgaon, Dhanora, Gadchiroli, Mul, Chandrapur, Warora, Wani and terminating near Karanji on NH-44 in the State of Maharashtra.
280	130A	The highway starting from its junction with NH-30 near Pondi connecting Pandaria, Mungeli, and terminating at NH-130 on Bilaspur in the State of Chhattisgarh.
281	130B	The highway starting from Raipur on NH-30 connecting Palari, Baloda Bazar, Kasdol and terminating at its junction with NH No. 153 near Sarangarh in the State of Chhattisgarh.]
[2][282	133A	The highway starting from its junction with NH-33 near Baharwa connecting Pakur in the State of Jharkhand and terminating with NH-12 near Nimtala in the State of West Bengal.
283	419	The highway starting from its junction with NH-19 near Kulti in the State of West Bengal connecting Chittaranjan, Jamtara and terminating at Gobindpur in the State of Jharkhand.
284	143A	The highway starting from its junction with NH-43 near Gumla connecting Ghaghra, Lohardaga and terminating at its junction with NH-39 near Kuru in the State of Jharkhand.]
[3][288	713	The Highway starting from its junction with NH-13 near Joram connecting Palin, Sangram and terminating at Koloriang in the State of Arunachal Pradesh.

Serial No.	National Highway No.	Description of national highways

1. Ins. by notification No. S.O. 874(E),dated 5th March, 2014.
2. Ins. by notification No. S.O. 873(E),dated 4th March, 2014.
3. Ins. by notification No. S.O. 1515(E), dated 13th June, 2014.

289	513	The Highway starting from its junction with NH-13 near Passighat connecting Mariyang and terminating at Yingkiong in the State of Arunachal Pradesh.
290	313	The Highway starting from its junction with NH-13 near Meka and terminating near Anini in the State of Arunachal Pradesh.
291	113	The Highway starting from its junction with NH-13 near Hawacamp connecting Hayuliang and terminating near Hawai in the State of Arunachal Pradesh.
292	713A	The Highway starting from its junction with NH-13 near Hoj connecting Yupia and terminating at its junction with NH-415 near Pappu (near Nahurlagun) in the State of Arunachal Pradesh.]
[1][293	341	The highway starting from its junction with NH-41 near Bhimasar connecting Anjar, Bhuj, Khavda and terminating at Dharmshala in the State of Gujarat.
294	147A	The highway starting from its junction with NH-47 near Limbdi connecting Surendranagar, Dhrangadhra and terminating at Kuda in the State of Gujarat.
295	351	The highway starting from its junction with NH-51 near Mahuva connecting Saverkundla, Amreli, Bagasara and terminating at Jetpur on NH-27 in the State of Gujarat.
296	953	The highway starting from its junction with NH-53 near Songudh connecting Ahwa in the State of Gujarat, Sarad, Vani and terminating at its junction with NH-60 near PimpalgaonBaswant in the State of Maharashtra.
297	927D	The highway starting from its junction with NH-27 near Dhoraji connecting Jamkandorna, Kalavad and terminating at Jamnagar in the State of Gujarat.]
[2][298	348 A	The highway starting from its junction with NH-348 near JawaharLal Nehru Port Trust connecting Gavanphata section of SH-54 (Km. 5.300 to km. 14.550), Amara Marg (km. 0.000 to km. 6.500) and terminating at its junction with Palm Beach Road in the State of Maharashtra.]
[3][313	709A	The highway starting from its junction with new NH No. 709 at Bhiwaniconnecting Mundal, Jind, Karnal in the State of Haryana, Shamli, Budhana and terminating at its junction with new NH No. 34 at Meerut in the State of Uttar Pradesh.]

1. Ins. by notification No. S.O. 1522(E), dated 13th June, 2014.
2. Ins. by notification No. S.O. 1513(E), dated 13th June, 2014.
3. Ins. by notification No. S.O. 699(E), dated 10th March, 2015.

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-LAA-CLRFIC-0004-2017 - 7016 /R&DM dated 22 FEB 2018

From

Dr. Chandra Shekhar Kumar, IAS
Principal Secretary to Government

To

All Collectors
All Spl. LAOs/ LAOs

Sub: Clarification on delegation of powers and functions of Appropriate Government under the RFCTLAR&R Act, 2013 in favour of Collectors.

Madam / Sir,

In inviting a reference to the subject mention above, I am directed to say that DoWR had requested to clarify as to whether the delegation of power to Collectors with area limitation up to one thousand acres in a district relates to the project coming up within the District or it relates to one notification, where village is the unit.

In this connection, it is clarified that as the limit of 1000 acres within one village is not feasible, the limit of 1000 acres is for the entire District for one project only. This may be in multiple notifications, if more than one village in the same district is concerned.

However, if the project involves more than 1000 acres, while submitting the proposal, the project proponent has to furnish the copy of the approval of the project which reflects the total requirement of lands for the project within the District along with name of villages and area involved for land acquisition. The project proponent has to furnish a certificate to the effect that " this project involves land acquisition of _____acres (more than 1000 acres) within _____ District." While forwarding the same to Government for Notification u/s 11(1) of the Act, Collector has to be satisfied and recommend to this Department furnishing a similar certificate.

Necessary follow up action may be taken up accordingly.

This may be brought to the notice of all concerned.

Yours faithfully,

22.2.2018

Principal Secretary to Government

Memo No. 7017 dtd. 22 FEB 2018

Copy forwarded to Principal Secretary to Government, W.R. Deptt. for information and necessary action w.r.f to his U.O.I Note No. 38/SWR dtd. 31.01.2018.

22/2/18

Joint Secretary to Government

Memo No. 7018 dtd. 22 FEB 2018

Copy forwarded to All Departments of Government / C.M.D, IDCO / C.M.D, IPICOL for information and necessary action .

22/2/18

Joint Secretary to Government

Memo No. 7019 dtd. 22 FEB 2018

Copy forwarded to All RDCs/ Secretary, Member Board of Revenue, Cuttack for information and necessary action.

22/2/18

Joint Secretary to Government

Memo No. 7020 dtd. 22 FEB 2018

Copy forwarded to LA(B)/ LA(C) Branches/ R&R Cell / IMU Cell of Revenue & D.M. Department for information and necessary action. Joint Secretary, IMU Cell is requested to upload the same in the Department website.

22/2/18

Joint Secretary to Government

The Orissa Gazette

PUBLISHED BY AUTHORITY

No. 17 CUTTACK, FRIDAY, MAY 14, 2010/BAISAKHA 24, 1932

SEPARATE PAGING IS GIVEN TO THIS PART IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

PART III

Statutory Rules, Orders, Notifications, Rules, etc., issued by the Governor, Heads of Departments and High Court

REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 31st March 2010

S.R.O. No. 134/2010—Whereas Government have provided the progress of Land acquisition work of various projects in the State;

And whereas there is need to authorise more officers to act as Land Acquisition Collectors in view of the work load so as to expedite distribution of compensation to land owners whose lands are acquired.

Now, therefore, in exercise of the powers conferred under clause(c) of Section 3 of the Land Acquisition Act, 1894 (Act 1 of 1894), the State Government do hereby appoint all Sub-Collectors and Additional Sub-Collectors to perform the functions of Collector under Land Acquisition Act, 1894. These officers will function as Land Acquisition Officers for such projects as may be assigned to them by the Government or the respective Collectors of the District.

[No. 12665—III-EPT-02/2010-R&DM.]
By order of the Governor
R. K. SHARMA
Commissioner-*cum*-Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
*****

Office Order

No RDM-LAA-CLRFIC-0004-2017/ 43136 **R&DM,** 20 NOV 2018

The officers of Revenue and Disaster Management Department designated as Special Secretary to Government, Additional Secretary to Government, Joint Secretary to Government, Deputy Secretary to Government and Officer on Special Duty, who are in charge of/ dealing with land acquisition and R&R matters in LA(A), LA(B), LA (C) and R&R branch of this Department are authorized to issue notifications u/s 3(g), 4(1), 11(1), declaration 8(2) , u/s 19(1), withdrawal notifications u/s 93 and such other sections of the Right to Fair Compensation And Transparency In Land Acquisition, Rehabilitation and Resettlement Act , 2013 (30 of 2013), as may be required from time to time to certify the orders of the Secretary of this Department.

(Dr. C.S. Kumar),
Principal Secretary to Government

Memo No. 43137 **/ R&DM, Dated** 20 NOV 2018

Copy along with soft copy forwarded to Special Secretary to Government , Commerce & Transport Department(Commerce) Department with a request to publish the same in the next issue of EOG and supply 100 copies to this Department.

20/11/18
Additional Secretary to Government

Memo No. 43138 **/ R&DM, Dated** 20 NOV 2018

Copy forwarded to all Departments of Government/ Member Board of Revenue, Odisha / All Heads of Department / All RDCs/ All Collectors & District Magistrates/ All Special LAOs/ All LAOs for information and necessary action .

20/11/18
Additional Secretary to Government

Memo No. 43139 **/ R&DM, Dated** 20 NOV 2018

Copy forwarded to CMD , IDCO, Bhubaneswar/ CMD , IPICOL, Bhubaneswar for information and necessary action .

20/11/18

Additional Secretary to Government

Memo No. 43140 **/ R&DM, Dated** 20 NOV 2018

Copy forwarded to Deputy Secretary, IMU Cell for information and necessary action .

20/11/18

Additional Secretary to Government

Memo No. 43141 **/ R&DM, Dated** 20 NOV 2018

Copy forwarded to All Officers / All Branches , Revenue & DM Department for information and necessary action .

20/11/18

Additional Secretary to Government

Memo No. 43142 **/ R&DM, Dated** 20 NOV 2018

Copy to Guard file of LA (A) Branch (5 copies) for record .

20/11/18

Additional Secretary to Government

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

*****

NOTIFICATION

No RDM-LAA-CLRFIC-0002-2015 - 14131 **/R&DM, Dated** 19.04.2018

Whereas, as per sub-section (1) of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (herein referred to as "the Act"), the Collector has to determine the market value of the land to be acquired under the Act;

And whereas as per sub-section (2) of section 26, the market value so calculated under sub-section(1) of section 26 of the Act shall be multiplied by a factor as specified in the first schedule of the Act;

And whereas, as per the first schedule of the act, the appropriate Governmentt. is to notify the "factor" by which the market value is to be multiplied in case of rural area from 1(one) to 2(two) based on distance of the project from urban area;

And whereas, as per sub-clause (i) of clause (e) of section 3 of the Act, the Appropriate Government of Odisha is the Appropriate Government in relation to the land situated within the territory of State of Odisha;

Now, therefore, in exercise of the power conferred under sub-section (1) and (2) of section 26 readwith the first schedule of the Act, the Government of Odisha hereby notifies that when land to be acquired is situated in rural areas, the market value of such land calculated by the Collector as per sub-section (1) of section 26 of the Act shall be multiplied by the following factor based on the radial distance from the nearest urban area, namely:-

Radial Distance from Urban area in Km	Multiplier factor
From 0 Km up to 10 K.M.	1.00
More than 10 up to 20 K.M.	1.20
More than 20 up to 30 K.M.	1.40
More than 30 up to 40 K.M.	1.80
More than 40 K.M	2.00

(a) The radial distance shall be calculated from the out skirt of the nearest urban area:

Provided that the factor for every parcel of land in a mouza shall be same and equivalent to the factor applicable to the farthest point of that mouza as per the above sliding scale.

(b) All places within a Municipality, Municipal Corporation or Notified Area Council shall be considered as an urban area for the purpose of this notification.

(c) This notification shall be applicable for acquisition of land in rural areas within the Sate of Odisha under the Act.

By order of the Governor

Principal Secretary to Government

Memo No. 14132 /R&DM Date 19.04.2018

Copy forwarded to the Odisha Secretariat Gazette Cell, Commerce and Transport (Commerce) Department for information with a request to publish the same in the extraordinary issue of the Odisha Gazette and furnish 20 copies to this Department.

18/4/18

Joint Secretary to Government

Memo No. 14133 /R&DM Date 19.04.2018

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ NCDS, Bhubaneswar/ All RDCs/ All Collector/ All Spl. LAOs/ All LAOs/ All Tahasildars information and necessary action.

18/4/18

Joint Secretary to Government

Memo No. 14134 /R&DM Date 19.04.2018

Copy forwarded to Deputy Secretary to Government, IMU Cell/ LR & GE (A)/(B)/(C)/ L.A. (A)/(B)/(C)/ R&R Cell/ LR (A)/(B)/ Registration Branch/ CH & S Branch of Revenue & DM Department for information and necessary action.

18/4/18

Joint Secretary to Government

GOVERNMENT OF ORISSA
REVENUE & DISASTER MANAGEMENT DEPARTMENT.
****

No.LA(C)-4/2008(Dkl.)-310/R&D.M. dtd. 03.01.2009

To

The Addl. District Magistrate,
Angul.

Sub: Clarification on calculation of 12% additional market value.

Sir,

In inviting a reference to your letter No.2171 dt.30.12.2008 on the above subject, I am directed to say that in implementation of provisions of Section 23 of the Land Acquisition Act, 1894, doubts have been raised as to the calculation of additional market value for disbursement of compensation to the land losers and whether 12% additional market value could be paid even if the award period is less than one year.

While determining compensation, the Collector shall be guided by the provisions contained in Sections 23 & 24 of the LA Act. Section 23(1-A) of the LA Act stipulates that 12% additional market value shall be added to the market value of the land 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. Questions of deviation / violation of the aforesaid section of the LA Act can not arise. It is of no consequence whether the Project Authority voluntarily agrees to pay 12% additional market value even if the award period is less than one year. During the course of assessing additional market value you are required to calculate the additional market value on days basis and payment should be made accordingly.

Yours faithfully,

Deputy Secretary to Govt.

Memo No. 311/R&D.M. dtd. 03.01.2009

Copy forwarded to the R.D.C(Central Divn.), R.D.C.(Southern Divn.), R.D.C. (Northern Divn.) for information and necessary action.

Deputy Secretary to Govt.

Memo No. 312 /R&D.M. dtd. 03.01.2009

Copy forwarded to all Collectors for information and necessary action.

Deputy Secretary to Govt.

By fax/e-mail

GOVERNMENT OF ODISHA

REVENUE & DISASTER MANAGEMENT DEPARTMENT

***

RDM-Reg-REGN-0068-2020- 30628 /R&D.M. dated 20 OCT 2020

From

Smt. Susamarani Devi, OAS(SAG),

Additional Secretary to Government

To

Collector-cum-Chairman, District Valuation Committee (all Districts)

Sub: Revision of market value of immovable properties.

Madam/Sir,

In continuation to this Department letter No.26164/R&DM, dated 02.09.2020 on the above cited subject, I am directed to say that in order to give relief to the registrant public during the economic crisis arising out of extraordinary situation of COVID-19 pandemic, the market values of immovable properties of all districts (except Khordha and Bargarh) of the previous financial year (2019-2020) as on 31st March, 2020 shall remain in force till the end of current financial year (2020-2021), i.e., 31st March, 2021.

Further, the market values of immovable properties of Khordha and Bargarh districts have been enhanced by 10% w.e.f. 01.04.2020 and 13.05.2020, respectively. In these two districts, the pre-revised rate of market value of immovable properties, i.e., the rate as on 31st March, 2020 shall be applicable prospectively from the date of issue of this letter till 31st March, 2021.

Therefore, you are, requested to take appropriate action on the matter immediately.

