



REVENUE AND DISASTER MANAGEMENT DEPARTMENT

**Compilation of RFCTLARR Act, 2013,
Rules and related Government Orders**

**Right to Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act, 2013
(Central Act 30 of 2013)**

**Tamil Nadu Right to Fair Compensation and
Transparency in Land Acquisition, Rehabilitation
and Resettlement Rules, 2017**

Notifications under the Act

Related Government Orders



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**Notifications under the said Act and
related Government Orders.**

PREFACE

The Government of India has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30/2013) (RFCTLARR Act, 2013), repealing the erstwhile Land Acquisition Act, 1894. This Act has come into force from 01.01.2014. Under the new Act, rehabilitation and resettlement have become an integral part of the land acquisition process. In order to implement the RFCTLARR Act, 2013, the Tamil Nadu State Rules have been framed and notified in Tamil Nadu Government Gazette.

Three State Land Acquisition Acts have been included in a newly created Fifth Schedule of this Act on par with the Thirteen Central Acts dealing with Land Acquisition, which are listed in the Fourth Schedule. They have been exempted from the purview of this Act except with respect to compensation and rehabilitation and resettlement.

New guidelines have also been issued to acquire lands through private negotiations in which compensation has been fixed on par with the compensation given under the RFCTLARR Act, 2013.

This compilation brings together all these in a usable manner. A process Flow Chart for Land Acquisition has been included for easy reference and quick guidance. Though not part of the rules it brings together various provisions in the Act and Rules and is a ready reckoner for the Land Acquisition process.

Dr. Chandra Mohan. B,
Secretary to Government.

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AND TRANSPARENCY IN LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT ACT, 2013**

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AND TRANSPARENCY IN LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT RULES,
2017**

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THE GAZETTE OF INDIA EXTRAORDINARY

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

***No.40 dated, the 27th September, 2013/Asvina 5,
1935 (Saka) The following Act of Parliament
received the assent of the President on the 26th
September, 2013, and is hereby published for
general information:—***

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

No. 30 OF 2013

[26th September, 2013.]

An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, 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

Short title, Extent and Commencement.

1. (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 as the Central Government may, by notification in the Official Gazette, appoint:

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

APPLICATION OF THE ACT

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

- (a) for strategic purposes relating to naval, military, air force, and armed forces of the Union, including central paramilitary forces or any work vital to national security or defence of India or State police, safety of the people; or
- (b) for infrastructure projects, which includes the following, namely:—

- (i) all activities or items listed in the notification of the Government of India in the Department of Economic Affairs (Infrastructure Section) number 13/6/2009-INF, dated the 27th March, 2012, excluding private hospitals, private educational institutions and private hotels;
- (ii) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution set up under a statute;
- (iii) project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy;
- (iv) project for water harvesting and water conservation structures, sanitation;
- (v) project for Government administered, Government aided educational and research schemes or institutions:

- (vi) project for sports, health care, tourism, transportation or space programme;
- (vii) any infrastructure facility as may be notified in this regard by the Central Government and after tabling of such notification in Parliament;
- (c) project for project affected families;
- (d) project for housing for such income groups, as may be specified from time to time by the appropriate Government;
- (e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;
- (f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.

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

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

Provided that in the case of acquisition for—

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

Definitions:

3. 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) 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 (7) 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 (1), 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 243 P, 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

Preparation of Social Impact Assessment Study

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

manner and from such date as may be specified by such Government by notification.

(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 or the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

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

Public hearing for Social Impact Assessment

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

Publication of Social Impact Assessment Study

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

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

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

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

Appraisal of Social Impact Assessment report by an Expert Group

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

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

- (a) two non-official social scientists;
- (b) two representatives of Panchayat. Gram Sabha, Municipality or Municipal Corporation, as the case may be;
- (c) two experts on rehabilitation: and
- (d) a technical expert in the subject relating to the project.

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

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

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

(b) the social costs and adverse social impacts of the project outweigh the potential benefits, it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same:

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

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

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

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

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

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

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

(6) The recommendations of the Expert Group referred to in sub-sections (4) & (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.

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

8.(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 subsection (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.

Exemption from Social Impact Assessment

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

CHAPTER III

SPECIAL PROVISION TO SAFEGUARD FOOD SECURITY

Special Provision to safeguard food security

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

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

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

(4) In a case not falling under sub-section (1), the acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed

such limits of the total net sown area of that district or State, as may be notified by the appropriate Government:

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

CHAPTER IV

NOTIFICATION AND ACQUISITION

Publication of preliminary notification and power of officers thereupon

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

- (a) in the Official Gazette;
- (b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;
- (c) in the local language in the Panchayat,

Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;

- (d) uploaded on the website of the appropriate Government;
- (e) in the affected areas, in such manner as may be prescribed.

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

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

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

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

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

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

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

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

- (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.

Payment for damage

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

Lapse of Social Impact Assessment Report

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

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.

Hearing of Objections

15. (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within objections, 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 subsection (2) shall be final.

Preparation of Rehabilitation and Resettlement Scheme by the Administrator

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

- (a) particulars of lands and immovable properties being acquired of each affected family;
- (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;

- (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;
- (d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and
- (e) details of any common property resources being acquired.

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

- (i) a list of Government buildings to be provided in the Resettlement Area;
- (ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

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

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

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

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

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

Review of the Rehabilitation and Resettlement Scheme

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

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

Approved Rehabilitation and Resettlement Scheme to be made public.

18. The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall

be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

Publication of declaration and summary of Rehabilitation and Resettlement

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

(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 upon 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.

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

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

Notice to persons interested

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

(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.

Power to require and enforce the making of statement as to names and interests

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

(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).

Enquiry and land acquisition award by Collector

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

(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.

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

24. (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, 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.

Period within which an award shall be made

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

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.

Determination of market value of land by Collector

26. (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.

Determination of amount of compensation

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

Parameters to be considered by Collector in determination of award

28. 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.

Determination of value of things attached to land or building

29. (1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

(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.

Award of solatium

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

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

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

(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent, per annum on such market value for the period commencing on and from the date of the publication of

the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

CHAPTER V

REHABILITATION AND RESETTLEMENT AWARD

Rehabilitation and Resettlement Award for affected families by Collector

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

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

- (a) rehabilitation and resettlement amount payable to the family;
- (b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (c) particulars of house site and house to be allotted, in case of displaced families;
- (d) particulars of land allotted to the displaced families;

- (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (f) particulars of payment for cattle shed and petty shops;
- (g) particulars of one-time amount to artisans and small traders;
- (h) details of mandatory employment to be provided to the members of the affected families;
- (i) particulars of any fishing rights that may be involved;
- (j) particulars of annuity and other entitlements to be provided;
- (k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided;

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

Provided further that the appropriate Government may, by notification increase the rate of rehabilitation and

resettlement amount payable to the affected families, taking into account the rise in the price index.

Provision of Infrastructural amenities in resettlement area

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

Corrections to awards by Collector

33. (1) The Collector may at any time, but not later than six months from the date of awards by award or where he has been required under the provisions of this Act to make a reference to Collector 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.

Adjournment of enquiry

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

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

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

Power to call for records, etc.,

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

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.

Awards of Collector when to be final

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

(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.

Power to take possession of land to be acquired

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

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.

Additional compensation in case of multiple displacements

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

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

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

(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.

Special provisions for Scheduled Castes and Scheduled Tribes

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

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

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution,

as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

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

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

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

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

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

(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.

Reservation and other benefits

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

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the

said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (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

Appointment of Administrator

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

(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.

Commissioner for rehabilitation and resettlement

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

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

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the

Gram Sabha in rural areas and municipality in urban areas.

Rehabilitation and resettlement committee at project level.

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

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

- (a) a representative of women residing in the affected area;
- (b) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- (c) a representative of a voluntary organization working in the area;

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

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

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

46.(1) Where any person other than a specified

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

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

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

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

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

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

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

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

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

- (a) “original land owner” refers to the owner of the land as on the 5th day of September, 2011;
- (b) “specified persons” includes any person other than-

- (i) appropriate Government;
- (ii) Government company;
- (iii) association of persons or trust or society as registered under the Societies Registration Act, 1860, (21 of 1860). Wholly or partially aided by the appropriate Government or controlled by the appropriate Government.

Quantification and deposit of rehabilitation and resettlement amount

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

CHAPTER VII

NATIONAL MONITORING COMMITTEE FOR REHABILITATION AND RESETTLEMENT

Establishment of National Monitoring Committee for rehabilitation and resettlement

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

(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.

Reporting requirements

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

Establishment of State Monitoring committee for rehabilitation and resettlement

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

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

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

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

CHAPTER VIII

ESTABLISHMENT OF LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY

Establishment of Land Acquisition Rehabilitating and Resettlement Authority

51. (1) The appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation 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 subsection (1) the areas within which the Authority may exercise jurisdiction for entertaining and deciding the references made to it under section 64 or applications made by the applicant under second proviso to sub-section (1) of section 64.

Composition of Authority

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

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

Qualification for appointment as Presiding Officer

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

- (a) he is or has been a District Judge; or
- (b) he is a qualified legal practitioner for not less than seven years.

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

Terms of office of Presiding Officer

54. The Presiding Officer of an Authority shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

Staff of Authority

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

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

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

Salary and allowance and other terms and conditions of service of Presiding Officers

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

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

Filling up of vacancies

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

Resignation and removal

58. (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.

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

59. No order of the appropriate Government appointing any person as the Presiding Officer of an Authority shall be called in question in any manner, and no act or proceeding before an Authority shall be called in question in any manner on the ground merely of any defect in the constitution of an Authority.

Powers of Authority and procedure before it

60. (1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, (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.

Proceeding before Authority to be judicial proceedings

61. All proceedings before the Authority shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (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).

Members and officers of Authority to be public servants

62. The Member and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860)

Jurisdiction of civil courts barred

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

Reference to Authority

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

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

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

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

Provided that every such application shall be made—

- (a) if the person making it was present or represented before the Collector at the time

when he made his award, within six weeks from the date of the Collector's award;

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

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

Collector's Statement to Authority

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

- (a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;
- (b) the names of the persons whom he has reason to think interested in such land;
- (c) the amount awarded for damages and paid or tendered under section 13, and the amount of

compensation awarded under the provisions of this Act;

- (d) the amount paid or deposited under any other provisions of this Act; and
- (e) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

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

Service of notice by Authority

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

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

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

Restriction on scope of proceedings

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

Proceedings to be in public

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

Determination of award by Authority

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

(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.

Form of award

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

(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).

Costs

71. (1) Every such award shall also state the amount of costs incurred in the proceeding costs, 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.

Collector may be directed to pay interest on excess compensation

72. If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct that the Collector shall pay interest on such excess at the rate of nine per cent, per annum

from the date on which he took possession of the land to the date of payment of such excess into Authority:

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

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

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

them may be re-determined on the basis of the amount of compensation awarded by the Authority:

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

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

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

Appeal to High Court

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

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

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

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

CHAPTER IX

APPORTIONMENT OF COMPENSATION

Particulars of apportionment to be specified.

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

Dispute as to apportionment

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

CHAPTER X

PAYMENT

Payment of compensation or deposit of same in Authority.

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

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:

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

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

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

Investment of money deposited in respect of lands belonging to person incompetent to alienate

78. (1) If any money is deposited in the Authority concerned under sub-section (2) of section 77 and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Authority concerned shall—

(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 or 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.

Investment of money deposited in other cases

79. When any money shall have been deposited in the Authority concerned under this Act for any cause other than the causes mentioned in section 78, the Authority may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and paid in such manner as it may consider will give the parties interested therein the same benefit from it as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Payment of interest

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

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

Temporary occupation of waste or arable land procedure when difference as to compensation exists.

81. (1) Whenever it appears to the appropriate Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, the appropriate Government may direct the Collector to procure the occupation and use of the same for such terms as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the person interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken there from, pay to them

such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

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

Power to enter and take possession and compensation on restoration.

82. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 64, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

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

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term,

and if the persons interested shall so require, the appropriate Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose.

Difference as to condition of land

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

CHAPTER XII

OFFENCES AND PENALTIES

Punishment for false information, *mala fide* action, etc.

84. (1) If a person, in connection with a requirement or direction under this Act, provides any information that is false or misleading, or produces any false document, he shall be liable to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.

(2) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent

means shall be liable to be recovered by the appropriate Government in the manner as may be prescribed.

(3) Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant, who if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment including a fine as the disciplinary authority may decide.

Penalty for contravention of provisions of Act

85. If any person contravenes any of the provisions 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 of with time or with both.

Offences by companies

86. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment

if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section.—

- (a) “company” means any body corporate and includes a firm or other association of individuals and a Requiring Body; and
- (b) “director”, in relation to a firm, means a partner in the firm.

Offences by Government Department

87.(1) Where an offence under this Act has been committed by any department of the Government, the head of the department, shall be deemed to be guilty of

the offence and shall be liable to be proceeded against and punished accordingly:

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.

Cognizance of offences by court

88. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall be competent to try any offence punishable under this Act.

Offences to be non-cognizance

89. 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.

Offences to be cognizable only on complaint filed by certain person

90. No court shall take cognizance of any offence under this Act which is alleged to have been committed by a Requiring Body except on a complaint in writing made by the Collector or any other officer authorised by the appropriate Government or any member of the affected family.

CHAPTER XIII

MISCELLANEOUS

Magistrate to enforce surrender

91. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the surrender of the land to the Collector.

Service of notice

92. (1) Save as otherwise provided in section 66, the service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice, by the officer therein mentioned, and, in the case of any other notice, by order of the Collector.

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

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

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and also publish the same in at least two national daily newspapers and also on his website.

Completion of acquisition not compulsory, but compensation to be awarded when not completed

93. (1) The appropriate Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

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

Acquisition of part of house or building.

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

Provided that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Authority

concerned and shall not be taken possession of such land until after the question has been determined.

(2) In deciding on such a reference made under the proviso to sub-section (1), the Authority concerned shall have regard to the question whether the land proposed to be taken, is reasonably required for the full and unimpaired use of the house, manufactory or building.

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

(4) In the case of any acquisition of land so required no fresh declaration or other proceedings under sections 11 to 19, (both inclusive) shall be necessary; but the Collector shall without delay furnish a copy of the order of the appropriate Government to the person interested, and shall thereafter proceed to make his award under section 23.

Acquisition of land at cost of a local authority or Requiring Body.

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

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

Provided that no such local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64.

Exemption from income tax, stamp duty and fees

96. No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Acceptance of certified copy of evidence

97. 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.

Notice in case of suits for anything done in pursuance of Act

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

No change of purpose to be allowed

99. 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.

No change of ownership without permission to be allowed

100. No change of ownership without specific permission from the appropriate Government shall be allowed.

Return of unutilized land

101. When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.

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.

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

102. Whenever the ownership of any land acquired under this Act is transferred to any person for a consideration, without any development having taken

place on such land forty per cent, of the appreciated land value shall be shared amongst the persons from whom the lands were acquired or their heirs, in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition:

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

Provisions to be in addition to existing law

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

Options of appropriate Government to lease

104. Notwithstanding anything contained in this Act, the appropriate Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in sub-section (1) of section 2.

Provisions of this Act not to apply in certain cases or to apply with certain modifications.

105. (1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the

notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

Power to amend Schedule

106. (1) The Central Government may, by notification, amend or alter any of the Schedules to this Act, without in any way reducing the compensation or diluting the provisions of this Act relating to compensation or rehabilitation and resettlement.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

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

107. Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act.

Option to affected families to avail better compensation and rehabilitation and resettlement

108. (1) Where a State law or a policy framed by the Government of a State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such State law or such policy of the State.

(2) Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.

Power of appropriate Government to make rules.

109. (1) Subject to the other provisions of this Act, the appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

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

- (a) the process of obtaining the prior consent under the first proviso to subsection (2) of section 2;
- (b) the limits of land in rural areas or urban areas under clause (a) of sub-section of section 2;
- (c) the manner and the time limit for carrying out social impact assessment study under sub-section (1) of section 4;
- (d) the manner of preparing and publishing social impact assessment study reports under sub-section (1) of section 6;
- (e) the manner and time for conducting survey and undertaking census under sub-section (1) of section 16;

- (f) the manner of preparing draft Rehabilitation and Resettlement Scheme under sub-section (2) of section 16;
- (g) the manner of conducting public hearing under sub-section (5) of section 16;
- (h) the manner of depositing amount by the Requiring Body under second proviso to sub-section (2) of section 19;
- (i) the manner in which and the period within which any excess amount paid may be recovered under sub-section (3) of section 33;
- (j) the form in which the Development Plan shall be prepared under sub-section(4) of section 41;
- (k) the powers, duties and responsibilities of Administrator under sub-section(2) of section 43;
- (l) the procedure of Rehabilitation and Resettlement Committee under sub-section(3) of section 45;
- (m) the procedure to be followed by the Rehabilitation and Resettlement Committee and allowances to be paid to the experts under sub-section (3) of section 48;

- (n) the procedures to be followed by the State Monitoring Committee and the allowances payable to the experts under sub-section (3) of section 50;
- (o) the salaries and allowances and other conditions of service of the Registrar and other officers and employees of an Authority under sub-section (3) of section 55;
- (p) the salary and allowances payable to and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Presiding Officer of an Authority under section 56;
- (q) any other matter under clause (g) of sub-section (1) of section 60;
- (r) the manner of recovery of the rehabilitation and resettlement benefits, availed of by making false claim or through fraudulent means, under sub-section (2) of section 84;
- (s) the manner of returning the unutilised land by reversion under section 101;
- (t) manner of publication wherever the provisions of this Act provide for;

- (u) any other matter which is required to be or may be specified under this Act.