Yours faithfully,
20.10.2020
Additional Secretary to Government

RDM-Reg-REGN-0068-2020/5/2020

Memo No. 30629 /R&DM., dated 20 OCT 2020

Copy forwarded to Additional Secretary to Hon'ble Chief Minister for kind information of Hon"ble Chief Minister.

20.10.2020

Additional Secretary to Government

Memo No. 30630 /R&DM., dated 20 OCT 2020

Copy forwarded to Private Secretary to Hon'ble Minister, Revenue and Disaster Management for kind information of Hon'ble Minister.

20.10.2020

Additional Secretary to Government

Memo No. 30631 /R&DM., dated 20 OCT 2020

Copy forwarded to OSD to Chief Secretary & ex-officio Additional Secretary, GA&PG Department for kind information of Chief Secretary.

20.10.2020

Additional Secretary to Government

Memo No. 30632 /R&DM., dated 20 OCT 2020

Copy forwarded to PS to Principal Secretary to Government, Finance Department for kind information of Principal Secretary.

20.10.2020

Additional Secretary to Government

Memo No. 30633 /R&DM., dated 20 OCT 2020

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack for kind information of Member, Board of Revenue, Odisha, Cuttack.

20.10.2020

Additional Secretary to Government

RDM-Reg-REGN-0068-2020/5/2020

Memo No. 30634 /R&DM., dated 20 OCT 2020

Copy forwarded to Inspector General of Registration, Odisha, Cuttack for information and necessary action.

20.10.2020

Additional Secretary to Government

Memo No. 30635 /R&DM., dated 20 OCT 2020

Copy forwarded to all ADM-cum-District Registrars for information and necessary action.

20.10.2020

Additional Secretary to Government

Memo No. 30636 /R&DM., dated 20 OCT 2020

Copy forwarded to all Registering officers for information and necessary action.

20.10.2020

Additional Secretary to Government

Memo No. 30637 /R&DM., dated 20 OCT 2020

Copy forwarded to F.A-cum-Additional Secretary to Government, Revenue & DM Department / Audit Branch, Revenue & D.M. Department for information and necessary action.

20.10.2020

Additional Secretary to Government

Memo No. 30638 /R&DM., dated 20 OCT 2020

Copy forwarded to e-Governance branch, Revenue & D.M. Department for uploading of the letter in the Department website.

20.10.2020

Additional Secretary to Government

RDM-Reg-REGN-0068-2020/5/2020

Government of Orissa

Revenue Department

No. LA(C)-5/03 (Misc) 14347/R.,

Dated, Bhubaneswar, the 21st March, 2003

From

Shri Ashok Momin,

Addl. Secretary to Government.

To

All Collectors.

Sub: **Payment of higher compensation as per Court Order under Land Acquisition Act- Reference to Revenue Department/ Law Deptt. for confirmation**.

Sir,

I am directed to say that it is observed that in a number of L.A. proceedings the land loser are applying for referring the cases to the Civil Court for fixing of higher compensation and it is found that in many such cases the Court gives award for payment of higher compensation on various grounds. The L.A,.Os. are party to the case and with their knowledge the cases are disposed with award of higher compensation. In any cases the land acquisition Amins are examined by the Court as witness who admit about the genuineness of sale deeds referred as basis for award of higher compensation which are not cross-examined properly by the Govt. side and simply accepted. The sale deed referred by the petitioner parties and admitted by the witnesses i.e. Amins of Land Acquisition Officer do not mention the area of the sale deed and if such a sale deed can be taken as the representative/transaction to fix the compensation for the entire village. Even the kissam of the land is not expressed as a result of which a sale deed having higher rate for a better kissam of land is often referred as ideal compensation value for all the land even of lower kissam, acquired in the village to be paid at the same higher rate. Even if a paddy land is sold at a very high rate due to its locational advantage i.e. being near a main road etc. the same are not often pointed out.

When such Court orders are referred to the Revenue Deptt. for views as to whether the matter will be complied with or it will be appealed against it becomes very difficult to take a view in the matter as it is found that Govt. Advocate of Dist. Is not being consulted, issue involved in the case for appeal not made out and specific views of Collector is also recorded. The Land Acquisition Officers are simply forwarding the copy of the judgement without any exercise on the issue for which Revenue Deptt. is not in a position to offer any opinion within the short period of 3 months of appeal period to consult the Law Deptt. and advise you on the matter.

So you are requested to kindly ensure that the following points are invariably furnished at the time of forwarding such case matters for opinion of the revenue Deptt. very promptly keeping the appeal period in mind.

1) Views of Govt. Advocate.

2) Analysis of Court Order including validity of the sale deed cited expressing the area and Kissam regarding its representativeness for the whole village and the entire area taken under L.A. proceedings.

3) Views of Collector in particular.

Some of such case matters have recently been returned to the Collectors for compliance on the above line.

Please do the needful as explained above.

Yours faithfully,

Sd/-

Addl. Secretary to Government

Government of Orissa

Revenue Department

No. LA(C)-5/2003 (Misc) 49451/R.,

Bhubaneswar, dated, the 21st Oct. 2003.

From

Sri R.L.Jamuda, IAS

Commissioner-cum-Secretary to Government.

To

All Collectors

All Special Land Acquisition Officers

Sub : **Payment of Land Acquisition Compensation amount in respect of the lands belonging to different Hindu Religious Institutions**.

Sir,

I am directed to invite reference to the subject mentioned above and to say that it has come to the notice of Government that Land Acquisition Officers are seeking clarification from Commissioner of Endowments with regard to the person to whom compensation will be paid in respect of lands of different Hindu Religious Institutions acquired for various projects. This results in delay in making payment of compensation.

2. In this regard, it is clarified that all Hindu Religious Institutions are presumed to be public unless the contrary is proved. Therefore, the compensation money in respect of lands belonging to different Hindu Religious Institutions should be paid to the persons authorized by the Commissioner of Endowments, Orissa irrespective of the fact of recording of any person as Marfatdar in the R,.O.R., as mere entry in the R.O.R can not establish the fact of one being Marfatdar.

3. However, Commissioner of Endowments, Orissa has no control over the Institutions and no authority to nominate any person to receive the compensation amount in respect of Institutions which are declared as private by the Asst. Commissioner/Addl. Asst. Commissioner of Endowments to be private as per provision of Section 41 of OHRE Act, 1951 and the said declaration has reached finality.

4. It is, therefore, requested that before making payment of compensation to the persons other than authorized by the Commissioner of Endowments, Orissa due care should be taken by the L.A.O. to see that the deity, its property and money are declared as private as per provision of Section 41 of OHRE Act, 1951 and the said declaration has reached finality.

5. The above instruction should be scrupulously followed while making payment of L.A. compensation in respect of lands belonging to Hindu Religious Institutions.

Yours faithfully,
Sd/-
Commissioner-cum-Secretary to Government

Fax / e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No.LA (A) - 16/ 2016 (Clarific).- 31818 / R &DM dtd. 21-9-17

From

Dr. C.S. Kumar, IAS
Principal Secretary to Government

To

All Collector/ All LAOs.

Sub: Clarification regarding permission of Endowment Commission for acquisition of Debottar/ Deity land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Sir,

I am directed to say that in many of the project proposals submitted by the Collectors/ LAOs for preliminary Notification U/S 11(1) of RFCTLAR & R Act, 2013, patches of Debottar/ Deity land are also included along with the private land. In these cases, prior permission of the Endowment Commissioner may be obtained in order to avoid legal complicacies arising out of disbursement of compensation amount in respect of these land. Since the Endowment Commissioner is a judicial Officer and engaged with various day to day works it may not be possible on his part to clear up permission for acquisition of Debottar/ Deity land within the shortest period i.e. before issue of preliminary notification on the said Act.

After careful consideration, Government have been pleased to clarify that if any deity land is likely to be acquired, prior intimation may be given to the Endowment Commissioner, Odisha for their future reference and necessary clearance. A copy of such communication is to be furnished to this Deptt. along with the proposal without waiting for written clearance of the Commissioner for issue of Notification U/s 11(1) of RFCTLAR&R Act.

Yours faithfully,

Principal Secretary to Government

Memo No. 31819 /RDM, dated 21-9-17

Copy forwarded to all Departments of Government/ All RDCs/ Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

21/9/17

Joint Secretary to Government

Memo No. 31820 /RDM, dated 21-9-17

Copy forwarded to LA(B)/ LA(C) Section /R&R Cell/ IMU Cell, R&DM Deptt./ G.F.(2 copies) for information and necessary action.

21/9/17

Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

RESOLUTION

RDM-LRGEA-POLICY-0003-2022- 43341 **/R&DM dated the** 21 DEC 2022

Sub- Guidelines for determination of compensation payable towards damages in regard to Right of Way(RoW) for electric transmission lines

The electricity transmission projects in the country are implemented by the licensees in accordance with the provisions of the Electricity Act, 2003 and in certain cases under the Indian Telegraph Act, 1885. The compensation towards 'damages' during implementation of such projects is governed under section 67 and 68 of the Electricity Act, 2003 and when, in exercise of section 164 of the Electricity Act, 2003, the appropriate Government confers upon a licensee any of the powers which a telegraph authority possesses under the Indian Telegraph Act, 1885, the compensation towards 'damages' is governed under section 10 and 16 of the Indian Telegraph Act, 1885. Further, in exercise of the powers conferred by section 67 (2) of the Electricity Act, 2003, the Central Government have issued a set of Rules known as "The Works of Licensees Rules, 2006'. Sub-rule (2) of rule 3 of the said Rules specifies that when making an order under sub-rule (1) (i.e. while granting permission to the licensee to carry out the works in case of raising of objection by the owner or occupier of the building or land), the District Magistrate or the Commissioner of Police or the officer so authorized, as the case may be, shall fix, after considering the representations of the concerned persons, if any, the amount of compensation or of annual rent or of both, which should in his opinion be paid by the licensee to the owner or occupier.

2. However, there is no clear definition of the term 'damages' either in the Acts or the Rules nor are there any guidelines for determination of the compensation amount payable for such 'damages'.

3. As the damages have not been defined in the said Acts, the licensees, in the past, used to pay compensation for the damages caused to crops/ trees and structures. However, the land owners are now demanding the cost of land for tower base area as well as compensation for the corridor of land underneath the transmission line. Since the present provisions of the Act/ Rules do not provide for any set procedure for calculation of such compensation, the provisions are being interpreted differently by licensees and by the District Magistrates that are also at variance with each other even among neighbouring districts which is resulting in the resistance by the land owners causing unwarranted delay in the project implementation.



4. In this connection, laying down a uniform principle for determination of compensation amount payable to the land owners was under active consideration of Government for some time past. The State Government had earlier issued the Resolution No. 30194-GE(GL)-S-35/2016/R&DM dated 11.09.2017 delineating the principles on land compensation. The above Resolution was kept in abeyance vide the Resolution No. 32123 dated 23.09.2017. Now, as per the decision taken in the meeting held under the Chairmanship of Chief Secretary on dated 26.10.2022 as communicated by Energy Department in R&DM Department File No. RDM-LRGEA-POLICY-0003-2022 with reference to their File No. PT1-ENG-RR-RR-0001-2018, Government have been pleased to reiterate the principles for calculation of compensation.

5. For laying electricity transmission lines, a licensee erects towers at intervals as per technical specification and conductors are strung on these towers maintaining a safe height depending upon the voltage and other geographical parameters. Thus, typical transmission lines have following two kinds of impact so far as land is concerned:-

(i) Tower base area is more or less completely lost or loses its productivity due to severe restriction on access.

(ii) Corridor of land underneath strung conductor between two towers may be adversely affected by imposition of restriction on its usage.

In both the cases, the effect thereof would be diminution of value of the property over which tower base is erected and/ or transmission line is drawn.

6. It may be noted that the Ministry of Power, Government of India in letter No. 3/7/2015- Trans. Dated 15.10.2015 has issued certain guidelines for payment of compensation in this regard and requested all States/ Union Territories to take suitable decision regarding adoption of the said guidelines considering that acquisition of land is a State subject. Further, Ministry of Power, GoI in their letter No. F-No. 3/3/2017-Trans-Part(1) dated 16.09.2022 has impressed upon all States/ Union Territories to adopt the Ministry of Powers Guidelines dated 15.10.2015 on compensation for RoW for laying of transmission lines for facilitating early resolution of number of RoW issues for timely completion of Intra-State and Inter-State transmission lines.

7. The State Government, after taking into consideration all factors and keeping in view the guidelines issued by the Central Government in this regard, have been pleased to lay down the following guidelines for determination of compensation amount in respect of the land over which tower base is erected as well as the land over which transmission line is drawn:-

(i) For acquisition of Right of Way (RoW) in lands required for erection of tower base (i.e. area between four legs), the licensee shall pay compensation @100% of the Bench Mark Value of such land fixed as per the guidelines prescribed under the Odisha Stamp Rules, 1952. **This shall be made**

applicable for all future projects.

(ii) For acquisition of RoW in the lands required for transmission corridor as per the required width, the licensee shall pay compensation @15% of the Bench Mark Value of such land fixed as per the guidelines prescribed under the Odisha Stamp Rules, 1952. **This shall be made applicable for all future projects.**

(iii) For the ongoing transmission projects compensation shall be paid @ 100% of the Bench Mark Value for tower footing for the balance un-executed works only and compensation for RoW shall be paid as per the provisions of the Indian Telegraph Act.

For this purpose, the width of RoW corridor shall not be more than that prescribed in the Table below and shall not be less than the width directly below the conductors.

Transmission Voltage	Width of RoW (in metres)
66 KV	18
110 KV	22
132 KV	27
220 KV	35
400 KV S/C	46
400 KV D/C	46
+/- 500 KV HVDC	52
765 KV S/C (with delta configuration)	64
765 KV D/C	67
+/- 800 KV HVDC	69
1200 KV	89

(iv) In all the above cases, the Bench Mark Value of the land shall be as on the date of carrying out works.

(v) In areas where land owner/ owners have been offered/ accepted alternative mode of compensation by concerned Corporation/ Municipality/ Local Body under Transfer Development Rights (TDR) policy of the State Government, the licensee shall deposit compensation amount as per (i) and (ii) above with the concerned Corporation/ Municipality/ Local Body or the State Government.

(vi) The amount of compensation as stated above will be payable only for transmission lines supported by a tower base of 66 KV and above and not for sub-transmission and distribution lines below 66 KV.

8. The amount of compensation prescribed under these guidelines will be in addition to the compensation towards damages caused to standing crops, tree, building and structure etc. While the cost of standing crops may be evaluated utilizing the services of District Agriculture Officer or Horticulture

Officer, as the case may be, the valuation of the trees shall be made by the Divisional Forest Officer. Similarly, the cost of damage caused to the building or any structure shall be evaluated by the Executive Engineer of the Works Department or Rural Development Department, as the case may be.

ORDER- Ordered that the Resolution be published in an extraordinary issue of The Odisha Gazette and copies thereof forwarded to all Departments of Government/ all Heads of Department of Government/ Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information.

By order of the Governor

20/12/22

Additional Chief Secretary to Government

Memo No. 43342 / RDM dated 21 DEC 2022

Copy forwarded to the Odisha Secretariat Gazette Cell, C/o Commerce & Transport (Commerce) Department for information and necessary action. They are requested to publish the Resolution in an extraordinary issue of the Odisha Gazette and supply 50 (fifty) copies for reference.