Rules made by Central Government to be laid before Parliament

110. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Rules made by State Government to be laid before State Legislature

111. Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Previous publication of rules made by Central and State Government

112. The power to make rules by the Central or State Government under this Act shall be subject to the condition of the rules, being made after previous publication.

Power to remove difficulties

113. (1) If any difficulty arises in giving effect to the provisions of this Part, the Central Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each house of Parliament.

Repeal and saving

114. (1) The Land Acquisition Act, 1894 is hereby repealed (1 of 1894).

(2) Save as otherwise provided in this Act the repeal under sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (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.	

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

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

(1)	(2)	(3)	(4)
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	

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

Sl. 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 sqmts in plinth area.	

(1)	(2)	(3)	(4)
		<p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area;</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees;</p>	

(1)	(2)	(3)	(4)
		<p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p> <p><i>Explanation.</i>—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.</p>	
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	

(1)	(2)	(3)	(4)
		<p>has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and</p>	

(1)	(2)	(3)	(4)
		a one-half acres, whichever is lower.	
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.	

(1)	(2)	(3)	(4)
4.	Choice of Annuity or Employment	<p>The appropriate Government shall ensure that the affected families are provided with the following options:</p> <p>(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p>	

(1)	(2)	(3)	(4)
		<p>(b) one time payment of five lakhs rupees per affected family; or</p> <p>(c) annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>	
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.	

(1)	(2)	(3)	(4)
		<p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.</p> <p>In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>	

(1)	(2)	(3)	(4)
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	

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

- | (1) | (2) | (3) |
|-----|--|-----|
| 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. | |

- | (1) | (2) | (3) |
|-----|--|-----|
| 10. | Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance. | |
| 11. | All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities. | |
| 12. | Burial or cremation ground, depending on the caste-communities at the site and their practices. | |
| 13. | Facilities for sanitation, including individual toilet points. | |

- | | | |
|-----|-----|-----|
| (1) | (2) | (3) |
|-----|-----|-----|
14. Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.
 15. Anganwadi's providing child and mother supplemental nutritional services.
 16. School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);
 17. Sub-health centre within two kilometers range.
 18. Primary Health Centre as prescribed by the Government of India.
 19. Playground for children.
 20. One community centre for every hundred families.

- | | | |
|-----|-----|-----|
| (1) | (2) | (3) |
|-----|-----|-----|
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.

- | (1) | (2) | (3) |
|-----|---|-----|
| 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 LANDACQUISITION AND REHABILITATION AND RESETTLEMENT

1. The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).
1. The Atomic Energy Act, 1962 (33 of 1962).
2. The Damodar Valley Corporation Act, 1948 (14 of 1948).
3. The Indian Tramways Act, 1886 (11 of 1886).
4. The Land Acquisition (Mines) Act, 1885 (18 of 1885).
5. The Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
6. The National Highways Act, 1956 (48 of 1956).
8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).
10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).

11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
12. The Electricity Act, 2003 (36 of 2003).
13. The Railways Act, 1989 (24 of 1989).

P.K. MALHOTRA,
Secretary to the Govt. of India.



TAMIL NADU GOVERNMENT GAZETTE
EXTRAORDINARY

No.3

January 5, 2015

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 1st January 2015 and is hereby published for general information:—

ACT No. 1 OF 2015.

An Act to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

Short title, extent and Commencement.

1.(1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 1st day of January 2014.

Insertion of new section 105-A.

2. In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013.) (hereinafter referred to as the principal Act), after section 105, the following section shall be inserted, namely:-

“105-A. Provisions of this Act not to apply to certain Tamil Nadu Acts or to apply with certain modifications.—(1) Subject to sub-section (2), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fifth Schedule.

(2) The State 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 Fifth 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.

(3) A copy of the notification proposed to be issued under sub-section (2) shall be laid in draft before the Legislative Assembly of the State of Tamil Nadu and if the Legislative Assembly agrees in disapproving the issue of the notification or the Legislative Assembly agrees in making any modifications 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 the Legislative Assembly.

Addition of Fifth Schedule.

3. After the Fourth Schedule to the principal Act, the following Schedule shall be added, namely:.

“THE FIFTH SCHEDULE.

(See section 105-A)

**LIST OF TAMIL NADU ENACTMENTS
REGULATING LAND ACQUISITION IN THE STATE
OF TAMIL NADU.**

1. The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978).
2. The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999).
3. The Tamil Nadu Highways Act. 2001 (Tamil Nadu Act 34 of 2002).”

(By Order of the Governor)

**G. JAYACHANDRAN,
Secretary to Government, Law Department.**



**TAMIL NADU GOVERNMENT GAZETTE
EXTRAORDINARY**

No.300

September 21, 2017

Part III—Section 1(a)

NOTIFICATION

[G.O. (Ms) No.298, Revenue and Disaster Management Department, LA Wing, LA-I(1) Section dated 20.9.2017]

In exercise of the powers conferred by section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Governor of Tamil Nadu hereby makes the following Rules, the draft of the same having been previously published as required under Section 112 of the said Act.

Rules

Chapter I.

General.

1. Short title, applicability and commencement.-

(1) These rules may be called the **Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017.**

(2) They shall extend to the whole of the State of Tamil Nadu.

(3) They shall come into force on the 21st day of September 2017.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) **“Act”** means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013);

(b) **“Administrator”** * means the Administrator for Rehabilitation and Resettlement, appointed by the State Government, by notification, under sub-section (1) of section 43 of the Act, in respect of a project;

* Notified vide G.O.Ms.No.302, Rev.&DM Dept., dated 20-9-2017

(c) **“Appropriate Government”** * means the State Government in relation to the acquisition of land situated within the territory of the State of Tamil Nadu and includes the Collector of the revenue district in respect of land acquisition for public purposes for an area not exceeding such as may be notified by the State Government;

(d) **“Collector”** means the Collector of a revenue district and includes any officer, not below the rank of Tahsildar, specially designated by the appropriate Government, to carry out the functions of the Collector under the Act;

(e) **“Development Plan”** means a plan prepared on behalf of a Requiring Body under sub-sections (4) and (5) of section 41 of the Act;

(f) **“Form”** means the Forms appended to these Rules;

(g) **“local bodies”** means rural local bodies and urban local bodies constituted or established under the respective Acts;

(h) **“Section”** means section of the Act;

(i) **“SIA Agency”** means the agency appointed by the Tamil Nadu State Social Impact Assessment Unit

* Notified vide G.O.Ms.No.299, Rev.&DM Dept., dated 20-9-2017

under rule 7 to carry out the Social Impact Assessment study and to prepare the Social Impact Management Plan, in respect of a project;

(j) **“Social Impact Assessment”** or **“SIA”** means an assessment made under section 4;

(k) **“Social Impact Management Plan”** means the plan prepared as a part of the Social Impact Assessment Process under sub-section (6) of section 4;

(l) **“State Government”** and **“Government”** means the Government of Tamil Nadu;

(m) **“TNSSIA Unit”** means the Tamil Nadu State Social Impact Assessment Unit established by the State Government under rule 7;

(n) **“Urban Area”*** means, –

- (i) the area (including village panchayats) lying within the territorial limits of the Chennai Metropolitan Development Authority;
- (ii) Municipal Corporations having a population of 5 lakhs and above as per

*As referred in Sl.No.3 of First Schedule to the Act.

2011 census (i.e. Madurai, Tiruchirappalli, Salem, Coimbatore and Tirunelveli Municipal Corporations, except Chennai City Municipal Corporation) and the area (including village panchayats) that falls within 8 kilometers distance from the limits of the said Municipal Corporations;

(iii) all other Municipal Corporations, Municipalities, Town Panchayats, Cantonments and Townships; and

(iv) any other area that may be notified as urban area by the State Government from time to time.

(2) Words or expressions used but not defined in these Rules but defined in the Act, shall have the meanings, respectively, assigned to them in the Act.

Chapter II.

Request for Land Acquisition.

3. Request for acquisition of land.– (1) Whenever land in any area is required or likely to be required for any public purpose, the Requiring Body or its authorised representative, for whom land is to be acquired, shall file the request to the Collector concerned in FORM-I along

with the following documents, namely:-

- (i) Detailed project report;
- (ii) Sanction letter of project;
- (iii) Three copies of records of rights and revenue maps of the affected areas;
- (iv) Information about the classification of land, that is, whether irrigated, multi-cropped, single cropped, wasteland, etc;
- (v) Any other information required by the Collector.

(2) A copy of the request submitted to the Collector under sub-rule (1) shall be submitted to the Commissioner.*

(3) Where the Requiring Body is the Government, the request shall be filed by the Secretary of the Department concerned and in case of a Public Sector Undertaking, by the Secretary of the Department dealing with such Undertaking.

4. Action by Collector on receiving request.—(1)

(a) The Collector, on receipt of the request submitted under sub-rule (1) of rule 3, shall constitute a Committee

consisting of officers from the Revenue and Disaster Management Department, Agriculture Department, Forest Department, Public Works Department and any other Department, as the Collector deems necessary, to make a field visit along with the representatives of the Requiring Body to make a preliminary enquiry regarding the,—

- (i) availability of waste or arid land;
- (ii) correctness of the particulars furnished in the request submitted under sub-rule (1) of rule 3;
- (iii) bare minimum land required for the project;
- (iv) conformity of the request with the provisions of the Act. The Committee shall then submit a report to the Collector.

(b) The report of the Committee referred to in clause (a) shall include the following, namely:—

- (i) whether the proposed acquisition of land serves any public purpose;
- (ii) whether the extent of land proposed for acquisition is the absolute bare-minimum needed for the project;

*Notified vide G.O.Ms.No.304, Rev.&DM Dept., dated 20-9-2017

- (iii) whether the acquisition of land at an alternate place has been considered and found not feasible;
- (iv) whether there is any land in the project area which has been previously acquired and remain unutilised;
- (iv) whether such land, if any, acquired earlier and remains unutilised, may be used for the project; and
- (vi) the recommendations of the Committee.

(2) (a) If the Collector, on the basis of the report of the Committee referred to in sub-rule (1), any other information available with him and instructions issued by the State Government in this regard, is satisfied that the request is in conformity with the provisions of the Act, he shall make a preliminary estimate of the cost of the acquisition as defined in clause (i) of section 3.

(b) The administrative cost as defined under item (A) of sub-clause (vi) of clause (i) of section 3 shall not exceed the percentage of the cost of compensation as may be specified by the appropriate Government from time to time.

(c) The Collector shall inform the Requiring Body to deposit the estimated cost of acquisition or part thereof as specified by the Collector in the account designated for the purpose by the State Government, before the publication of declaration under sub-section (2) of section 19 within such period as may be specified by him and the Requiring Body shall deposit the same within the said period.

(3) The Requiring Body shall deposit the balance cost of acquisition after final estimation is prepared by the Collector and in cases where excess amount is awarded by the Authority or Court, the same shall be deposited, as and when so required.

5. Acquisition under Urgency Provisions and Exemption from Social Impact Assessment Study–

Where any land is proposed to be acquired invoking urgency provisions under section 40 and if it is considered expedient to do so, the Collector, where he is not the appropriate Government, shall submit a report to the State Government for the purpose of issue of appropriate directions under sub-sections (1) and (4) of the section 40. In other cases, the decision shall be taken by the Collector and he shall issue appropriate directions.

Chapter – III.

Social Impact Assessment.

6. Social Impact Assessment Study.-The Notification required to be issued under sub-section (1) of section 4 for carrying out the Social Impact Assessment study shall include the following particulars, namely:-

(a) Name of project developer, a brief description of the proposed project, the extent of lands proposed for acquisition, the project area and the affected areas to be covered by the SIA study.

(b) The main objectives of the SIA study and key activities such as consultations, survey, public hearings etc.,

(c) If consent of Gram Sabhas and / or land owners is required or not;

(d) The timeline for the SIA study and the final deliverables (Social Impact Assessment Report and Social Impact Management Plan) along with the manner of their disclosure;

(e) Contact information of the TNSSIA Unit:

Provided that no such notification shall be issued, unless the Requiring Body has submitted the administrative sanction order for such land acquisition along with a clear undertaking for availability of funds by the competent authority of the Requiring Body:

Provided further that no such notification shall be issued, unless the Requiring Body has deposited the cost towards the Social Impact Assessment study and any other such cost as may be required by the appropriate Government:

Provided also that, such notification shall be issued within a period of thirty days from the date of deposit of the cost towards the Social Impact Assessment study by the Requiring Body.

7. Tamil Nadu State Social Impact Assessment Unit (TNSSIA Unit).- The State Government shall identify or establish an organization, namely, the State Social Impact Assessment Unit, (hereinafter called as TNSSIA Unit) which shall be responsible for ensuring that the Social Impact Assessment studies are commissioned and conducted by the SIA Agency concerned as per the provisions of the Act and these Rules. The TNSSIA Unit shall function under the overall control of the Commissioner.

8. Empanelment of SIA Agencies.- The TNSSIA Unit shall invite applications from the departments of recognized universities, colleges and reputed organizations for empanelment as SIA Agencies to carry out Social Impact Assessment studies and to

prepare Social Impact Management Plan under the Act. After assessing the capacities, qualifications and experience of the applicants, the TNSSIA Unit shall empanel the eligible applicants to be SIA Agencies, so as to create a State data base of qualified SIA Agencies. The Requiring Body shall not be involved in any way in the selection of the SIA Agency to carry out the Social Impact Assessment.

9. Project-Specific Terms of Reference (ToR) and Processing fee for the SIA.- (1) Where the appropriate Government intends to acquire land, the proposal for such land acquisition shall be sent along with all the relevant documents to the TNSSIA Unit .

(2) On receipt of a proposal for land acquisition, the TNSSIA Unit shall,-

(a) prepare a detailed project - specific Terms of Reference (herein after called as 'the ToR') for each proposal of land acquisition, which shall include the following particulars, namely:-

- (i) a brief description of the project, project area and the extent of lands proposed for acquisition;

- (ii) the objectives of the SIA study and all the activities that must be carried out by the SIA team;
- (iii) sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition;
- (iv) whether consent of Gram Sabhas and / or land owners is required to be sought;
- (v) the appropriate team size, number of teams and the profile of the SIA agency required (including field surveyors, if needed) to conduct the SIA study for the project;
- (vi) a project-specific budget based on the ToR, with a clear break-up of costs for each item or activity; and
- (vii) the schedule for the disbursement of funds to the SIA agency tied to clearly-defined deliverables in the SIA process

(b) prepare an estimate of the Social Impact Assessment fee based on the ToR with clear break up of costs for each item or activity. The fee amount shall

be based on the parameters to be specified by the State Government from time to time such as area, type of project and number of affected families, resources deployed etc.

(3) The processing fee payable to the SIA Unit towards the preparation and submission of the ToR and the SIA fee report shall be at the rate of ten per cent of the Social Impact Assessment fee.

(4) The Requiring Body shall deposit the Social Impact Assessment fee along with the processing fee in the Account of the appropriate Government in a Scheduled Bank designated for that purpose.

10. Process of conducting the Social Impact Assessment.- (1) Based on the ToR, the TNSSIA Unit, shall select an eligible agency from the empanelled Agencies referred to in rule 8 as per the provisions laid down in the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998), and appoint it to be the SIA Agency to carry out the SIA study in respect of a project.

(2) The SIA Agency so appointed shall collect and analyze a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods

and appraisal techniques and other relevant techniques and methodologies in preparing the Social Impact Assessment report.

(3) All relevant project reports and feasibility studies shall be made available to the SIA Agency as may be required by it during the SIA process. Any request for information by the SIA Agency shall be met at the earliest, at any event, within seven days from the date of receipt of a request. An officer designated by the appropriate Government shall be responsible for providing the information requested by the SIA Agency.