20/12/22

Special Secretary to Government

Memo No. 43343 / RDM dated 21 DEC 2022

Copy forwarded to all Departments of Government/ all Heads of Department of Government / Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ all Collectors for information and necessary action.

20/12/22

Special Secretary to Government

Memo No. 43344 / RDM dated 21 DEC 2022

Copy forwarded to Principal Secretary to Chief Minister, Odisha/ P.S to Minister, Revenue & DM, Odisha for kind information of Hon'ble Chief Minister and Hon'ble Minister respectively.

20/12/22

Special Secretary to Government

Memo No. 43345 / RDM dated 21 DEC 2022

Copy forwarded to OSD to Chief Secretary, Odisha/ PS to Development Commissioner-cum-Additional Chief Secretary to Government, Odisha for kind information of Chief Secretary and DC-cum-Addl. Chief Secretary respectively.

20/12/22

Special Secretary to Government

Memo No. 43346 / RDM dated 21 DEC 2022

Copy forwarded to E-Governance Cell / all seats of LR&GE (A)/ (B)/ (C) Branch of Revenue & DM Department for information and necessary action.

20/12/22

Special Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

Notification

No. RDM-LAA-MISC-0005-2013 850 **/R&DM, dated** 06 JAN 2023

In exercising the powers conferred under sub-clause (vi)(A) of clause(i) of Section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rule 24 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016, the State Government, on recommendation of the Task Force constituted to suggest necessary changes in existing revenue laws for facilitating smooth transfer of land for industrial projects under Make-In -Odisha initiatives and in consideration of the increased cost of acquisition as per RFCTLA R&R Act, 2013, have been pleased to reduce the amount of Land Acquisition Contingency/ administrative cost from 20% (collected previously) to **7% of the cost of acquisition** and to distribute the same among different authorities as below to meet the land acquisition cost at various levels;

Sl No	Authority	Distribution of earlier 20% LA Contingency	Revised rate of distribution of 7% of LA Contingency
1	In case, the land is acquired directly, the amount to be deposited under the departmental head of receipts	**15%** (5% left with Collector)	**5%** (Balance **2%** be left with Collector).
2	In case of land acquired through IDCO, the amount to be deposited under the departmental head of receipts	IDCO retains 10% and 5% in Govt treasury and balance 5% left with Collector	**3.5%** to be retained by IDCO, **1.5 %** with Govt treasury and balance **2%** be left with Collector.

3	Rev & DM Department	0.25%	**0.10%** (Out of 2% left with Collector)
4	RDC	0.50%	**0.20%**
5	Collector/LAO/Spl. LAO	4.25%	**1.70%**
	Total	20%	**7%**

2. Accordingly, as per the new provision, 2 % (instead of 5%)of the estimated cost is to be retained by the Collector/ Spl LAO in Bank Account out of which 0.10 % (instead of 0.25%) is to be transferred to Revenue & DM Department and 0.20% (instead of 0.50%) is to be transferred to RDC. The balance 1.7% (instead of 4.25%) is to be retained with Collector/ Spl LAQ and to be spent for the purposes specified in the guidelines in the accounting procedure rules for land acquisition contingencies circulated in the erstwhile Revenue & Excise department letter No. 15618 dated 20.03.1998.

3. The amount of the establishment contingencies (5%/1.5% as the case may be) received from the requisitioning authorities is to be deposited in the Government Account under the following head as specified in the then Revenue & Excise Department Letter No. 32177 dated 25.05.1989 and reiterated in letter No. 46568/R dated 08.09.1998.

Sl No	Item	Head of Account
1	The balance 5% (1.5% in case of land to be acquired through IDCO) of the land acquisition contingencies.	"0029-Land Revenue-800-Other Receipts-0097-Miscellaneous Receipts-01003-Collection of Payments for service rendered"

4. The interest amount, accrued if any, in the bank accounts for the amount deposited towards land acquisition contingencies, is to be credited

to the Head of Account "0075-Miscellaneous General Services-800-Other Receipts-0097-Misc. Receipts-02082-Miscellaneous Other Receipts".

5. This shall come into force with immediate effect.

6. This modifies the relevant provisions made earlier on LA Contingency vide circular No.32177 dated 25.05.1989, 15618 dated 20.03.1998, 46568 dated 08.09.1998, 9683 dated 10.03.2004, 2816 dated 19.01.2012, 30501 dated 13.09.2017 accordingly.

7. This has been concurred in by Finance Department in OSWAS file No. RDM-LAA-MISC-0005-2013.

By order of the Governor

6/1/23

Addl Chief Secretary to Government

Memo No. 851 **/ R&DM, Dated** 06 JAN 2023

Copy along with soft copy forwarded to Secretariat Gazette Cell, Commerce & Transport Department (Commerce) Department with a request to publish the same in the next issue of EOG and supply 100 copies to this Department.

6/1/23

Special Secretary to Government

Memo No. 852 **/ R&DM, Dated** 06 JAN 2023

Copy forwarded to Member, Board of Revenue, Odisha/ All Departments of Government / All Heads of Department / All RDCs/All Collectors/All Spl LAOs/All LAOs for information and necessary action.

6/1/23

Special Secretary to Government

Memo No. 853 **/ R&DM, Dated** 06 JAN 2023

Copy forwarded to CMD, IDCO, Bhubaneswar/ CMD, IPICOL, Bhubaneswar for information and necessary action.

6/1/23

Special Secretary to Government

Memo No. 854 **/R&DM dtd.** 06 JAN 2023

Copy forwarded to Principal Accountant General, (A&E), Odisha/ Accountant General (G&SSA), Odisha for information and necessary action.

6/1/23

Special Secretary to Government

Memo No. 855 **/R&DM dtd.** 06 JAN 2023

Copy forwarded to E-Governance Branch with a request for upload of the same in Revenue & DM Department website for information and necessary action.

6/1/23

Special Secretary to Government

Memo No. 856 **/R&DM dtd.** 06 JAN 2023

Copy forwarded to Land Acquisition (A), (B) & (C) Branch, FA Cell, Budget (A) Branch, Accounts Branch and R&R Cell of this Department for information and necessary action.

6/1/23

Special Secretary to Government

GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. R & R E H -56/10 42388 /R&DM, Date. 20/12/2010

From

Sri R.K. Sharma
Commissioner- cum- Secretary to Government.

To

All RDCs/ All Collectors.

Sub: Clarification on "Displaced / Affected families" with reference to Orissa R&R Policy,2006.

Sir,

I am directed to say that it has been brought to the notice of the Government that there are instances of misuse of the provisions of R& R Policy, 2006 by persons who, anticipating acquisition of land for a development project in a particular area, purchase small extent of land and / or construct dwelling house thereon for availing benefits meant for displaced/ affected families.

The intention of the R&R Policy is to provide benefits to people who are actually displaced by projects or whose livelihood is affected by such projects. Persons who are not ordinarily residing in or near the project area, but purchase land just before the land acquisition can not be treated as affected or displaced families. In most such cases, the purpose of such transaction is to avail benefit from the resettlement and rehabilitation packages as per R&R Policy, 2006 often at the cost of the local original land owners who were actually residing in the project area for generations together.

Government after careful consideration have been pleased to clarify that the persons or families who were ordinarily not residing in or near the project area are not eligible for and shall not be enumerated as displaced or affected families for the purpose of Resettlement and Rehabilitation benefits. Persons or families who are normally residing in or near the project areas for a period of at least 3 (three) years prior to the date of section 4(1) notification (under Land acquisition Act) above may be considered as ordinarily residing therein for the purpose of R & R benefits.

The above clarification may be brought to the notice of all concerned.

Yours faithfully,

R.K. Sharma

Secretary to Government

Memo No. 42389 **/ R& DM., Dated** 20/10/2010

Copy forwarded to All Departments of Government for information and necessary action.

Director(R & R) & Ex-Officio,
Addl. Secy. to Govt.

Memo No. 42390 **/ R& DM., Dated** 20/10/2010

Copy to Director (R&R) and Ex-Officio Additional Secretary to Government, Water Resources Department/ All Spl. LAO's / All PD(R&R)/ All Sub-Collectors/ All LAO's for information and necessary action.

Director(R & R) & Ex-Officio,
Addl. Secy. to Govt.

Memo No. 42391 **/ R& DM., Dated** 20/10/2010

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack for information and necessary action.

Director(R & R) & Ex-Officio,
Addl. Secy. to Govt.

Memo No. 42392 **/ R& DM., Dated** 20/10/2010

Copy forwarded to LA(A)/LA(B)/ LA(c) Branch of R & DM Deptt. for information and necessary action.

Director(R & R) & Ex-Officio,
Addl. Secy. to Govt.

Memo No. 42393 **/ R& DM., Dated** 20/10/2010

Copy to Guard file of R&R Cell/ Spare copies (20)/ copy to all officers of Revenue & D.M. Department.

Director(R & R) & Ex-Officio,
Addl. Secy. to Govt.

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Government of Orissa
Revenue & Disaster Management Department
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ORDER

NO R&REH – 134/2010. 43370 /R&DM., Date. 27.10.10

In partial modification of this Department Notification No.25092 R dated 6.7.2010 Government have been pleased to decide that the list of Members of the RPDAC at entries 3 & 5 of the composition of the RPDAC will be substituted as follows :

Sl.No.3: Hon'ble M.P. (Lok Sabha) of the constituency in which the project affected area is situated.

Sl.No.5: Hon'ble M.L.A. of the constituency in which the project affected area is situated.

This order shall come into effect from the date of issue

By order of the Governor

R.K.SHARMA
Commissioner –cum- Secretary to Government.

Memo No. 43371 /R&DM., Date. 27.10.10
Copy forwarded to Director, Printing Stationery & Publication, Orissa, Cuttack with a request to publish the resolution in an extra ordinary issue of Orissa Gazette and supply 50 (fifty) copies to this Department.

Director R&R and Ex Officio Addl. Secretary to Government.

Memo No. 43372 /R&DM., Date. 27.10.10
Copy forwarded to all Revenue Divisional Commissioners/all Collectors for information and necessary action. They are requested to take immediate steps for reconstitution of RPDAC's.

Director R&R and Ex Officio Addl. Secretary to Government.

Memo No. 43373 /R&DM., Date. 27.10.10
Copy forwarded to all Departments of Government/all Heads of Department for information and necessary action.

Director R&R and Ex Officio Addl. Secretary to Government.

Memo No. 43374 /R&DM., Date. 27.10.10
Copy forwarded to Accountant General, Orissa, Bhubaneswar for information and necessary action.

Director R&R and Ex Officio Addl. Secretary to Government.

Memo No. 43375 /R&DM., Date. 27.10.10
Copy forwarded to Secretary to His Excellency the Governor of Orissa/ Principal Secretary to Chief Minister, Orissa for kind information.

Director R&R and Ex Officio Addl. Secretary to Government.

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Memo No. 13376 /R&DM., Date. 27.10.10

Copy forwarded to P.S. to Minister, Revenue and Disaster Management/P.S. to Chief Secretary, Orissa/P.S. to Commissioner-cum-Secretary, Revenue and D.M. Department for kind information.

Director R&R and Ex Officio Addl. Secretary to Government

Memo No. 13377 /R&DM., Date. 27.10.10

Copy forwarded to O.I.C., IMU Cell, Revenue and D.M. Department/20 spare copies to Guard file.

Director R&R and Ex Officio Addl. Secretary to Government

The Odisha Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 1546, CUTTACK THURSDAY AUGUST 8, 2013/ SRAVAN 17, 1935

[No. 29828-R&REH-1/2013/R&DM.]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 5th August, 2013

In this Department Resolution No.18040-R&REH-1/2006-R&DM., dated the 14th May, 2006, published in the *Orissa Gazette* Extraordinary No. 651 of 15th May 2006, notifying the Orissa Resettlement and Rehabilitation Policy, 2006 , which was subsequently amended vide this Department Resolution No. 21392/R&DM., dated the 4th June 2007, published in the *Orissa Gazette* Extraordinary No.990, dated the 6th June, 2007, the State Government, after careful consideration, do hereby make the following amendments, namely:—

AMENDMENTS

1. In the Orissa Resettlement and Rehabilitation Policy, 2006, (hereinafter referred to as the said Policy), for the word "Orissa" appearing wherever in the said policy , the word "Odisha" shall be substituted and this substitution shall be deemed to have come into force on the 1st day of November, 2011.

2. In sub-clause (i) under clause (f) of Para. 2, for the words "A major son irrespective of his marital status", the words "A major son/grandson irrespective of his marital status" shall be substituted.

3. In sub-clause (ii) under clause (f) of Para. 2, for the words "Unmarried daughter/ sister more than 30 years of age", the words "Major unmarried daughter/ Major unmarried grand daughter/ Major unmarried sister" shall be substituted.

4. Amendment to Para. 2(f) (i) is made to clarify and restate the provision of the said policy. Therefore, it shall take retrospective effect from the date of commencement of the said Policy, i.e. 15th May, 2006.

5. Amendment to Para. 2(f) (ii) shall take effect from the date of issue of this Government Resolution.

ORDER

Ordered that the Resolution be published in the Extraordinary issue of *Odisha Gazette* for the general information of the public and copies of the same be forwarded to the Ministry of Rural Development , Government of India/ Ministry of Tribal Affairs, Government of India/Ministry of Social Justice and Empowerment, Government of India/all Departments of Government/all Heads of Departments/all Revenue Divisional Commissioners/all Collectors/ Secretary, Board of Revenue/ C.M.D, IDCO/C.M.D,IPICOL /A.G., Odisha, Bhubaneswar/D.AG (Works), Odisha, Puri for information.

By Order of the Governor

TARA DATT

Additional Chief Secretary to Government

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Ex. Gaz. 967-193+200

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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NOTIFICATION

Bhubaneswar, Dated 17-11-14

No RDM-RRC-POLICY-0014-2014/ 34160 **R&DM,** As per provisions under section 43 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (No.30 of 2013) and in exercise of the power conferred by the clause (1) of section 43 of the said Act, the Sub-Collectors working in different districts of Odisha are hereby appointed as Administrator for Rehabilitation and Resettlement in respect of all projects situated in the concerned Sub-Division coming under their jurisdiction and to perform such powers, duties and responsibilities conferred under such provisions of the said Act in addition to their own duties.

However, in such districts where the Project Directors, Rehabilitation and Resettlement have been posted / in position, the concerned Project Directors, Rehabilitation and Resettlement are hereby appointed in place of Sub-Collectors as Administrator for Rehabilitation and Resettlement in respect of all projects situated in the concerned district in addition to their own duties.

ORDER:- *Ordered that the Notification be published in the extraordinary issue of the Odisha Gazette for the general information of the public and copies thereof be forwarded to all Departments of Government / All Heads of Department of Government / All Collectors for information.*

By order of the Governor

17.11.14

(Dr. Taradatt)
Additional Chief Secretary to Government.

By Fax / Post / e-mail

Memo No. 34161 / R&DM, Dated 17-11-14

Copy along with soft copy forwarded to the Director, Printing, Stationery and Publication, Odisha, Madhupatna, Cuttack / Odisha Secretariat Gazette Notification Cell, Commerce and Transport (Commerce) Department for information and necessary action.

They are requested to publish the same in the next issue of E.O.G and supply 100(Hundred) copies to this Department.

17/11/14

Additional Secretary to Government

Memo No. 34162 / R&DM, Dated 17-11-14

Copy forwarded to the Private Secretary to the Hon'ble Minister, Revenue & DM, Odisha / P.S to the Chief Secretary, Odisha for kind information of Hon'ble Minister, Revenue & DM and Chief Secretary, Odisha.