(4) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the SIA Agency. The assessment shall determine the following, namely:-

(a) area of impact of the proposed project, including lands to be acquired and areas that will be affected by social or other impacts of the project;

(b) quantity and location of land proposed to be acquired for the project;

(c) whether the extent of land proposed for acquisition is the bare minimum required;

(d) possible alternative sites for the project and their feasibility;

(e) whether the land proposed for acquisition in a Scheduled area, if any, is a demonstrable last resort;

(f) land, if any, already purchased, alienated, leased or acquired, and the intended use of each plot of land required for the project;

(g) the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;

(h) nature of the land, present use and classification of land and if it is agricultural land, the irrigation coverage for the said land and the cropping pattern;

(i) whether the special provision to safeguard food security * has been adhered to in the proposed land acquisition;

(j) size of holdings, ownership patterns, land distribution, number of residential houses and public and private infrastructure and assets; and

(k) land prices and recent changes in ownership, transfer and use of lands over the last three years.

* Notified vide G.O.Ms.No.301, Rev.&DM Dept., dated 20-9-2017

(5) Based on the land assessment, land records and field verification, the SIA report shall also provide an accurate estimate of the number of affected families and the number of displaced families among them and shall enumerate all the affected families.

(6) A socio economic and cultural profile of the affected area covering the following parameters shall be prepared by the SIA Agency based on available data and statistics, field visits and consultations:-

(a) Demographic details of the population in the project area

(i) Age, sex, caste, religion

(ii) Literacy, health and nutritional status

(b) Poverty levels

(c) Vulnerable groups

(i) Women, (ii) children, (iii) the elderly, (iv) women – headed households,

(v) the differently abled

(d) Kinship patterns and women's role in the family

(e) Social and cultural organization

- (f) Administrative organization
- (g) Political organization
- (h) Civil society organizations and social movements
- (i) Land use and livelihood
- (j) Local economic activities
- (k) Factors that contribute to local livelihoods
- (l) Quality of the living environment.

(7) Based on the data collected in the processes specified above and also in consultation with the affected stake holders, the SIA Agency shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition on the areas specified below, namely:-

- (a) Impact on land, livelihoods and income
- (b) Impacts on physical resources
- (c) Impacts on private assets, public services and utilities
- (d) Health impacts
- (e) Impacts on culture and social cohesion

- (f) Impacts at different stages of the project cycle
 - (i) Pre-construction phase
 - (ii) Construction phase
 - (iii) Operation phase
 - (iv) De-commissioning phase
 - (v) Direct and indirect impacts
 - (vi) Differential impacts
 - (vii) Cumulative impacts.

(8) The Social Impact Assessment Report shall contain the following particulars, namely:-

- (a) Executive Summary.
- (b) Detailed project description and whether the project serves a public purpose.
- (c) Team composition, approach, methodology and schedule of the Social Impact Assessment.
- (d) Land Assessment – extent of lands (public and private), houses, settlements and other common properties likely to be affected by the proposed acquisition;
- (e) Whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project;

(f) Whether land acquisition at an alternate place has been considered and found not feasible;

(g) Estimation and enumeration (where required) of affected families and assets that will be displaced.

(h) Socio-economic and cultural profile of the affected area and resettlement site.

(i) Social impacts on public and community properties and infrastructure as detailed in sub-section (5) of section 4.

(j) Analysis of costs and benefits and recommendation on acquisition.

(k) References and forms.

(9) The SIA Agency shall also prepare a Social Impact Management Plan suggesting the ameliorative measures to be taken to address the social impacts identified in the course of SIA study and such measures shall include the following namely:-

(a) Approach to mitigation.

(b) Ameliorative measures to avoid, mitigate and compensate impact of the project as defined under sub-section (5) of section 4.

(c) Measures that may be included in the terms of Rehabilitation and Resettlement Scheme as outlined in the Act.

(d) Measures that the Requiring Body has stated it will introduce in the project proposal to avoid, mitigate and compensate social impacts.

(e) Additional measures that the Requiring Body has stated it will undertake in response to the findings of the SIA process and public hearings.

(f) Description of institutional structures and key persons responsible for each mitigation measure, timelines and costs for each activity.

(10) The Social Impact Assessment study shall be carried out in such a manner that it shall provide a conclusive assessment of the balance and distribution of the social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures. It shall also provide an assessment as to whether the benefits of the proposed project will outweigh the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families will remain at risk of being economically or socially worse.

11. Process of conducting public hearings.- (1)

When a draft of the Social Impact Assessment study report is prepared by the SIA Agency, the appropriate Government shall ensure that a public hearing is conducted in the affected areas through the district administration by giving notice of not less than fifteen days, indicating time, place and date of public hearing. In the public hearing, the main findings of the draft Social Impact Assessment study report shall be brought out and the feedback of the public thereon shall be sought for. Such feedback and any other additional information and views of the public obtained in the public hearing shall be incorporated in the final Social Impact Assessment report.

(2) All public hearings shall be documented. The documents shall be handed over by the SIA Agency to the appropriate Government along with the final Social Impact Assessment report.

(3) The views and suggestions expressed by the affected families in the public hearing shall be recorded and duly considered in the final Social Impact Assessment report.

(4) The representatives of the Requiring Body, duly authorized by it in this regard, shall attend the public

hearing and clarify the questions and concerns raised by the affected families.

(5) The public hearing shall be conducted in the local language only.

(6) The draft Social Impact Assessment study report and the draft Social Impact Management Plan shall be prepared by the SIA Agency in the local language and they shall be made available in the office of the local bodies concerned at village level or ward level, as the case may be, prior to the date of public hearing. The copies of the said report shall also be kept in the office of the Collector, Revenue Divisional Officer and the Tahsildar concerned, eight days prior to the date of public hearing. A copy of the report shall also be given to the Requiring Body.

(7) No public hearing shall be re-conducted, if the public hearing is disturbed by misbehavior of miscreants present, leading to disturbance of public peace, law and order and in such a situation, the public hearing shall be deemed to be concluded.

Chapter IV.**Prior Consent.**

12. Process of obtaining prior consent of affected families:— In the case of land acquisition for private

companies for public purpose, the process of obtaining the prior consent of the affected families under the first proviso to clause (b) of sub-section (2) of section 2 shall be as follows:-

(a) A meeting of the affected families shall be conducted by the authority designated for this purpose by the appropriate Government, at the village level or ward level, as the case may be.

(b) The list of affected families shall be prepared by the designated authority and made available in the affected areas.

(c) The designated authority shall give a notice of the date, time and venue of the meeting, at least three weeks in advance.

(d) The representatives of the Requiring Body, who are competent to take decisions and negotiate terms of rehabilitation, resettlement and compensation shall attend all such meetings and shall clarify the queries raised by the affected families. The terms and conditions of rehabilitation, resettlement, compensation and other measures as agreed to by the representative of the Requiring Body shall be explained to the affected families in their local language and signatures of the affected families as well as the representatives of the

Requiring Body shall be obtained on such terms and conditions.

(e) At the conclusion of the meeting, each affected family shall be asked to give a declaration as to whether it gives its consent or withholds the same for the acquisition of land involved, in Form-II appended to these Rules and a photograph of the signatory shall be affixed on it.

(f) The authorized representative of the Requiring Body shall also sign Form-II and shall put the seal of the Requiring Body towards its agreement to the consented terms and conditions.

(g) Any one member of the local body concerned, at village level or ward level, as the case may be, or any Government servant, may sign Form-II as a witness thereof to the effect that he recognizes the person who has signed Form-II.

(h) A copy of the consent so obtained in Form-II shall be given to the affected families and the Requiring Body.

(i) All affected families interested in the same piece of land can give their consent on a single Form.

(j) Different forms shall be used for giving consent by an affected family in respect of different lands.

(k) No affected family can withdraw its consent given in the above manner

(l) Before initiating the consent procedure, the provisions relating to consent shall be translated into the local language of the affected families and a copy of the same shall be given to each affected family present in the meeting or the same shall be read out to the affected families, in case they are illiterate.

(m) Arrangements shall be made for enabling the affected families, who could not attend the meeting, to submit their signed declarations in Form-III to the designated authority within fifteen days from the date of such meeting. The signed declaration forms shall be countersigned by the designated authority on its receipt and a copy of the countersigned declaration, with a copy of the terms and conditions shall be furnished to each declarant.