17/11/14

Additional Secretary to Government

Memo No. 34163 / R&DM, Dated 17-11-14

Copy forwarded to All Departments of Government / Member, Board of Revenue, Odisha, Cuttack / All Heads of Department / All RDCs / All Collectors & District Magistrates / All Sub-Collectors / All PDR&R / All Special LAOs / All LAOs / All Zone Officers for information and necessary action.

17/11/14

Additional Secretary to Government

Memo No. 34164 /R&DM., dated 17-11-14

Copy forwarded to C.M.D, IDCO / C.M.D, IPICOL for information and necessary action.

17/11/14

Additional Secretary to Government

Memo No. 34165 / R&DM, Dated 17-11-14

Copy forwarded to Director, Nabakrushna Choudhury Centre for Development Studies, Bhubaneswar for information and necessary action.

17/11/14

Additional Secretary to Government

Memo No. 34166 / R&DM, Dated 17.11.14

Copy forwarded to All Officers / All Branches of Revenue & D.M. Department for information and necessary action.

17/11/14

Additional Secretary to Government

Memo No. 34167 / R&DM, Dated 17.11.14

Copy forwarded to Deputy Secretary, IMU Cell for information and necessary action.

17/11/14

Additional Secretary to Government

Memo No. 34168 / R&DM, Dated 17.11.14

Copy to Guard file of R&R Cell (10)copies for record.

17/11/14

Additional Secretary to Government

GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. R&REH - 47/10 - 25975 /R&DM, Date.17.06.11

From
Sri R.K. Sharma,IAS
Commissioner- cum- Secretary to Government.

To
All Revenue Divisional Commissioners
All Collectors
Director, Land Records, Surveys & Consolidation, Orissa, Cuttack
The Secretary, Board of Revenue, Orissa, Cuttack

Sub: Clarification on issue of RoR in respect of Resettlement and Rehabilitation Colonies.

Sir/Madam,

The matter of prescription of guidelines for issue of Record of Rights (Pattas) in respect of land to be utilized for Resettlement and Rehabilitation (R&R) Colonies for various projects was under consideration of Government for some time. After careful consideration, Government have been pleased to prescribe the following guidelines in this regard.

In respect of each project involving displacement and resettlement, the project authority shall prepare a master plan showing details of the area to be allotted in favour of the individual oustee as well as details of land required for common facilities like road, dispensary, community centre, anganabadi centre, school, nursery, places for worship, burial/ funeral ground etc. and they shall furnish the same to Project Director, R&R and in case the land acquisition is done through IDCO a copy of the same is to be furnished to IDCO. In the districts where there is no Project Director, R&R, the Land Acquisition

Officer/Special LAO, as the case may be, shall carry out the functions of Project Director, R&R for the respective project.

1. **Procedure to be followed where the sanction of lease has been made and lease executed**:

IDCO/ Project Authority, as the case may be, shall execute a deed of surrender with the lessor i.e. the Collector represented by the Tahasildar in respect of the portion of land to be utilized for houses of the displaced persons. The possession, if already taken by the lessee, i.e. Project / Authority/ IDCO, will be handed over to the concerned Tahasildar. The procedure for distribution of RoR (Pattas) in favour of displaced persons will be as laid down in Para-3.

2. **Procedure to be followed where lease of land has been sanctioned but lease deed has not been not executed :**

The sanction order issued in favour of the project authority/ IDCO will be revised keeping in view the approved master plan of the rehabilitation colony so that land required for common facilities only shall be leased in favour of the project authority/ IDCO, as the case may be. The balance land meant to be allotted in fovour of displaced persons will be retained in the Government Khata (RoR). Out of this upto 0.10 decimals of land will be leased out without payment of premium afresh in favour of each displaced family. For such individual lease cases public notice inviting objections is to be dispensed with since before acquiring or alienating or leasing out the whole land for the rehabilitation colony, general notice of proclamation would have been issued and objections if any would have been heard and disposed of.

3. **Procedure to be followed in new cases where sanction will be made and there shall be construction of proposed R&R Colonies.**

The master plan of the rehabilitation colony as mentioned above has to be approved by the Collector. The land required for common facilities will be leased out in favour of the IDCO/ Project authority, as the case may. Thereafter Pattas (RoR) for the individual outstees is to be issued by the Tahasildar without payment of premium. For achieving this objective the procedure to be followed is as follows :

i) The land where individual plots are proposed to be allotted inside the R&R colony will remain in the Government Khata and the area earmarked for common facilities will be leased out for 15 years in favour of the project authority/ IDCO. In cases where lease is sanctioned in favour of IDCO, the IDCO may sub-lease the land to the project authority.

ii) The project authority will develop the area earmarked for individual plots as well as common infrastructure and will intimate the same to Project Director, R&R/ LAO/Special LAO, as the case may be, regarding the progress. A committee under chairmanship of Project Director, R&R with Tahasildar and representative of project authority as members will oversee the construction and maintenance of common facilities in the Rehabilitation Colony. A list of displaced families with plot numbers will be furnished by the project authority to the Project Director, R&R who will approve it before recommending to the Tahasildar for issue of Patta(RoR).

iii) After getting the letter from the Project Director, R&R/ LAO/ Special LAO, the Tahasildar will sanction lease in favour of the displaced families. The land so leased will not be transferable for a period of 20 years without the approval of the Collector. The amount of premium paid at the time of lease by the project authority will be deemed to have been premium paid by the lessee. He/ she shall not be required to pay premium afresh, but will be liable to pay ground rent and cess at the applicable rates every year.

4. <u>Maintenance of community assets in the R&R Colonies:</u>

i) The community assets in the R&R Colony such as schools, anganwadis, nurseries, health institutions, burial/ funeral grounds, play grounds etc. will be maintained by the Project Authorities for a period of at least 15 (fifteen) years or until their transfer to a government department/ agency/ local body. Respective government departments, for example, Health & Family Welfare, Youth and Sports, W&CD, Education etc. will be advised to accept the respective institutions coming under the community assets to be surrendered by the Project Authorities, wherever such arrangements are considered desirable.

ii) Efforts will be made by the RPDAC/ R&R officer to make arrangements for taking over of maintenance of the community assets by agency concerned beyond the period of 15 years. Until transfer of asset to another agency, the project authorities will continue to maintain the assets at their cost.

iii) On transfer of the assets to the respective government agency etc, the land relating to such asset will be alienated in favour of such agency and the revenue records will be corrected by the Tahasildar accordingly.

iv) In case of R&R Colonies of projects directly implemented by a government department/ agencies, land alienation/ lease in favour of such government departments will be made instead of sanctioning permissive possession for areas other than individual plots assigned to displaced families in these Colonies. Remaining provisions of these guidelines will, however, be applicable in such cases also.

These guidelines may be brought to the notice of all concerned. Rehabilitation and Periphery Development Advisory Committee (RPDAC) will be the overall supervisory body for implementation of this circular. Difficulties, if any, in implementation may be brought to the notice of the undersigned.

Yours faithfully,

Sd/-

Commissioner-cum-Secretary to Government

Memo No. 25976/R&D.M. dtd. 17.06.11

Copy to all Departments, of Government for information and necessary action.

Director, R&R &Ex-officio Addl. Secy. to Government

Memo No. 25977/R&D.M. dtd. 17.06.11

Copy to P.S to Chief Minister/ P.S to Minister, Revenue & D.M. Department for kind information of Hon'ble Chief Minister/ Hon'ble Minister, Revenue & D.M.

Director, R&R &Ex-officio Addl. Secy. to Government

Memo No. 25978/R&D.M. dtd. 17.06.11

Copy to OSD to Chief Secretary/ P.S to Development Commissioner for kind information of Chief Secretary/ Development Commissioner.

Director, R&R &Ex-officio Addl. Secy. to Government

Memo No. 25979/R&D.M. dtd. 17.06.11

Copy to CMD, IDCO/ Director (R&R), WR Department for information and necessary action.

Director, R&R &Ex-officio Addl. Secy. to Government

Memo No. 25980/R&D.M. dtd. 17.06.11

Copy to OIC, IMU, Revenue & D.M. Department/ Guard File/ all sections in LA and R&R branches for information and necessary action.

Director, R&R &Ex-officio Addl. Secy. to Government

GOVERNMENT OF ORISSA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

***

No. GE (GL) S-31/2008 23629 **/R&DM Dtd.** 28-5-08

From:

G.V.V.Sarma,
Commissioner-cum-Secretary to Government.

To

All Collectors.

Sub: Alienation of Gochar Land in favour of IDCO/other agencies when the entire village is going to be displaced due to land acquisition for different purposes.

Sir/Madam,

I am directed to say that in some cases entire villages are being acquired and the land transferred to IDCO or other agencies for setting up industrial or other projects in different districts in the State. However, a clarification has been sought for as to whether in such cases the reserved Gochar land situated in the village can entirely be alienated in favour of IDCO or such agencies.

In this connection, after careful consideration, Government have decided as follows:—

When the entire habitation of the village is going to be displaced due to land acquisition for establishment of industries, there seems no need for gochar land in that village. In that case, the gochar land can entirely be alienated in favour of IDCO or any agency, by following prescribed procedure.

Further, it has come to the notice of Government that in some cases, lease of Government land are being sanctioned and possession handed over to IDCO/ other agencies for execution of different projects even when the land or some portion of it is not free from encroachment, which invites further complications.

To avoid such complications, it is incumbent upon the lease recommending authority to ensure that while recommending sanction of lease of Government land for a project, the land should be free from all encumbrances. If the land is under encroachment and is absolutely necessary for the project, steps need to be taken for eviction of such encroachments following due procedure as prescribed in OPLE Act/ Rules before recommending sanction of lease. It is often noticed that some of the encroachers belong

P.T.O.

to the economically weaker sections of the society for which appropriate steps are also to be taken to settle the land in favour of eligible persons outside the proposed project area as per the provisions of OGLS Act/ Rules before recommending lease of the land.

You are, therefore, requested to kindly issue necessary instructions to the field level revenue authorities accordingly under intimation to this Department at the earliest.

Yours faithfully,

28/5/2008

Commissioner-cum-Secretary to Government

Memo No. 23630 / R & D.M. Dtd. 28.5.08

Copy forwarded to the Secretary, Board of Revenue, Orissa, Cuttack/ All R.D.Cs for information and necessary action.

28/05/08

Joint Secretary to Government

Memo No. 23631 / R & D.M. Dtd. 28.5.08

Copy forwarded to the Managing Director, IDCO for information and necessary action.

28/05/08

Joint Secretary to Government

MINISTRY OF RURAL DEVELOPMENT

(Department of Land Resources)

(Land Reforms Division)

RESOLUTION

New Delhi, the 31st October, 2007

Subject : National Rehabilitation and Resettlement Policy, 2007

F.No. 26011/4/2007-LRD.—Whereas, the Government of India, Ministry of Rural Development, Department of Land Resources, have formulated a National Rehabilitation and Resettlement Policy, 2007;

And, whereas, the Government of India desire that the contents of the said Policy be brought to the notice of the general public and given wide publicity;

Now, therefore, it is directed that the National Rehabilitation and Resettlement Policy, 2007 given in the Schedule hereto annexed be published in the Gazette of India, Extraordinary, Part 1, Section I, dated the 31st October, 2007.

SCHEDULE

THE NATIONAL REHABILITATION AND RESETTLEMENT POLICY, 2007

CHAPTER – I

1. Policy

PREAMBLE:

1.1 Provision of public facilities or infrastructure often requires the exercise of legal powers by the state under the principle of *eminent domain* for acquisition of private property, leading to involuntary displacement of people, depriving them of their land, livelihood and shelter; restricting their access to traditional resource base, and uprooting them from their socio-cultural environment. These have traumatic, psychological and socio-cultural consequences on the affected population which call for protecting their rights, in particular of the weaker sections of the society including members of the Scheduled Castes, Scheduled Tribes, marginal farmers and women. Involuntary displacement of people may be caused by other factors also.

1.2 There is imperative need to recognise rehabilitation and resettlement issues as intrinsic to the development process formulated with the active participation of the affected persons, rather than as externally-imposed requirements. Additional benefits beyond monetary compensation have to be provided to the families affected adversely by involuntary displacement. The plight of those who do not have legal or recognised rights over the land on which they are critically dependent for their

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subsistence is even worse. This calls for a broader concerted effort on the part of the planners to include in the displacement, rehabilitation and resettlement process framework not only those who directly lose land and other assets but also those who are affected by such acquisition of assets. The displacement process often poses problems that make it difficult for the affected persons to continue their earlier livelihood activities after resettlement. This requires a careful assessment of the economic disadvantages and social impact of displacement. There must also be a holistic effort aimed at improving the all round living standards of the affected people.

1.3 A National Policy on Resettlement and Rehabilitation for Project Affected Families was formulated in 2003, and it came into force w.e.f. February, 2004. Experience of implementation of this policy indicates that there are many issues addressed by the policy which need to be reviewed. There should be a clear perception, through a careful quantification of the costs and benefits that will accrue to society at large, of the desirability and justifiability of each project. The adverse impact on affected families – economic, environmental, social and cultural – needs to be assessed in a participatory and transparent manner. A national policy must apply to all projects where involuntary displacement takes place.

1.4 The aim should be to minimise large-scale displacement, as far as possible. Only the minimum area of land commensurate with the purpose of the project may be acquired. Also, as far as possible, projects may be set up on wasteland, degraded land or un-irrigated land. Acquisition of agricultural land for non-agricultural use in the project may be kept to the minimum; multi-cropped land may be avoided to the extent possible for such purposes, and acquisition of irrigated land, if unavoidable, may be kept to the minimum. Prior to initiating the acquisition of land for a project, the appropriate Government should, *inter alia*, take into consideration the alternatives that will (i) minimise the displacement of people due to the acquisition of land for the project; (ii) minimise the total area of land to be acquired for the project; and (iii) minimise the acquisition of agricultural land for non-agricultural use in the project. The options assessment may be in terms of the alternative project plans, potentially suitable sites, technological choices available, or a combination of these. Suitable institutional mechanism should be developed and adopted by the appropriate Government for carrying out the task in a transparent manner.

1.5 Where large numbers of families are affected, it must be mandatory to do social impact assessments and provide all required infrastructural facilities and amenities in the resettlement area. More particularly, where the Scheduled Tribes people are being displaced in sizeable numbers, a well thought out Tribal Development Plan must be put in place.

1.6 Furthermore, such a policy must specify clear timeframes within which the implementation of the rehabilitation package as well as utilization of the land shall

be accomplished. Also, it should lay down an effective monitoring and grievance redressal mechanism.

1.7 It is acknowledged that many State Governments, Public Sector Undertakings or agencies, and other requiring bodies either have their own Rehabilitation and Resettlement (R&R) policies or are in the process of formulating them. The provisions of the National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) provide for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason.

CHAPTER – II

2. Objectives of the National Rehabilitation and Resettlement Policy

2.1 The objectives of the National Rehabilitation and Resettlement Policy are as follows:-

(a) to minimise displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;

(b) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;

(c) to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;

(d) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;

(e) to integrate rehabilitation concerns into the development planning and implementation process; and

(f) where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

CHAPTER – III

3. Definitions

3.1 The definition of various expressions used in this policy are as follows:

(a) *"Administrator for Rehabilitation and Resettlement"* means an officer not below the rank of District Collector in a State appointed for the purpose of rehabilitation and resettlement of affected persons;

(b) *"affected family"* means:

(i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement for any other reason; or

(ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the *abadi* or other property) in the affected area or otherwise, has been involuntarily displaced from such land or other property; or

(iii) any agricultural or non-agricultural labourer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than three years preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason;

(c) *"affected area"* means area of village or locality notified by the appropriate Government under paragraph 6.1 of this policy;

(d) *"agricultural labourer"* means a person primarily resident in the affected area for a period of not less than three years immediately before the declaration of the affected area who does not hold any land in the affected area but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;

(e) *"agricultural land"* includes lands being used for the purpose of-

(i) agriculture or horticulture;

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

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

(iv) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;

(f) *"appropriate Government"* means,-

(i) in relation to the acquisition of land for the purposes of the Union, the Central Government;

(ii) in relation to a project which is executed by the Central Government agency or undertaking or by any other agency on the orders or directions

of the Central Government, the Central Government;

(iii) in relation to the acquisition of land for purposes other than (i) and (ii) above, the State Government; and

(iv) in relation to the rehabilitation and resettlement of persons involuntarily displaced due to any other reason, the State Government;

(g) *'BPL family'*: The below poverty line (BPL) families shall be those as defined by the Planning Commission of India from time to time and included in a BPL list for the time being in force;

(h) *"Commissioner for Rehabilitation and Resettlement"* means the Commissioner for Rehabilitation and Resettlement appointed by the State Government not below the rank of Commissioner or of equivalent rank of that Government;

(i) *"DDP block"* means a block identified under the Desert Development Programme of the Government of India;

(j) *"family"* includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes *"nuclear family"* consisting of a person, his or her spouse and minor children;

(k) *"holding"* means the total land held by a person as an occupant or tenant or as both;

(l) *"khatedar"* means a person whose name is included in the revenue records of the parcel of land under reference;

(m) *"land acquisition"* or *"acquisition of land"* means acquisition of land under the Land Acquisition Act, 1894 (1 of 1894), as amended from time to time, or any other law of the Union or a State for the time being in force;

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

(o) *"non-agricultural labourer"* means a person who is not an agricultural labourer but is primarily residing in the affected area for a period of not less than three years immediately before the declaration of the affected area and who does not hold any land under the affected area but who earns his livelihood principally by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning his livelihood principally by manual labour or as such artisan in the affected area;

(p) *"notification"* means a notification published in the Gazette of India or, as the case may be the Gazette of a State;

(q) *"occupiers"* means members of the Scheduled Tribes in possession of forest land prior to the 13th day of December, 2005;

(r) *"Ombudsman"* means the person appointed under paragraph 8.3 of this policy for redressal of grievances;

(s) *"prescribed"* means, unless otherwise specified, prescribed by guidelines or orders issued by the Central Government under this policy;

(t) *"project"* means a project involving involuntary displacement of people, irrespective of the number of persons affected;

(u) *"requiring body"* means a company, a body corporate, an institution, or any other organisation 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 in public interest to a company, a body corporate, an institution, or any other organization, as the case may be, under lease, license or through any other system of transfer of land;

(v) *"resettlement area"* means any area so declared under paragraph 6.9 of this policy by the appropriate Government;

(w) *"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 – IV

4. Social Impact Assessment (SIA) of Projects

4.1 Whenever it is desired to undertake a new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution, the appropriate Government shall ensure that a Social Impact Assessment (SIA) study is carried out in the proposed affected areas in such manner as may be prescribed.

4.2.1 The above SIA report shall be prepared, in such proforma as may be prescribed, considering various alternatives, and using agencies accredited in the manner prescribed.

4.2.2 While undertaking a social impact assessment, the appropriate Government shall, *inter alia*, take into consideration the impact that the project will have on public and community properties, assets and infrastructure; particularly, roads, public transport, drainage, sanitation, sources of safe

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

4.2.3 The appropriate Government may specify that the ameliorative measures, which will need to be undertaken for addressing the said impact for a component, may not be less than what is provided in a scheme or programme, if any, of the Central Government or a State Government in operation in that area.

4.3.1 Where it is required as per the provisions of any law, rules, regulations or guidelines to undertake environmental impact assessment also, the SIA study shall be carried out simultaneously with the Environmental Impact Assessment (EIA) study.

4.3.2 In cases where both EIA and SIA are required, the public hearing done in the project affected area for EIA shall also cover issues related to SIA. Such public hearing shall be organised by the appropriate Government.

4.3.3 Where there is no requirement for EIA, the SIA report shall be made available to the public through public hearing to be organised by the appropriate Government in the affected area.

4.4.1 The SIA report shall be examined by an independent multi-disciplinary expert group constituted for the purpose by the appropriate Government. Two non-official social science and rehabilitation experts, the Secretary/Secretaries of the department(s) concerned with the welfare of Scheduled Castes and Scheduled Tribes of the appropriate Government or his (their) representative(s), and a representative of the requiring body shall be nominated by the appropriate Government to serve on this expert group.

4.4.2 Where both EIA and SIA are required, a copy of the SIA report shall be made available to the agency prescribed in respect of environmental impact assessment by the Ministry of Environment and Forests, and a copy of the EIA report shall be shared with the expert group mentioned in paragraph 4.4.1.

4.5 The SIA clearance shall be accorded as per the procedure and within the time limits as may be prescribed.

4.6 The SIA clearance shall be mandatory for all projects involving involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution, and the conditions laid down in the SIA clearance shall be duly followed by all concerned.

4.7 The Ministry of Defence, in respect of projects involving emergency acquisition of minimum area of land in connection with national security, may be exempted from the provisions of this Chapter, with due institutional safeguards, as may be prescribed, for protecting the interests of the affected families and achieving the broad objectives of this policy.

CHAPTER – V

5. Appointment of Administrator and Commissioner for Rehabilitation and Resettlement and their powers and functions

5.1 Where the appropriate Government is satisfied that there is likely to be involuntary displacement of large number of persons due to acquisition of land for any project or due to any other reason, it may; and where the appropriate Government is satisfied that there is likely to be involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution due to acquisition of land for any project or due to any other reason, it shall, appoint, by notification, by the State Government(s) concerned, in respect of that project, an officer not below the rank of District Collector of the State Government to be the Administrator for Rehabilitation and Resettlement (R&R):

Provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Government:

Provided further that in case of a project involving involuntary displacement of less than four hundred families *en masse* in plain areas, or less than two hundred families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution, where the appropriate Government decides not to appoint an Administrator for Rehabilitation and Resettlement, adequate administrative arrangements shall be made by the appropriate Government for the rehabilitation and resettlement of the affected families as per this policy.

5.2 The Administrator for Rehabilitation and Resettlement shall be assisted by such officers and employees as the appropriate Government may provide.

5.3 Subject to the superintendence, directions and control of the appropriate Government and Commissioner for Rehabilitation and Resettlement, the Administrator for Rehabilitation and Resettlement shall take all measures for the rehabilitation and resettlement of the affected families.

5.4 The overall control and superintendence of the formulation, execution and monitoring of the rehabilitation and resettlement plan shall vest in the Administrator for Rehabilitation and Resettlement.

5.5 Subject to any general or special order of the appropriate Government, the Administrator for Rehabilitation and Resettlement shall perform the following functions and duties:

(i) minimise displacement of people and to identify non-displacing or least-displacing alternatives in consultation with the requiring body;

(ii) hold consultation with the affected families while preparing a rehabilitation and resettlement scheme or plan;

(iii) ensure that interests of the adversely affected persons of Scheduled Tribes and weaker sections are protected;

(iv) prepare a draft scheme or plan of rehabilitation and resettlement as required under Chapter VI of this policy;

(v) prepare a budget including estimated expenditure of various components of acquisition of land, rehabilitation and resettlement activities or programmes in consultation with representatives of the affected families and the requiring body;

(vi) arrange adequate land, as far as possible, for rehabilitation and resettlement of the affected families;

(vii) allot land and sanction the benefits to the affected families;

(viii) perform such other functions as the appropriate Government may, from time to time, by order in writing, assign.

5.6 The Administrator for Rehabilitation and Resettlement may, by order in writing, delegate such of the administrative powers conferred and duties imposed on him by or under this policy to any officer not below the rank of *Tehsildar* or equivalent.

5.7 All officers and staff appointed by the appropriate Government under this policy shall be subordinate to the Administrator for Rehabilitation and Resettlement.

5.8 The State Government shall appoint an officer of the rank of Commissioner or of equivalent rank of that Government for rehabilitation and resettlement in respect of such cases to which this policy applies to be called the Commissioner for Rehabilitation and Resettlement.

5.9 For the purposes of this policy, the Administrator for Rehabilitation and Resettlement and other officers and employees appointed for the purposes of rehabilitation and resettlement of the affected families shall be subordinate to the Commissioner for Rehabilitation and Resettlement.

5.10 The Commissioner for Rehabilitation and Resettlement shall be responsible for supervising the formulation of rehabilitation and resettlement plans or schemes and proper implementation of such plans or schemes.

CHAPTER – VI

6. Rehabilitation and Resettlement Plan

The procedure mentioned in this chapter shall be followed for declaration of the affected area, carrying out survey and census of affected persons, assessment of government land available and land to be arranged for rehabilitation and resettlement, declaration of the resettlement area or areas, preparation of the draft rehabilitation and resettlement scheme or plan and its final publication.

6.1 Where the appropriate Government is of the opinion that there is likely to be involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution due to acquisition of land for any project or due to any other reason, it shall, declare, by notification in the Official Gazette, area of villages or localities as an affected area.

6.2 Every declaration made under paragraph 6.1 of the policy shall be published in at least three daily newspapers, two of which shall be in the local vernacular, having circulation in villages or areas which are likely to be affected, and also by affixing a copy of the notification on the notice board of the concerned *gram panchayats* or municipalities and other prominent place or places in the affected area and the resettlement area, and/or by any other method as may be prescribed in this regard by the appropriate Government.

6.3 Once the declaration is made under paragraph 6.1 of the policy, the Administrator for Rehabilitation and Resettlement shall undertake a baseline survey and census for identification of the persons and families likely to be affected.

6.4 Every such survey shall contain the following village-wise information of the affected families:-

(i) members of the family who are permanently residing, engaged in any trade, business, occupation or vocation in the affected area;

(ii) families who are likely to lose, or have lost, their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade, business, occupation or vocation;

(iii) agricultural labourers and non-agricultural labourers;

(iv) families belonging to the Scheduled Caste or Scheduled Tribe categories;

(v) vulnerable persons such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above fifty years of age; who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family;

(vi) families that are landless (not having homestead land, agricultural land, or either homestead or agricultural land) and below poverty line, but residing continuously for a period of not less than three years in the affected area preceding the date of declaration of ihe affected area; and

(vii) Scheduled Tribes families who are or were having possession of forest lands in the affected area prior to the 13th day of December, 2005.

6.5 Every survey undertaken under paragraph 6.4 shall be completed expeditiously and within a period of ninety days from the date of declaration made under paragraph 6.1.

6.6 On completion of the above survey or on expiry of a period of ninety days, whichever is earlier, the Administrator for Rehabilitation and Resettlement shall, by notification, and also in such other manner so as to reach all persons likely to be affected, publish a draft of the details of the findings of the survey conducted by him and invite objections and suggestions from all persons likely to be affected thereby. This draft shall be made known locally by wide publicity in the affected area.

6.7 On the expiry of thirty days from the date of publication of the draft of the details of survey and after considering the objections and suggestions received by

him in this behalf, the Administrator for Rehabilitation and Resettlement shall submit his recommendations thereon along with the details of the survey to the appropriate Government.

6.8 Within forty-five days from the date of receipt of the details of the survey and recommendations of the Administrator for Rehabilitation and Resettlement, the appropriate Government shall publish the final details of survey in the Official Gazette.

6.9 The appropriate Government shall, by notification, declare any area (or areas) as a resettlement area (or areas) for rehabilitation and resettlement of the affected families.

6.10 The Administrator for Rehabilitation and Resettlement shall ensure that the affected families may be settled, wherever possible, in a group or groups in such resettlement areas. However, it has to be ensured that the affected families may be resettled with the host community on the basis of equality and mutual understanding, consistent with the desire of each group to preserve its own identity and culture.

6.11 For the purposes of paragraph 6.9 above, the Administrator for Resettlement and Rehabilitation shall draw up a list of lands that may be available for rehabilitation and resettlement of the affected families.

6.12 The lands drawn up under paragraph 6.11 shall consist of:-

(a) land available or acquired for the project and earmarked for this purpose;

(b) Government wastelands and any other land vesting in the Government available for allotment to the affected families;

(c) lands that may be available for purchase or acquisition for the purposes of rehabilitation and resettlement scheme or plan; or

(d) a combination of one or more of the above.

However, the Administrator for Rehabilitation and Resettlement should ensure that such acquisition of land does not lead to another set of physically displaced families.

6.13 The Administrator for Rehabilitation and Resettlement, on behalf of the appropriate Government, may either purchase land from any person through

consent award and may enter into an agreement for this purpose, or approach the State Government concerned for acquisition of land for the purposes of rehabilitation and resettlement scheme or plan, keeping in view the contents of paragraph 6.12(b) above.

6.14.1 After completion of baseline survey and census of the affected families and assessment of the requirement of land for resettlement, as mentioned in paragraphs 6.3 and 6.12, the Administrator for Rehabilitation and Resettlement shall prepare a draft scheme or plan for the rehabilitation and resettlement of the affected families after consultation with the representatives of the affected families including women and the representative of the requiring body.

6.14.2 The draft rehabilitation and resettlement scheme or plan shall contain the following particulars, namely:-

(a) the extent of land to be acquired for the project and the name(s) of the affected village(s);

(b) a village-wise list of the affected persons, family-wise, and the extent and nature of land and immovable property owned or held in their possession in the affected area, and the extent and nature of such land and immovable property which they are likely to lose or have lost, indicating the survey numbers thereof;

(c) a list of agricultural labourers in such area and the names of such persons whose livelihood depends on agricultural activities;

(d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been or likely to be alienated wholly or substantially from their main sources of trade, business, occupation or vocation consequent to the acquisition of land for the project or involuntary displacement due to any other cause;

(e) a list of non-agricultural laboureres, including artisans;

(f) a list of affected landless families, including those without homestead land and below poverty line families;

(g) a list of vulnerable affected persons, as indicated at paragraph 6.4(v);

(h) a list of occupiers, if any;

(i) a list of public utilities and government buildings which are affected or likely to be affected;

(j) details of public and community properties, assets and infrastructure;

(k) a list of benefits and packages which are to be provided to the affected families;

(l) details of the extent of land available in the resettlement area for resettling and for allotment of land to the affected families;

(m) details of the amenities and infrastructural facilities which are to be provided for resettlement;

(n) the time schedule for shifting and resettling the displaced persons in the resettlement area or areas; and

(o) such other particulars as the Administrator for Rehabilitation and Resettlement may consider necessary.

6.14.3 The draft scheme or plan may be made known locally by wide publicity in the affected area and the resettlement area (or areas) in such manner as may be prescribed by the appropriate Government.

6.15.1 The draft rehabilitation and resettlement scheme or plan shall also be discussed in *gram sabhas* in rural areas and in public hearings in urban and rural areas where *gram sabhas* don't exist.