(n) In case of a land situated in any Scheduled Area as defined in clause (zd) of section 3, the consent of the Gram Sabha shall be obtained in Form-III appended to these Rules, before the initiation of the consent process in respect of the affected families.

(o) The above process shall be concluded before the publication of the preliminary notification under sub-section (1) of section 11.

Explanation: For the purpose of this rule, 'affected families' means the affected families as defined in sub-clauses (i) and (v) of clause (c) of section 3.

Chapter V

Preliminary Notification for Land Acquisition and Rehabilitation and Resettlement Scheme

13. Publication of preliminary notification.— (1) The preliminary notification under sub-section (1) of Section 11 shall be published in FORM IV.

(2) A copy of the preliminary notification issued under sub-section (1) of section 11 shall be affixed at conspicuous places in the affected areas and shall also be announced through vehicle mounted public address system to give wide publicity.

(3) After issuance of the preliminary notification under sub-section (1) of section 11, the Collector shall undertake and complete the exercise of updating land records within a period of two months from the date of publication of preliminary notification in the Tamil Nadu Government Gazette, in the following manner, namely.

- (a) delete the names of deceased persons;
- (b) enter the names of the legal heirs of the deceased persons;
- (c) make necessary entries of the registered transactions of the rights in land such as sale, gift, partition, etc.;
- (d) make entries of all the mortgages of the land;
- (e) delete the entries of mortgages, in case the mortgagee issues a letter towards full payment of loans;
- (f) make necessary entries in respect of all prevalent forest laws;
- (g) make necessary entries in case of Government lands;
- (h) make necessary entries of sub - division of the survey numbers involved in the acquisition based on mutations already carried out;
- (i) make necessary entries in respect of assets and structures on the land like trees, wells, houses , buildings etc;
- (j) make necessary entries with respect of non-agricultural use of the land;

- (k) make necessary entries of share croppers or tenants in the land;
 - (l) make necessary entries of crops grown or sown and the area of such crops;
 - (m) make any other entries or updation which may be required in respect of land acquisition, award of compensation, rehabilitation and resettlement measures.
- (4) In order to complete the above exercise, the Collector may give notice to the affected land owners to produce necessary documents within a period not exceeding one month.

14. Hearing of objections.- (1) The Collector shall issue a notice for inviting objections on the preliminary notification in FORM V and after hearing all objections and making enquiry as provided under sub-section (2) of Section 15, shall submit a report along with his recommendations on the objections to the appropriate Government for decision.

(2) The report of the Collector shall include the following:-

- (a) assessment as to whether the proposed acquisition serves public purpose;

(b) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;

(c) whether land acquisition at an alternate place has been considered and found not feasible;

(d) whether there is any land which has been previously acquired in the area and remain unutilised;

(e) recommendations on the objections;

(f) record of proceedings;

(g) approximate cost of land acquisition in cases where Social Impact Assessment has been exempted.

Chapter VI

Rehabilitation and Resettlement Scheme

15. Preparation of Rehabilitation and Resettlement Scheme by the Administrator.— The Administrator appointed under sub-section (1) of section 43 in respect of a project shall,-

(1) upon the publication of the preliminary notification under sub-section (1) of section 11 by the appropriate Government, conduct a survey and undertake the census of the affected families within a period of three months

from the date of publication of the preliminary notification, taking into account of the Social Impact Assessment study report, (in cases where such a report has been prepared), as well as the data obtained from secondary sources, such as local bodies concerned and other Government records. The data shall be verified by door to door visit to the affected families whenever required and by making site visit to assess the infrastructure amenities available in the affected areas.

(2) based on the above survey and census, prepare a draft Rehabilitation and Resettlement Scheme which shall contain the particulars, in addition to the particulars mentioned in sub-section (2) of Section 16 and the Second Schedule to the Act, namely:-

(a) list of families likely to be displaced;

(b) list of infrastructure existing in the affected area;

(c) list of land holdings in the affected area;

(d) list of trades / business in the affected area;

(e) list of affected families belonging to disadvantaged groups such as Scheduled Castes or Scheduled Tribes and members thereof and handicapped persons who belong to the affected families; and

(f) list of landless agricultural labourers in the affected areas whose livelihood was primarily dependent on the acquired land.

(3) give wide publicity to the draft Rehabilitation and Resettlement Scheme in the affected areas through publication in,-

(a) the Official Gazette;

(b) two daily news papers having wide circulation in the locality;

(c) the local language in the Panchayat, Municipality, Corporation as the case may be, and in the offices of the Village Administrative Officer/Revenue Inspector, Tahsildar, Revenue Divisional Officer, Collector and the Commissioner.

(d) the website of the appropriate Government.

(e) its offices in the affected areas, by affixing a public notice.

(4) make the draft scheme available to the persons and authorities concerned.

(5) or an officer designated by him shall conduct a public hearing regarding the draft Rehabilitation and Resettlement Scheme in the affected areas on a suitable date as he thinks fit but not earlier than fifteen days from

the date of publication of such Scheme, giving wide publicity about the date, time and venue thereof and shall maintain a record of objections and claims raised in the public hearing. The provisions of rule 11 relating to conduct of public hearing shall mutatis - mutandis apply to this public hearing.

(6) submit the draft Rehabilitation and Resettlement Scheme along with his report on the claims and objections to the Collector within fourteen days after completion of public hearing.

16. Publication of declaration under sub-section (2) of Section 19. - A declaration under sub-section (2) of section 19 that any land is needed for a public purpose shall be published by the Collector under sub-section (1) of section 19 in Form VI only after the Requiring Body has deposited fifty per cent of the cost of acquisition of land.

17. Development Plan for Scheduled Castes or Scheduled Tribes families.— The Development Plan shall be prepared, in cases of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or Scheduled Tribes families, referred to in section 41, which shall consists of the following particulars namely:-

(a) List of displaced Scheduled Castes / Scheduled Tribes (SC/ST) persons whose land rights have not been settled.

(b) Plan to restore titles of the above SC/ST families.

(c) Programme for development of alternate fuel, fodder and non-timber 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 under sub-section (5) of section 41.

(d) Extent of land to be given by the appropriate Government free of cost for social and community gatherings.

(e) Provision of employment for landless labourers, under Mahatma Gandhi National Rural Employment Guarantee Scheme or / and any other job providing Scheme of the Government.

(f) Skill development through different training programs for the youth of the affected family.

(g) Alternative fuel, fodder and non-timber forest produce resources on no-forest land, for affected members of Scheduled Castes.

(h) Fishing rights in reservoir area or hydel projects, where applicable

(i) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside 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.

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

18. Land Acquisition Award.— (1) The land acquisition award referred to in section 23 shall be made in FORM VII and FORM VIII

(2) If the amount of award compensation for land to be paid is not more than Rupees two crores and if the amount of award compensation including rehabilitation and resettlement benefits to be paid is not more than Rupees five crores, then the Collector shall approve the award.

(3) If the amount of award compensation for land to be paid is more than Rupees two crores, but not more than Rupees eight crores and if the amount of award compensation including rehabilitation and resettlement benefits, to be paid is more than Rupees five crores, but not more than Rupees twenty crores, the Collector shall make an award after getting the prior approval of the Commissioner of Land Administration.

(4) If the amount of award compensation for land to be paid is more than Rupees eight crores and if the amount of award compensation including rehabilitation and resettlement benefits, to be paid is more than Rupees twenty crores, the Collector shall make an award after getting the prior approval of the State Government.

19. Eligibility for availing One time Resettlement Allowance. - The affected families which are actually displaced from the land acquired alone shall be eligible for the One-time Resettlement Allowance under Serial No. 10 of the Second Schedule to the Act.

20. Fishing rights of affected families.— The fishing rights referred to in column (3) against serial number 9 of the Second Schedule to the Act, shall be allowed by the Fisheries Department in consultation with the Irrigation Department, Revenue and Disaster Management Department or any other Department concerned of the Government.

21. Procedure for recovering excess payment.-

(1) Wherever any excess amount is proved to have been paid to any person as a result of the correction made in the Award under sub-section (1) of section 33 and that person has defaulted or refused to refund the excess amount so paid, then the excess amount so paid shall be recovered from that person by the Collector as arrears of land revenue. Such recovery proceedings shall, however, be initiated within a period of three years from the date on which the excess amount has been paid.

22. Recovery of Rehabilitation and Resettlement benefits availed through False Claim, etc.— (1) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be recovered as arrears of land revenue under the provisions of the Revenue Recovery Act, 1890 (Central Act 1 of 1890).