6.15.2 The consultation with the *gram sabha* or the *panchayats* at the appropriate level in the Scheduled Areas under Schedule V of the Constitution shall be in accordance with the provisions of the Provisions of the *Panchayats* (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).

6.15.3 In cases of involuntary displacement of two hundred or more Scheduled Tribes families from the Scheduled Areas, the concerned Tribes Advisory Councils may also be consulted.

6.16 While preparing a draft scheme or plan as specified in paragraph 6.14, the Administrator for Rehabilitation and Resettlement shall ensure that the entire estimated cost of the rehabilitation and resettlement scheme or plan forms an integral part of the cost of the project for which the land is being acquired. The entire expenditure on rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families are to be borne by the requiring body for which the land is being acquired. The Administrator for Rehabilitation and Resettlement shall ensure that the entire estimated cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families is communicated to the requiring body for incorporation in the project cost.

6.17 The Administrator for Rehabilitation and Resettlement shall submit the draft scheme or plan for rehabilitation and resettlement to the appropriate Government

for its approval. In case of a project involving land acquisition on behalf of a requiring body, it shall be the responsibility of the appropriate Government to obtain the consent of the requiring body, to ensure that the necessary approvals as required under this policy have been obtained, and to make sure that the requiring body has agreed to bear the entire cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families as communicated by the Administrator for Rehabilitation and Resettlement, before approving it.

6.18 After approving the rehabilitation and resettlement scheme or plan, the appropriate Government shall publish the same in the Official Gazette. On final notification of the rehabilitation and resettlement scheme or plan, it shall come into force.

6.19 It shall be the responsibility of the requiring body to provide sufficient funds to the Administrator for Rehabilitation and Resettlement for proper implementation of the rehabilitation and resettlement scheme or plan. As soon as the rehabilitation and resettlement scheme or plan is finalized, the requiring body shall deposit one-third cost of the rehabilitation and resettlement scheme or plan with the Administrator for Rehabilitation and Resettlement.

6.20 The Administrator for Rehabilitation and Resettlement shall keep proper books of accounts and records of the funds placed at his disposal and submit periodic returns to the appropriate Government in this behalf.

6.21 In case of a project involving land acquisition on behalf of a requiring body, an exercise for fast-track updating of land records shall be undertaken concurrently with the land acquisition proceedings. Persons who have acquired any right prior to the date of issue of the notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (or such notification under any other Act of the Union or a State for the time being in force under which land acquisition is being undertaken) as per the updated records shall also have right to proportionate compensation along with the original landowners referred to in the said notification.

6.22 In case of a project involving land acquisition on behalf of a requiring body:

(a) The compensation award shall be declared well in time before displacement of the affected families. Full payment of compensation as well as adequate progress in resettlement shall be ensured in advance of the actual displacement of the affected families.

(b) The compensation award shall take into account the market value of the property being acquired, including the location-wise minimum price per unit area fixed (or to be fixed) by the respective State Government or UT Administration.

(c) Conversion to the intended category of use of the land being acquired (for example, from agricultural to non-agricultural) shall be taken into account in advance of the acquisition, and the compensation award shall be determined as per the intended land use category.

(d) The applicable conversion charges for the change in the land use category shall be paid by the requiring body, and no reduction shall be made in the compensation award on this account.

6.23 In case of a project involving land acquisition on behalf of a requiring body, and if the requiring body is a company authorized to issue shares and debentures, the affected families who are entitled to get compensation for the land or other property acquired, shall be given the option to take up to twenty per cent. of the compensation amount due to them in the form of shares or debentures or both of the requiring body, as per the guidelines to be notified by the Central Government:

Provided that the appropriate Government, at its discretion, may raise this proportion up to fifty per cent. of the compensation amount.

6.24.1 Land compulsorily acquired for a project cannot be transferred to any other purpose except for a public purpose, and after obtaining the prior approval of the appropriate Government.

6.24.2 If land compulsorily acquired for a project or part thereof, remains unutilized for the project for a period of five years from the date of taking over the possession by the requiring body, the same shall revert to the possession and ownership of the appropriate Government without payment of any compensation or remuneration to the requiring body.

6.25 Whenever any land acquired for a public purpose is transferred to an individual or organisation (whether in private sector, public sector or joint sector) for a consideration, eighty per cent. of any net unearned income so accruing to the transferor, 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. The fund shall be kept in a separate account which shall be administered in such manner as may be prescribed.

CHAPTER – VII

7. Rehabilitation and Resettlement Benefits for the Affected Families

7.1 The rehabilitation and resettlement benefits shall be extended to all the affected families who are eligible as affected families on the date of publication

of the declaration under paragraph 6.1, and any division of assets in the family after the said date may not be taken into account.

7.2 Any affected family owning house and whose house has been acquired or lost, may be allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than two hundred and fifty square metre of land in rural areas, or one hundred and fifty square metre of land in urban areas, as the case may be, for each nuclear family:

Provided that, in urban areas, a house of up to one hundred square metre carpet area may be provided in lieu thereof. Such a house, if necessary, may be offered in a multi-storied building complex.

7.3 Each affected below poverty line family which is without homestead land and which has been residing in the affected area continuously for a period of not less than three years preceding the date of declaration of the affected area and which has been involuntarily displaced from such area, shall be entitled to a house of minimum one hundred square metre carpet area in rural areas, or fifty square metre carpet area in urban areas (which may be offered, where applicable, in a multi-storied building complex), as the case may be, in the resettlement area:

Provided that any such affected family which opts not to take the house offered, shall get a suitable one-time financial assistance for house construction, and the amount shall not be less than what is given under any programme of house construction by the Government of India.

7.4.1 Each affected family owning agricultural land in the affected area and whose entire land has been acquired or lost, may be allotted in the name of the *khatedar*(s) in the affected family, agricultural land or cultivable wasteland to the extent of actual land loss by the *khatedar*(s) in the affected family subject to a maximum of one hectare of irrigated land or two hectares of un-irrigated land or cultivable wasteland, if Government land is available in the resettlement area. This benefit shall also be available to the affected families who have, as a consequence of the acquisition or loss of land, been reduced to the status of marginal farmers.

7.4.2 In the case of irrigation or hydel projects, the affected families shall be given preference in allotment of land-for-land in the command area of the project, to the extent possible. Such lands may be consolidated, and plots of suitable sizes allotted to the affected families who could be settled there in groups. In case a family cannot be given land in the command area of the project or the family opts not to take land there, such a family may be given monetary compensation on replacement cost basis for their lands lost, for purchase of suitable land elsewhere.

7.4.3 In the case of irrigation or hydel projects, the State Governments may formulate suitable schemes for providing land to the affected families in the command areas of the projects by way of pooling of the lands that may be available or, otherwise, could be made available in the command areas of such projects.

7.5 (a) In the case of irrigation or hydel projects, fishing rights in the reservoirs shall be given to the affected families, if such rights were enjoyed by them in the affected area; (b) In other cases also, unless there are special reasons, fishing rights shall be given preferentially to the affected families.

7.6 In case of a project involving land acquisition on behalf of a requiring body, 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.

7.7 The land or house allotted to the affected families under this policy shall be free from all encumbrances.

7.8 The land or house allotted to the affected families under this policy may be in the joint names of wife and husband of the affected family.

7.9.1 In case of allotment of wasteland or degraded land in lieu of the acquired land, each *khatedar* in the affected family shall get a one-time financial assistance of such amount as the appropriate Government may decide but not less than fifteen thousand rupees per hectare for land development.

7.9.2 In case of allotment of agricultural land in lieu of the acquired land, each *khatedar* in the affected family shall get a one-time financial assistance of such amount as the appropriate Government may decide but not less than ten thousand rupees, for agricultural production.

7.10 Each affected family that is displaced and has cattle, shall get financial assistance of such amount as the appropriate Government may decide but not less than fifteen thousand rupees, for construction of cattle shed.

7.11 Each affected family that is displaced shall get a one-time financial assistance of such amount as the appropriate Government may decide but not less than ten thousand rupees, for shifting of the family, building materials, belongings and cattle.

7.12 Each affected person who is a rural artisan, small trader or self-employed person and who has been displaced shall get a one-time financial assistance of such amount as the appropriate Government may decide but not less than twenty-five thousand rupees, for construction of working shed or shop.

7.13.1 In case of a project involving land acquisition on behalf of a requiring body,-

(a) the requiring body shall give preference to the affected families – at least one person per nuclear family – in providing employment in the project, subject to the availability of vacancies and suitability of the affected person for the employment;

(b) wherever necessary, the requiring body shall arrange for training of the affected persons, so as to enable such persons to take on suitable jobs;

(c) the requiring body shall offer scholarships and other skill development opportunities to the eligible persons from the affected families as per the criteria as may be fixed by the appropriate Government;

(d) the requiring body shall give preference to the affected persons or their groups or cooperatives in the allotment of outsourced contracts, shops or other economic opportunities coming up in or around the project site; and

(e) the requiring body shall give preference to willing landless labourers and unemployed affected persons while engaging labour in the project during the construction phase.

7.13.2 The affected persons shall be offered the necessary training facilities for development of entrepreneurship, technical and professional skills for self-employment.

7.14 In case of a project involving land acquisition on behalf of a requiring body, the affected families who have not been provided agricultural land or employment shall be entitled to a rehabilitation grant equivalent to seven hundred fifty days minimum agricultural wages or such other higher amount as may be prescribed by the appropriate Government:

Provided that, if the requiring body is a company authorised to issue shares and debentures, such affected families shall be given the option of taking up to twenty per cent. of their rehabilitation grant amount in the form of shares or debentures of the requiring body, in such manner as may be prescribed:

Provided further that the appropriate Government may, at its discretion, raise this proportion up to fifty per cent. of the rehabilitation grant amount.

7.15 In cases where the acquisition of agricultural land or involuntary displacement takes place on account of land development projects, in lieu of land-for-land or employment, such affected families would be given site(s) or apartment(s) within the development project, in proportion to the land lost, but subject to such limits as may be defined by the appropriate Government.

7.16 In case of a project involving land acquisition on behalf of a requiring body, each affected family which is involuntarily displaced shall get a monthly subsistence allowance equivalent to twenty-five days minimum agricultural wages per month for a period of one year from the date of displacement.

7.17 The project authorities shall, at their cost, arrange for annuity policies that will pay a pension for life to the vulnerable affected persons as indicated at paragraph 6.4(v), of such amount as may be prescribed by the appropriate Government subject to a minimum of five hundred rupees per month.

7.18 If land is acquired in cases of urgency, such as under section 17 of the Land Acquisition Act, 1894 or similar provision of any other Act of the Union or a State for the time being in force, each affected family which is displaced shall be provided with transit and temporary accommodation, pending rehabilitation and resettlement scheme or plan, in addition to the monthly subsistence allowance and other rehabilitation and resettlement benefits due to them under this policy.

7.19 In case of linear acquisitions, in projects relating to railway lines, highways, transmission lines, laying of pipelines and other such projects wherein only a narrow stretch of land is acquired for the purpose of the project or is utilised for right of way, each *khatedar* in the affected family shall be offered by the requiring body an ex-gratia payment of such amount as the appropriate Government may decide,but not less than twenty thousand rupees, in addition to the compensation or any other benefits due under the Act or programme or scheme under which the land, house or other property is acquired:

Provided that, if as a result of such land acquisition, the land-holder becomes landless or is reduced to the status of a "small" or "marginal" farmer, other rehabilitation and resettlement benefits available under this policy shall also be extended to such affected family.

7.20 The affected families may be given the option to take a lump-sum amount in lieu of one or more of the benefits specified in paragraphs 7.2 to 7.19, the amount being determined by the appropriate Government after consultation with the requiring body.

7.21 REHABILITATION AND RESETTLEMENT BENEFITS FOR PROJECT AFFECTED FAMILIES BELONGING TO THE SCHEDULED TRIBES AND SCHEDULED CASTES:

7.21.1 In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared, in such form as may be prescribed, laying down the detailed procedure for settling land

rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition. The Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce (NTFP) resources on non-forest lands within a period of five years sufficient to meet requirements of tribal communities who are denied access to forests.

7.21.2 The concerned *gram sabha* or the *panchayats* at the appropriate level in the Scheduled Areas under Schedule V of the Constitution or as the case may be, Councils in the Schedule VI Areas shall be consulted in all cases of land acquisition in such areas including land acquisition in cases of urgency, before issue of a notification under the Land Acquisition Act, 1894 or any other Act of the Union or a State for the time being in force under which land acquisition is undertaken, and the consultation shall be in accordance with the provisions of the Provisions of the *Panchayats* (Extension to the Scheduled Areas) Act, 1996 and other relevant laws.

Further, in cases of involuntary displacement of two hundred or more Scheduled Tribes families from the Scheduled Areas, the concerned Tribes Advisory Councils (TACs) may also be consulted.

7.21.3 Each affected family of Scheduled Tribe followed by Scheduled Caste categories shall be given preference in allotment of land-for-land, if Government land is available in the resettlement area.

7.21.4 In case of land being acquired from members of the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families at the outset as first installment and the rest at the time of taking over the possession of the land.

7.21.5 In case of a project involving land acquisition on behalf of a requiring body, each Scheduled Tribe affected family shall get an additional one-time financial assistance equivalent to five hundred days minimum agricultural wages for loss of customary rights or usages of forest produce.

7.21.6 The Scheduled Tribes affected families will be re-settled, as far as possible, in the same Schedule Area in a compact block, so that they can retain their ethnic, linguistic and cultural identity. Exceptions would be allowed only in rare cases where the requiring body in case of a project involving land acquisition, or the State Government in other cases of involuntary displacement, is unable to offer such land due to reasons beyond its control.

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7.21.7 The resettlement areas predominantly inhabited by the Scheduled Tribes shall get land free of cost for community and religious gatherings, to the extent decided by the appropriate Government.

7.21.8 In case of a project involving land acquisition on behalf of a requiring body, the Scheduled Tribes affected families resettled out of the district will get twenty-five per cent. higher rehabilitation and resettlement benefits in monetary terms in respect of the items specified in paragraphs 7.9, 7.10, 7.11, and 7.12.

7.21.9 Any alienation of tribal lands in violation of the laws and regulations for the time being in force shall be treated as null and void. In the case of acquisition of such lands, the rehabilitation and resettlement benefits would be available to the original tribal land-owners.

7.21.10 In the case of irrigation or hydel projects, the affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes families 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.

7.21.11 The Scheduled Tribes and Scheduled Castes affected families enjoying reservation benefits in the affected area shall be entitled to get the reservation benefits at the resettlement area(s).

7.21.12 The affected Scheduled Tribes families, who were in possession of forest lands in the affected area prior to the 13th day of December, 2005, shall also be eligible for the rehabilitation and resettlement benefits under this policy.

7.22 AMENITIES AND INFRASTRUCTURAL FACILITIES TO BE PROVIDED AT RESETTLEMENT AREAS:

7.22.1 In all cases of involuntary displacement of four hundred families or more *en masse* in plain areas, or two hundred families or more *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution, comprehensive infrastructural facilities and amenities notified by the appropriate Government shall be provided in the resettlement area(s). Such facilities and amenities shall, *inter alia,* include roads, public transport, drainage, sanitation, safe drinking water, drinking water for cattle, community ponds, grazing land, land for fodder, plantation (social forestry or agro-forestry), Fair Price shops, *panchayat ghars*, Cooperative Societies, Post Offices,

seed-cum-fertilizer storage, irrigation, electricity, health centres, child and mother supplemental nutritional services, children's playground, community centres, schools, institutional arrangements for training, places of worship, land for traditional tribal institutions, burial/cremation grounds, and security arrangements.