(2) The land and houses so forfeited shall be used for the rehabilitation and resettlement of the affected families of the same project or for any other public purpose, as the case may be.

(3) The Land Acquisition, Rehabilitation and Resettlement Authority* shall have the powers of a civil

* Notified vide G.O.Ms.No.305, Rev.&DM Dept., dated 20-9-2017

court in the adjudication of any matter relating to availing of rehabilitation and resettlement benefits through false claims or fraudulent means.

23. Provisions relating to rehabilitation and resettlement to apply in case of acquisition by a private company or a person other than a specified person.-* The provisions relating to rehabilitation and resettlement under the Act shall apply in the cases of purchase of land, equal to or more than 2500 acres in rural areas or equal to or more than 1250 acres in urban areas through negotiation –

(a) by a private company under clause (a) of sub-section (3) of section 2; or

(b) by a person other than the person specified under sub-section (1) of section 46.

24. Choice of Annuity or Employment.- (1) The owners of the land acquired, whose livelihoods are lost due to the acquisition and other families whose livelihoods are primarily dependent on the land acquired alone are eligible for the benefit of Choice of Annuity or Employment or Lump Sum Grant under Serial No.4 of the Second Schedule to the Act and the owners of

*Notified vide G.O.Ms.No.303, Rev.&DM Dept., dated 20-9-2017

the land acquired whose livelihoods are not lost or not primarily dependent on such lands are not entitled for such benefit.

(2) Where any affected family opts for employment as per Serial No. 4 in the Second Schedule to the Act and where jobs are created through the project, for which land is acquired, the Requiring Body shall make provision for employment for one eligible member of the affected family in that project or any other project at a rate not lower than the minimum wages, after providing suitable training and skill development in the required field.

(3) Where jobs are created through the project and where the affected families opt for employment under Serial No. 4 of the Second Schedule to the Act, the appropriate Government or any other authority nominated by it for this purpose shall issue a Certificate identifying one member of the affected family as eligible for employment in the project concerned or any other project.

(4) When a member of the affected family is given employment, the original of the aforesaid Certificate shall be sent to the issuing authority for verification. The employment of a member shall be confirmed only

after receiving the genuineness of the Certificate from the Issuing Authority. The Issuing Authority shall verify the Certificate and if it is found to be genuine, he shall intimate the same to the employer concerned and retain the Certificate endorsing it as 'Employment Granted'. The Issuing Authority shall also make necessary entries in the Register to be maintained by him for this purpose.

(5) The affected families opting for one time payment of Rupees five lakhs or annuity amount in lieu of an employment shall not be given the Certificate identifying the member of the affected family for the employment.

(6) The Requiring Body shall arrange to give suitable training and skill development in the required field for the members of the affected families so as to enable such persons to take suitable jobs.

(7) The Requiring Body shall also arrange to give necessary training to members of the affected families for development of entrepreneurship, technical and professional skills for self employment.

Chapter VII.

Execution, Rehabilitation and Resettlement Scheme

Rehabilitation and Resettlement Committee.

25. Execution of Rehabilitation and Resettlement Scheme:- The Administrator shall execute and monitor the Rehabilitation and Resettlement Scheme and assist the Commissioner in the post implementation social audit of the Rehabilitation and Resettlement Scheme.

26. Rehabilitation and Resettlement Committee.-
(1) The Rehabilitation and Resettlement Committee constituted under sub- section (1) of section 45, shall have its first meeting as and when a draft Rehabilitation and Resettlement Scheme has been prepared by the Administrator. The Committee shall discuss the draft Scheme and make suggestions and recommendations.

(2) After the Rehabilitation and Resettlement Scheme is published, the Committee shall meet once in a month and discuss the progress of the Rehabilitation and Resettlement process until it is completed.

(3) For the purpose of carrying out the post-implementation social audits, the Committee shall meet once in three months.

(4) The Committee may visit the affected areas and have discussions with the affected families, if it so desires, and pay site visits to the resettlement areas to monitor the resettlement process.

(5) The members of the Committee shall get travelling allowance and daily allowance at the rates applicable to the Government servants of Group-A category.

27. Meetings of State Monitoring Committee.–

(1) The State Monitoring Committee constituted under sub-section (1) of section 50 shall review and monitor the implementation of Rehabilitation and Resettlement Schemes approved by the Commissioner under section 18. Meetings of the State Monitoring Committee shall be held at least once in six months. If the Committee so desires, it can have its meetings at any time.

(2) For the purposes of sub-rule (1), the Committee may –

(a) call for records and information of rehabilitation and resettlement schemes;

(b) call the Requiring Body for discussion as and when required;

(c) ask for report about implementation of its decisions.

(3) The members of the Committee shall get travelling allowance and daily allowance at the rates applicable to an officer of the rank of Secretary to Government.

Chapter VIII

Land Acquisition, Rehabilitation and Resettlement Authority.

28. Service conditions of Presiding Officer, Registrar and other employees of the Land Acquisition, Rehabilitation and Resettlement Authority.–(1) The salary and other service conditions of the Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authority shall be as follows:-

(a) if the Presiding Officer is a serving District Judge, his salary and other service conditions shall continue to be in accordance with the relevant service rules applicable to him in the post of District Judge;

(b) if the Presiding Officer is a retired District Judge, his salary shall be the last pay drawn by him while he was in service minus the pension he is drawing from time to time. He shall not be entitled for any pension towards the service rendered by him as the Presiding Officer of the Authority. The other service conditions

applicable to the post of District Judge shall mutatis-mutandis applicable to him;

(c) if the Presiding Officer is a legal practitioner, he shall be paid the pay and other allowances in the minimum scale of pay applicable to the post of District Judge (entry level). He shall not be entitled for any pension. The other service conditions applicable to the post of District Judge shall mutatis-mutandis applicable to him.

(2) The Registrar and other employees of the Authority shall be appointed on deputation from other Government departments and their salary, allowances and other conditions of service shall continue to be in accordance with the relevant service rules applicable to them in their parent department.

29. Procedure for Reversion of Unutilized land.-

(1) Where any land acquired under the Act remains unutilized for the period of five years from the date of taking over possession of land by the Requiring Body, the Collector shall, in the first instance examine as to whether that land may be required for any other public purpose. If he is satisfied that such land will be required for any other public purpose, he shall certify the same and recommend the State Government to revert the

land to any Government entity that focuses on the conversion of Government owned vacant, abandoned, unutilized acquired lands and tax-delinquent properties into productive use.

(2) The Collector shall issue a notice regarding the reversion of land, to the Requiring Body for whom the land was acquired. The State Government shall, after giving an opportunity of hearing to the Requiring Body, pass a written order reverting such land to the Land Bank, if it deem fit.

(3) After such written order is passed, the Collector shall take the possession of the land from the Requiring Body and handover the same to the Land Bank.

(4) If the Requiring Body does not hand over possession of the land to the Collector, then he shall get the help of the Executive Magistrate and the Police force to take the possession of land after giving prior notice to the Requiring Body.

30. Publication in affected areas.-(1) In addition to the modes of publication provided in the relevant sections of the Act, the notification of commencement of SIA study under sub-section (2) of section 4, the decision of the appropriate Government on acquisition under

sub-section (2) of section 8, the Preliminary Notification issued under sub-section (1) of section 11, and the declaration of acquisition under sub-section (1) of section 19 shall also be affixed in the Notice Board of the Office of the Village Administrative Officer concerned in the districts (other than Chennai District) and in respect of Chennai District in the Notice Board of the Corporation Division Offices concerned.

(2) In the case of SIA report and SIMP under sub-section (1) of section 6, the recommendations of the Expert Group under sub-section (6) of section 7 and the Rehabilitation and Resettlement Scheme under section 18, the same shall be placed in the Office of the Village Administrative Officer concerned in the districts (other than Chennai District) and in respect of Chennai District, in the Corporation Division Offices concerned and the fact of the availability of the copies of the reports shall be affixed prominently in the Notice Boards of these offices.

31. Interpretation of these Rules.- If any question arises as to the matter of interpretation of these Rules, the matter shall be referred to the State Government, whose decision shall be final.

Appendix

Form - I

[See Rule 3(1)].

Requisition for Land Acquisition.

From:

Authorised Signatory

of the Requiring Body

(Designation and full address)

To:

1. The District Collector

----- District.

2. Commissioner for

Rehabilitation and Resettlement,

Tamil Nadu.

It is requested to acquire ----- acre(s) of land for -----project / purpose and the relevant details are furnished in Appendices I, II and III along with three copies of Combined Sketch showing the lands to be acquired.