7.22.2 In cases of involuntary displacement of less than four hundred families *en masse* in plain areas, or less than two hundred families or more *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution, all affected families shall be provided basic infrastructural facilities and amenities at the resettlement site(s) as per the norms specified by the appropriate Government. It would be desirable that provision of drinking water, electricity, schools, dispensaries, and access to the resettlement sites, amongst others, be included in the resettlement plan approved by the appropriate Government.

7.22.3 If relocation takes place in an existing settlement area, the same infrastructure shall also be extended to the host community.

7.22.4 While shifting the population of the affected area to the resettlement area, the Administrator for Rehabilitation and Resettlement shall, as far as possible, ensure that:

a) In case the entire population of the village or area to be shifted belongs to a particular community, such population or families may, as far as possible, be resettled *en masse* in a compact area, so that socio-cultural relations and social harmony amongst the shifted families are not disturbed.

b) In the case of resettlement of the Scheduled Caste affected families, it may, as far as possible, be ensured that such families are resettled in the areas close to the villages.

7.22.5 The appropriate Government shall ensure that a resettlement area forms part of a *gram panchayat* or municipality.

7.23 INDEXATION OF REHABILITATION GRANT AND OTHER BENEFITS:

The rehabilitation grant and other benefits expressed in monetary terms in this policy shall be indexed to the Consumer Price Index (CPI) with the first day of April following the date of coming into force of this policy as the reference date, and the same shall also be revised by the appropriate Government at suitable intervals.

7.24 PERIPHERY DEVELOPMENT:

In case of a project involving land acquisition on behalf of a requiring body, the requiring body will be responsible for development of the defined geographic area on the periphery of the project site as decided by the appropriate Government, and will be required to contribute to the socio-economic development of the areas contiguous to its area of operation. For this purpose, the requiring body will earmark a percentage of its net profit or, in case no profit is declared by the requiring body in a particular year, for that year, such minimum alternative amount as may be determined by the appropriate Government after consultation with the requiring body, to be spent within the specified zone. The requiring body will carry out the developmental activity within this zone in close coordination with the Commissioner for Rehabilitation and Resettlement. The State Governments will be free to frame their own rules and guidelines for this purpose.

CHAPTER – VIII

8. Grievance Redressal Mechanism

8.1 Rehabilitation and Resettlement Committee at the Project Level:

8.1.1 For each project which involves involuntary displacement of four hundred or more families *en masse* in plain areas, or two hundred or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution, the appropriate Government shall constitute a Committee under the chairpersonship of the Administrator for Rehabilitation and Resettlement, where appointed, or some other senior Government official, where the Administrator for Rehabilitation and Resettlement is not appointed, to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the scheme or plan of rehabilitation and resettlement of the affected families, and to carry out post-implementation social audits.

8.1.2 The Rehabilitation and Resettlement Committee constituted as above shall include, apart from officers of the appropriate Government, as one of its members:-

- a representative of women residing in the affected area;
- a representative each of the Scheduled Castes and Scheduled Tribes residing in the affected area;
- a representative of a voluntary organisation;
- a representative of the lead bank;

- Chairperson(s) of the *panchayats* and municipalities located in the affected area, or their nominee(s);
- Members of Parliament and Members of Legislative Assembly of the area included in the affected area;
- the Land Acquisition Officer of the project; and
- a representative of the requiring body.

8.1.3 The procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto shall be such as may be prescribed by the appropriate Government.

8.2 Rehabilitation and Resettlement Committee at the District Level:

8.2.1 In each district, the State Government shall constitute a standing Rehabilitation and Resettlement Committee under the chairpersonship of the District Collector or, as the case may be Deputy Commissioner of the district, to monitor and review the progress of rehabilitation and resettlement of the affected families in the district excluding those covered by the Rehabilitation and Resettlement Committees at the project level as prescribed in paragraph 8.1.

8.2.2 The composition, powers, functions and other matters relating to the functioning of the Rehabilitation and Resettlement Committee at the District Level shall be such as may be prescribed by the State Government.

8.3 Ombudsman:

8.3.1 An Ombudsman shall be appointed by the appropriate Government, in the manner as may be prescribed, for time-bound disposal of the grievances arising out of the matters covered by this policy.

8.3.2 Any affected person, if aggrieved, for not being offered the admissible rehabilitation and resettlement benefits as provided under this policy, may move an appropriate petition for redressal of his or her grievances to the Ombudsman concerned.

8.3.3 The form and manner in which and the time within which complaints may be made to the Ombudsman and disposed of shall be such as may be prescribed by the appropriate Government.

8.3.4 The Ombudsman shall have the power to consider and dispose of all complaints relating to rehabilitation and resettlement against the decision of the Administrator for Rehabilitation and Resettlement or Rehabilitation and

Resettlement Committee and issue such directions to the requiring body, the Administrator for Rehabilitation and Resettlement (where appointed, or the other senior Government official appointed for rehabilitation and resettlement, where the Administrator for Rehabilitation and Resettlement is not appointed; or the District Collector/Deputy Commissioner, as the case may be) as he may deem proper for the redressal of such grievances relating to implementation of this policy.

8.3.5 In case of a project involving land acquisition on behalf of a requiring body, the disputes related to the compensation award for the land or other property acquired will be disposed of as per the provisions of the Land Acquisition Act, 1894 or any other Act of the Union or a State for the time being in force under which the acquisition of land is undertaken, and will be outside the purview of the functions of the Ombudsman.

8.4 Inter-State Projects:

8.4.1 In case a project covers an area in more than one State or Union territory where the project affected families are or had been residing, or proposed to be resettled, the Central Government in the Ministry of Rural Development (Department of Land Resources) shall, in consultation with the concerned States or Union territories, as the case may be; appoint the Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement, a common Rehabilitation and Resettlement Committee, and the Ombudsman for the purposes of this policy.

8.4.2 The method of implementation of the rehabilitation and resettlement schemes or plans shall be mutually discussed by the State Governments and the Union territory Administrations, and the common scheme or plan shall be notified by the Administrator for Rehabilitation and Resettlement in the States or Union territories, as agreed to, in accordance with the procedure laid down under this policy.

8.4.3 If any difficulty arises in the implementation of the rehabilitation and resettlement schemes or plans, the matter shall be referred to the Central Government in the Ministry of Rural Development (Department of Land Resources) for its decision, and the decision of the Central Government shall be binding on the concerned States and Union territories.

CHAPTER – IX

9. Monitoring Mechanism

9.1 National Monitoring Committee:

9.1.1 The Central Government shall constitute a National Monitoring Committee, to be chaired by the Secretary, Department of Land Resources for reviewing and monitoring the progress of implementation of rehabilitation and resettlement schemes or plans relating to all cases to which this policy applies. The Committee will have the following or his nominee not below the rank of Joint Secretary as its members:

Secretary, Ministry of Agriculture;
Secretary, Ministry of Coal;
Secretary, Ministry of Commerce;
Secretary, Department of Industrial Policy and Promotion;
Secretary, Ministry of Defense;
Secretary, Ministry of Environment and Forests;
Secretary, Ministry of Law and Justice;
Secretary, Ministry of Mines;
Secretary, Ministry of Panchayati Raj;
Secretary, Planning Commission;
Secretary, Ministry of Power;
Secretary, Department of Road Transport and Highways;
Secretary, Ministry of Railways/Chairman, Railway Board;
Secretary, Ministry of Social Justice and Empowerment;
Secretary, Ministry of Tribal Affairs;
Secretary, Ministry of Urban Development; and
Secretary, Ministry of Water Resources.

Besides, in case of a project involving land acquisition on behalf of a requiring body, the Secretary of the concerned administrative Ministry or Department shall be invited as one of the members. Secretary of any other Ministry or Department, and independent expert(s) of eminence in the relevant field(s) may be made special invitee(s) to this Committee.

9.1.2 The duties and procedures of the National Monitoring Committee shall be such as may be prescribed.

9.2 National Monitoring Cell:

9.2.1 The National Monitoring Committee shall be serviced by a National Monitoring Cell to be constituted by the Central Government for reviewing and monitoring the progress of implementation of rehabilitation and resettlement schemes or plans relating to all cases to which this policy applies.

9.2.2 The National Monitoring Cell constituted under this policy shall be headed by an officer not below the rank of Joint Secretary to the Government of India, and shall be suitably staffed for efficient functioning.

9.3 Information Sharing:

9.3.1 All information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation and resettlement package, shall be placed in the public domain on the Internet as well as shared with the concerned *gram sabhas, panchayats*, etc. by the project authorities.

9.3.2 The States and Union territories shall provide all the relevant information on the matters covered by this policy to the National Monitoring Cell in a regular and timely manner, and also as and when required.

9.4 Internal Oversight:

9.4.1 For each major project covered by this policy, there shall be an Oversight Committee for rehabilitation and resettlement in the Ministry/Department concerned of the appropriate Government.

9.4.2 The composition, functions and procedures of this Committee shall be such as may be prescribed by the appropriate Government.

9.5 External Oversight:

9.5.1 A National Rehabilitation Commission shall be set up by the Central Government with the power to exercise external oversight over the rehabilitation and resettlement of affected families covered by this policy.

9.5.2 The composition, powers and the procedure of transaction of business of the National Rehabilitation Commission shall be such as may be prescribed.

9.6 Commencement:

The National Rehabilitation and Resettlement Policy, 2007 shall come into effect from the date of its publication in the Gazette of India (Extraordinary).

Dr. SUBAS CHANDRA PANI, Secy.

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Fax / e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. LA (A) - 23/ 2014 Misc.- / 2420 / R &DM dtd. 23.04.16

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collector/ All LAOs.

Sub: Clarification regarding exclusion of Government land on acquisition of private land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Sir,

I am directed to say that in the Land Acquisition proposals submitted by Collectors/ LAOs for preliminary Notification, it is seen that patches of Government land such as Gochar, Smasan, Debasthali, Bastijogya, Jawan Sarankhita, Melanapadia, playground etc. along with the private land are also included in the proposal. Lease or alienation of Government land is sanctioned as per OGLS Act and it is done separately. Inclusion of both private and Government land in the LA proposal may lead to double computation of land value in the Project Estimate (once for LA proposal and again for lease proposal).

After careful consideration Government have been pleased to clarify that Govt. Land should not be included in the proposal for Land Acquisition under LA Act or RFCTLAR&R Act. However, the private land to be provided in lieu of communal land may be acquired and included in the list. Separate proposal for alienation / lease of Govt. land may be furnished to be dealt under OGLS Act & Rules.

Yours faithfully,

Principal Secretary to Government

Memo No. 12421 /RDM, dated 23.04.16

Copy forwarded to all Departments of Government/ All RDCs/ Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

23/4/16

Joint Secretary to Government

Memo No. 12422 /RDM, dated 23.04.16

Copy forwarded to the Deputy Secretary to Govt. (in charge of IMU Cell)/ LR &GE (A/B/C) Branch/ LA (B/C) Branch/ R&R Cell/ LR (A/B) Branch/ Registration Branch/ CH&S Branch of Revenue & DM Deptt./ G.F (5 copies) for information and necessary action.

23/4/16

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** 29/9 **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 of 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

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 tauzinavis 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 Useer 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,

Principal Secretary to Government

By FAX

Memo No. 30464 / 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.

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.

29/9/16

Joint Secretary to Government

FORM-38

Statement of abatement of Land Revenue

(SEE PARAGRAPH 94)

Statement showing the amount of land Revenue to be abated on account of lands in the district of taken up under Declaration No. Dated the for during the month of 20

Case No and Date	No. and date of Declaration	Name of Tahsil	Name of village.	Khata No.	Plot No. & Area	Total Area in the holding	Amount of Govt revenue for the total holding	Recorded tenants	Area acquired out of the holding	Proportionate Govt Revenue to be abated	Date from which the abatement takes effect	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
							Rs. P.		Rs. P.	Rs. P.		

Dated 20

Collector of the District

By Fax / e-Mail/ Post

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT
DEPARTMENT

******

03 NOV 2021

No. RDM-LAA-CLRFIC-0004-2016 33084 **/ R &DM dated.**

From

Avaya Kumar Nayak, OAS (SAG)
Additional Secretary to Government

To

All Collectors

Sub: **Abatement of land revenue and correction of RORs in respect of acquisition of land under land acquisition proceedings- Corrigendum.**

Sir,

In inviting a reference to this Department letter No. 30463 dated 29.09.2016 on the subject cited above, I am directed to say that the paragraph 3(i) of the said circular provides that "*No transaction on land after publication of Notification u/s 4(1) of the Land Acquisition Act, 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 RFCTLAR&R Act,2013 in respect of the projects for which SIA Study is exempted, without* ***prior approval of Collecto****r shall be allowed*"" .

However, it has come to the notice of this Department that there is confusion among the field officers regarding cut-off date on which the transaction of private land proposed for acquisition under the RFCTLA R&R Act 2013 is to be banned.

The statutory provision under section 11(4) of the Act provides that "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 (u/s 11(1) of the Act) till such time as the proceedings under this Chapter (Chapter-IV of the Act) are completed:

Provided that the Collector may, on 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 ;"

Thus, the cut-off date on which all transactions over the land in the project area are prohibited is the date of preliminary notification u/s 11(1) of the RFCTLAR&R Act, 2013, not the date of SIA Notification as is provided under the circular No. 30463 dated 29.09.2016

In view of the above, I am directed to clarify that "No transaction on land after publication of preliminary Notification U/s 11(1) of the RFCTLAR&R Act,2013, without **prior written permission of Collector** on special circumstances shall be allowed"".

The paragraph 3(i) of this Department circular No. 30463 dated 29.09.2016 is modified to the above extent.

Yours faithfully,

3/11/21

Additional Secretary to Government

Memo No. 33085 /R&DM dtd. 03 NOV 2021

Copy forwarded to Secretary, Board of Revenue, Cuttack / all RDCs/all Tahasildars for information and necessary action.

3/11/21

Additional Secretary to Government

Memo No. 33086 /R&DM dtd. 03 NOV 2021

Copy forwarded to LA (B), LA(C), LR(A), CH(S) & Registration Branch of Revenue & DM Department for information and necessary action.

3/11/21

Additional Secretary to Government

Memo No. 33087 /R&DM dtd. 03 NOV 2021

Copy forwarded to E-Governance Branch with a request to upload the same in the website.

3/11/21

Additional Secretary to Government

By e-Mail/Fax

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004/2016- 3954 **/R&DM Dated** 16th **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 tauzinavis 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,

14/12

Principal Secretary to Government

By FAX/e-mail

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.

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.

16/12/16

Joint Secretary to Government

By FAX/ Speed Post

Dr. Chandra Sekhar Kumar, IAS,
Principal Secretary to Government,
Revenue and Disaster Management.
Department

Shri Deoranjan Kumar Singh, IAS
Commissioner cum Secretary to
Government,
Panchayati Raj and Drinking Water
Department.

No- RDM-LRA-MISC-0011-2017 - 61 /R&DM. Date- 1/1/18

To

All Collectors (DMF Districts).

Subject- Purchase of private land to provide housesites to the eligible homesteadless families selected under rural housing schemes like BPGY (Mining) and PMAY-G.

Sir,

It is to inform you that project Basundhara is flagship programme of the Government of Odisha under which homesteadless families in rural area are provided with the homestead land up to ten(10) decimals.

The allotment of homestead land to rural homesteadless families is a continuous programme. Instructions have been also issued vide Letter No-30681 dt.13.08.2013 by the Government in Revenue & DM Department to purchase private land for distribution among eligible homesteadless families in case the leasable Government land is not available.

Instances have come to notice of the Government that homesteadless families selected under rural housing schemes like BPGY (Mining) and PMAY-G are unable to construct their houses as they don't possess any homestead land. If allottees under the rural housing schemes are eligible homesteadless families and are encroaching the leasable Government land, expeditious steps shall be taken to settle the same in their favour.

In case the allottee is a homesteadless family and unable to construct his house due to non- availability of homestead land, the collectors shall utilize the funds available at their disposal under DMF for purchase of private land for distribution among the homesteadless beneficiaries selected under rural housing schemes following the guidelines as stipulated in the letter No-30681 dated 13.08.2013 of the Government in Revenue & DM Department (copy enclosed).

This may please be treated as **urgent.**

Yours sincerely ,

1/1/2018

Shri Deoranjan Kumar Singh, IAS,
Commissioner cum Secretary
to Government,
Panchayati Raj and Drinking Water
Department.

29/12

Dr. Chandra Sekhar Kumar, IAS,
Principal Secretary to Government,
Revenue and Disaster Management
Department.

By Post / E-mail

(77

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

No.Ag-08/2013(pt.)- 30681 /R & DM, Dated 13.08.2013

From

Sri S.S. Bhuyan
Joint Secretary to Government

To

All Collectors

Sub: Guidelines regarding direct purchase of private land from the sthitiban tenants and distribution of the same among homesteadless families @ Ac.04 decimals in the villages where no leasable Government land is available for distribution.

Madam / Sir,

I am directed say that as per the decision taken in the ADM's Conference held on 08.05.2013, it was proposed that Government would purchase private land and distribute the same to the eligible homesteadless families where no leasable Government land is available for distribution.

Now Government have been pleased to approve the guidelines regarding direct purchase of private land from the sthitiban tenants and distribution of the same among homesteadless families @ Ac.04 decimals. A copy of the said guidelines duly approved is enclosed for your reference and further guidance.

You are, therefore requested to furnish detailed proposal containing requirement of funds in respect of your district for purchase of private land for distribution among eligible homesteadless families as sought for vide this Department letter No. 16143/R&DM dated 02.05.2013 and subsequent reminder No. 23673/R&DM dated 21.06.2013 and D.O. No. 26505/R&DM dated 26.07.2013 to this Department early for taking further follow up action in the matter at this end.

This may be treated as Excremely Urgent.

Yours faithfully,

13.8.2013
Joint Secretary to Government

Memo No. 30682 / R&DM dated 13.08.2013

Copy alongwith copy of the guidelines duly approved forwarded to the Secretary, Board of Revenue, Odisha, Cuttack / All RDCs for information and necessary action.

13.8.2013
Joint Secretary to Government

Memo No. 30683 / R&DM dated 13.08.2013

Copy alongwith copy of the guidelines and Memorandum duly approved forwarded to the F.A.-cum-Addl. Secretary to Government of this Department for information and necessary action.

13.8.2013
Joint Secretary to Government

Guidelines regarding direct purchase of private land from the sthitiban tenant and distribution of the same among homesteadless families @ Ac. 0.04 dec. in the villages where no leasable Government land is available for distribution. (76)

****

1. Introduction.

Rich or poor, a piece of land provides a psychological security and economic fillip for the land owner. An affluent person will relate land to his social status, but for a poor it is the source of his survival. The main objective of **'VASUNDHARA'** Project is to provide homestead land to the homesteadless families in the State as a means of amelioration of the downtrodden.

2. Objective of the Scheme

The management of land and its distribution to the needy persons are the foremost responsibilities of the Revenue & Disaster Management Department. Government land up to the extent of four decimals was provided free of premium to each homesteadless family for house site purpose since 1974-75. At present, the extent of land to be distributed has been enhanced to Ac. 0.10 decimals vide Revenue & D.M. Department letter No. 28733 dated 3.7.2008. Vigorous attempts are being made from the highest level of Government down to the field level to expedite the implementation of this important work. According to the survey, it is evident that 1,49,266 No. of homesteadless families are found eligible for homestead land as on 01.04.2012. Out of these 1,15,827 No. of beneficaries have been distributed with homestead land as on 30.04.2013. It is also revealed that here are 22,923 homesteadless families of different districts who could not be provided with homestead land due to acute shortage of leasable government land in those areas, where the beneficiaries belonged to. To tide over the situation, it has been contemplated to purchase the private land from the sthitiban tenants and distribute the same to those beneficiaries.

3. Eligibility of beneficiaries

The homesteadless families who hold no other land in any capacity whatsoever and include the heirs of that persons and whose annual income does not exceed Rs. 24,000/- as defined under Orissa Government Land Settlement Rules, 1983 vide this Department Notification No. 12948/R&DM dated 22.03.2011 shall be eligible to get homestead land.

3.1 Priority for selection of beneficiaries.

While the programme lays stress on homesteadless families in rural area, it is necessary to further focus and prioritise on homesteadless families belonging to ST, SC, Physically Handicapped, Minority Communities, Women and others.

3.2 Identification of potential beneficiaries.

The local Tahasildars, Revenue Supervisors and Revenue Inspectors shall furnish a list of beneficiaries village-wise eligible for homestead land as per the criteria in para.3 & 3.1. The same should be checked by the respective Sub-Collectors and finally approved by the District Collectors. In case of falsification of figures, the concerned officials shall be held liable. District Collectors must involve the field level functionaries of Blocks, Tahasils and other line Departments of their districts for proper identification of actual homesteadless families in revenue villages. The antecedents of those persons such as name of other family members, period of occupation of land, kissam of land occupied, whether the land is leasable or settlable etc. should also be furnished. Since revenue collection season is over, Revenue Administration Machinery should be galvanized on war footing for accomplishment of this philanthropic work.

4. Suitability of land

It is clarified that land to be purchased under the Scheme must be suitable for homestead purposes. The land must be in a location near to the existing habitations to which the beneficiaries shall agree to inhabit which should be drained year-round and has access to sources of water. The land shall not be in geographically hazardous locations or in locations prone to river erosion or other similar natural calamities. All land purchase shall comply with the above requirements.

4.1 Cluster Approach for settling families.

It should be attempted that the land to be purchased is large enough to provide homestead plots of four decimals each to a minimum of 10 to 15 families with provision to provide basic amenities like drinking water, sanitation etc. However, where the number of eligible families is less, the size of land to be purchased may be decided accordingly.

5. Land allocation process

5.1 Land Price

The Collector shall adopt the land value as specified in the Indian Stamp Act, 1899 and Indian Registration Act, 1908 for the registration of sale deeds in the area where the land is situated.

5.2 Land allocation

Land allocation process has three parts; (i) Preliminary identification of potential beneficiaries and finalization of beneficiary list, (ii) land identification and purchase and (iii) settlement of homestead land in favour of the beneficiaries.

(i) **Preliminary identification of potential beneficiaries**

Before identifying land for purchase, the LPD Committee shall finalise the list of potential beneficiaries following the procedure as mentioned in section 3.1 and 4.

(ii) **land identification and purchase**

(a) The District Collector shall not advertise the purchase of land till the list of beneficiaries is finalized and approved by the LPD Committee following the procedure set forth in Section 3.1 and 4.

(b) Selected beneficiaries may also recommend to the local Tahasildar (member of the LPD Committee) for purchase of land. Often such beneficiaries may be aware of suitable land in the vicinity that might be offered for sale. If selected beneficiaries recommend land for purchase, this is especially helpful since it also signals that the beneficiaries would likely be willing to use such land for homestead purposes.

(c) The District Collector shall advertise in the local newspapers and offices in the locality inviting offers from willing land sellers for purchasing land after the finalization of the potential beneficiaries list. Anyone willing to sell land must write to the LPD Committee declaring that the land belongs to him and he is in possession of the said land with supporting documents like Sale Deed or copy of the ROR.

(d) The LPD Committee shall conduct physical verification of the land in order to confirm that the land is dry, not rocky free from river erosion and suitable for homestead purposes. The land should be free from any dispute and is accessible to public road.

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(e) Once the LPD Committee is satisfied on all the above points and the consent of the selected beneficiaries for the land is obtained, only then the District Revenue Officer shall place the matter before the Committee alongwith the following papers.

1. Beneficiary list according to priorities as per the Section 3.1 above.
2. Declaration of the willing seller.
3. Certificate of the District Revenue Officer to the effect that the land satisfies the criteria as in Section 4 above.

5. **Formation of Committee for Purchase and Distribution of Land**

6.1 The programme implementation Committee shall be named as Land Purchase and Distribution (LPD) Committee.

6.2 The LPD Committee will be empowered to approve the beneficiaries, the land purchase, recommend to the District Collector for purchase of land, take action for initiating infrastructural and livelihood convergence process and regularly monitor the process of implementation. The Members of the LPD Committee shall be as follows.

i)	Additional District Magistrate	-	Chairman
ii)	Sub-Collectors(in case of more than one Sub-Division)	-	Members
iii)	Block Development Officers	-	Members
iv)	Tahasildars	-	Members
v)	District Sub-Registrar	-	Member
vi)	Sub-Registrars	-	Members
vii)	District Revenue Officer	-	Member Convener

6.3 The LPD Committee shall meet as convened by the District Revenue Officer to consider and take action as per the following

i) Approval of the list of beneficiaries as per priorities set in Section 3.1.

ii) Approval and recommendation of the land purchase to the District Collector.

iii) Physical inspection of the land

iv) To get the Declaration signed by the land seller agreeing to agreed price.

v) To initiate actions for convergence of the schemes for line Departments of the State Government for providing basic amenities and support for development of the homestead land.

vi) To monitor the progress of implementation of land allocation.

vii) Any other relevant action to be taken in this regard.

6.4 Once the LPD Committee approves the list of beneficiaries and and purchase and recommends the same to the District Collector to that effect, the District Revenue Officer shall immediately send the following papers to the District Collector for his final approval and signature of the cheque. The papers to be sent by the District Revenue Officer are as follows :

i) Approved beneficiary list, indicating for each family, priority number according to criteria in Section 3.1;

ii) Written confirmation by the beneficiaries to the effect that they have visited the land and consented to live on the said land;

iii) Declaration of the willing land seller;

iv) Certificate by the District Revenue Officer to the effect that the land satisfies the criteria as in Section 4 above;

v) Approval of the LPD Committee for land purchase

vi) The Title Deed (*Dalil*) and ROR(*Patta*) if any in favour of the seller.

The Collector on being satisfied with the papers submitted before him/her by the District Revenue Officer and the Chairman (ADM) of the LPD Committee shall sign the Account Payee Cheque indicating the value of land as per the land value specified in Indian Stamp Act, 1899 and Indian Registration Act, 1908 for registration of Sale Deeds in the area where the land is situated.

Upon receipt of the cheque, the District Revenue Officer shall get the Purchase Deed for the land registered in the name of Government of Odisha and the payment shall be made by him to Account Payee Cheque only to the owner-cum-seller of the land. The District Revenue Officer while being present in the District Sub-Registrar's Office shall personally hand over the cheque to the seller and obtain receipt thereof.

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No registration fees or stamp duty shall be required as this is a transaction in favour of Government of Odisha. Land so purchased shall be maintained in a register of the concerned Tahasil Office with specific entry of the deed number and date of registration. The District Revenue Officers will file a mutation case before the concerned Tahasildar, who shall mutate the purchased land in favour of the Government of Odisha on the basis of the sale deed and then the mutated land shall be brought to the Abada Jogya Anabadi Khata.

7 Land Settlement (distribution)

7.1. The District Revenue Officer shall conduct the land settlement process which shall be made on permanent basis. The Deed of settlement should be in the name of husband and wife jointly. The Deed of settlement should be executed in triplicate with one copy to be retained in the concerned Tahasil Office, the second in the District Collector's Office and the third one with the beneficiary. The Deed of settlement should be signed by the District Revenue Officer on behalf of the Governor.

After mutation of the purchased land and entry in the Abada Jogya Anabadi Khata, the beneficiaries shall apply for settlement of Government land in the prescribed form under the OGLS Act & Rules. After observation of the statutory formalities, the land will be settled with the homesteadless families. Then the Tahasildar will send lease case records to the Sub-Collector for confirmation. After confirmation, the copy of the ROR and sketch map showing the area are to be provided to each such beneficiary. The concerned Tahasildar shall cause the boundaries of the land to be physically demarcated on the spot in presence of the allottee and shall ensure physical possession of the land to each allottee along with the possession certificate.

7.2. The settlement of land is conditional and the beneficiary is not allowed to transfer the land in any manner but it is heritable. In case the beneficiary does not settle the allotted land within a period of three years from the date of execution of Patta or violates the terms and conditions of settlement, the Government may cancel the Deed of Settlement through a procedure as may be prescribed and allot the same land to other suitable beneficiary under the Scheme following the priorities set in Section 3.1.

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7.3 Section 6A of the OLR Act, 1960 provides for temporary ban on transfer of land settled by the Government. The ban period of ten years should be amended. The experience shows that after the ban period is over, the homesteadless and landless families are transferring the land and thus become homesteadless / landless. Hence the land settled with the homesteadless families should not be allowed to be transferred in any manner which should be non-transferable but heritable.

7.4. No premium shall be charged for such settlement under this scheme. All records shall be maintained in accordance with the Orissa Government Land Settlement Act & Rules for this purpose. No land revenue is payable but cess and other charges are payable. If any agricultural land is purchased from private persons/ willing sellers, no conversion premium is payable by the beneficiaries for conversion in to 'Gharabari' kissam of land allotted.

8. Shifting of beneficiaries to allotted plots

While allocation of land in itself is a very important step for implementation of the scheme, experience shows that ensuring availability of basic amenities and other additional support on site are helpful in shifting of beneficiary families to allotted plots. This has to be ensured through converged support from other Departmental Schemes for poor families. Multi Departmental efforts need to be drawn at State, District and Block level and executed from Block level.

(i) Indira Awas Yojana, Mo Kudia or through other existing Government Schemes;

(ii) MGNREGS support for constructing house and development of land;

(iii) Internal road to each house hold;

(iv) Sanitary toilet to each house hold;

(v) Drinking water facility;

(vi) Street lights;

(vii) Micro credit support to women's self-help group for group enterprises based on inherent skills of group members.

All these above inputs should be made available by the line Departments of the State Government. Therefore, it becomes imperative to make efforts to converge the above and similar activities of these institutions in favour of the beneficiaries.

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9. Monitoring and Evaluation of the Scheme

9.1. The land allocation to all homesteadless families in the rural areas in the Districts under the above scheme should be completed by the end of December 2013.

9.2. The LPD Committee should monitor the progress of the scheme at the Tahasil and district level on monthly basis.

9.3. Similarly, the District Collector shall review the Scheme on monthly basis to ensure its timely implementation.

9.4. The District Collector shall send his recorded comments on the monthly progress report to the Board of Revenue, Odisha as well as to Government in Revenue & D.M. Department.

9.5. The Secretary of Revenue & D.M. Department shall take up Review Meeting in this regard as and when necessary.

12-8-13

(Dr. Taradatt)
Additional Chief Secretary