Requisite cost of acquisition, including cost of Social Impact Assessment Study (SIA) will be deposited in your office, as provided under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) and the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 as and when required by you. It is certified that the land to be acquired was demarcated on the field and all further necessary information and assistance will be provided within the time limit specified in the Act and the Rules.

Authorised Signatory
of the Requiring Body

Appendix - I

Name of the Project:-

(1) Name of the Village-

(2) Name of the Taluk-

(3) Name of the Municipality, Corporation, Village Panchayat

(4) Name of the District

(5) Survey Numbers to be acquired-

(6) Accurate extent of the land proposed for acquisition in each Survey Number (connected field map is attached)

(7) Total area under requisition (in acres/hectares/ Sq.mtrs)

(8) Classification of the lands proposed for acquisition

(a) Wet

(b) Dry

(c) Manavari

(d) Village site (Natham)

(e) Poramboke

(9) Boundaries of the area to be acquired-

East-

West-

North-

South-

(10) Area of the agricultural and irrigated multi-cropped land

(11) Reasons for inclusion of agricultural and irrigated multi-cropped land, if any.

(12) Details of buildings and other structures, tanks, wells, trees, etc.,

(13) Reasons for the inclusion of religious building, graveyard or tomb etc., for acquisition, if any,

(14) Joint Inspection by officials concerned:

(15) Observation for acquisition (if any)

Authorised Signatory
of the Requiring Body

Appendix - II

Name of the Project:-

1. Name of the Department or Government, Company, Local Authority or Institution:

2. Official designation of the representative of the Requiring Body authorized to sign the requisition:-

3. Purpose of Acquisition (in detail):-

4. Whether the requisition is filed by the Government for acquisition of lands for its own use, hold and control:-

5. Whether the requisition is filed for the purposes specified in clauses (a) to (f) of sub-section (1) of section 2 of the Act:-

6. Whether the requisition is filed for the purposes specified in clause (a) or clause (b) of sub section (2) of section 2 of the Act:-

7. The number of affected families as defined in clause (c) of section 3 of the Act:-

8. (i) Whether the requisition is filed under section 40 of the Act:-

(ii) If so, on what ground?

9. (i) Has the land to be acquired already been taken over from the owners by private negotiation?

(ii) If so, on what date and on what terms? (please state the terms of negotiation in short and attach the copy of it)

10. Date of issue of administrative approval for the project (copy to be attached)

11. Reasons for delay in filing requisition, if requisition is filed after 6 weeks from the date of administrative approval of the project

12. By what time possession of the land is required

Authorised Signatory
of the Requiring Body

Appendix - III.

Certification to be Furnished Along with the Requisition for Acquisition of land by the Requiring Authorities

Name of the Project:-

(1) Certified that the project for which the land is sought to be acquired has been administratively approved vide Department letter No:-----
-----Dated -----for acquisition under the Act.

(2) The estimated cost of the project is of Rs.-----
-----and necessary budget has been sanctioned and funds are available towards cost of acquisition.

(3) The Department undertakes to pay the full amount of compensation in case of revision of compensation as per decree / judgments of the Land Acquisition, Rehabilitation and Resettlement Authority / High Court / Supreme Court, as and when asked to do so by the District Collector.

Authorised Signatory
of the Requiring Body

Form - II
[See Rule 12 (e)]
Prior Written Consent / Declaration Form by the
Affected Family

Photo of the
Signatory

Serial No.	Details of person Concerned		
(1)	Name of the person(s) in whose name the land is registered		
(2)	Name of the spouse:		
(3)	Name of father / mother:		
(4)	Address:		
(5)	Village / Hamlet		
(6)	Village Panchayat / Town Panchayat / Municipality / Municipal Corporation		
(7)	Taluk:		
(8)	District:		
(9)	Name of other members in the family with age: (including children and adult dependents)		
(10)	Extent of land owned:		

(11)	Area under acquisition		
(12)	Plot No.		
(13)	Record of Rights		
(14)	Disputed lands, if any		
(15)	Pattas / lease / grants, if any		
(16)	Any other right, including tenancy, if any		
(17)	Regarding the acquisition of my land by the Government, I wish to state the following	(please circle one of the below)	
	(i) I have read / read out the contents of this consent form and explained to me in ----- language.	Yes	No
	(ii) I agree to this acquisition	Yes	No
Signature / Thumb impression of the affected family (s) and date:			
(18)	The terms and conditions, Rehabilitation and Resettlement, compensation and other measures committed by the Requiring Body have been explained to the affected family in the local language. (These terms and conditions must be attached to the Form.)		
Date, Seal and Signature of the representative of the Requiring Body		Date and Signature of designated district official receiving the signed Form	

<u>NOTE</u>	It is a crime to threaten any person or to cause them any harm if they refuse to consent or if they choose to state that they do not consent on this Form. This includes any threat or act that causes them to lose money, that hurts them physically or that results in harm to their family. If any such threat has been made, this Form is null and void.
-------------	--

Signature of _____

Witness: _____

FORM - III

[see rule 12(n)]

GRAM SABHA RESOLUTION.

We, the undersigned members of ----- Gram Sabha within ----- Panchayat of ----- taluk in --- ----- district wish to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect or if any consent has been obtained through any use of threats, fraud or misrepresentation, it is null and void. On this basis, this Gram Sabha hereby certifies that it **CONSENTS / REFUSES TO CONSENT** to the proposed acquisition of land for ----- project, which will involve:

- (a) acquisition of -----acres of private land *
- (b) transfer of -----acres of government land to the project *
- (c) transfer of -----acres of forest land to the project *

The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body - (state the name) as attached are agreed to by us * /not agreed to by us.*

(* strike out whichever is not applicable).

The Gram Sabha also states that any consent is subject to the condition that all of its residents shall be given title of their individual and community rights over forests and forest lands, including their titles for forest land that they have been cultivating, ownership titles for all forms of minor forest produce that they use, and titles to protect and manage their community forests.

Date and signatures / thumb impressions
of Gram Sabha members

Date and Signature of designated district
officer receiving the Resolution.

FORM IV

[see rule 13 (1)]

PRELIMINARY NOTIFICATION.

No. _____ Dated _____

Whereas it appears to the appropriate Government that a total of _____ hectares of land is required in the _____ Village in _____ Taluk/Block(as applicable)in _____ District for public purpose, namely, _____ Social Impact Assessment Study was carried out by Social Impact Assessment Agency and a report submitted/preliminary investigation was conducted by a team constituted by Collector as laid down under rule 4. The summary of the Social Impact Assessment Report / preliminary investigation is as follows:-

_____. (copy of SIA report is attached herewith)

A total of _____ (in number) families are likely to be displaced due to the land acquisition. The reasons necessitating such displacement are given below:-

_____ is appointed as Administrator for the purpose of rehabilitation and resettlement of the affected families. Therefore, it is notified that for the above

said project in the _____
 Village of _____ Taluk / Block (as
 applicable) in _____ District, land measuring
 an extent of _____ hectares, whose details are
 specified in the Schedule below, is under acquisition:

THE SCHEDULE

Sl. No.	Survey No.	Classi- fication of land	Area under acqui- sition	Boundaries				Structures	Trees	Name & address of person interested	Regis- tered holder
(1)	(2)	(3)	(4)	(5)				(6)	(7)	(8)	(9)
				N	E	S	W				

This notification is made under sub-section (1) of section 11 of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), to all whom it may concern.

A plan of the land may be inspected in the office of the Collector and ----- on any working day during the working hours.

The Government is pleased to authorize _____ and his staff to enter upon a survey land, take levels of any land, dig or bore into the sub-soil and do all other acts required for the proper execution of their work as provided and specified in section 12 of the said Act.

Under sub-section (4) of section 11 of the said Act, no person shall make any transaction or cause any transaction of land i.e. sale / purchase, etc., or create any encumbrances on such land from the date of publication of this notification in the Tamil Nadu Government Gazette without prior approval of the Collector.

Objections to the acquisition, if any, may be filed by the person interested within 60 (sixty) days from the date of publication of this notification in the Tamil Nadu Government Gazette as provided under section 15 of the said Act before the Collector.

* Since the land is urgently required under sub-section (1) of section 40 of the said Act / urgently required for the project involving defence of India / National Security / Emergencies arising out of Natural Calamities / emergency with the approval of Parliament (Strike off what is not applicable) under sub-section (2) of section 40 of the said Act, it has been decided not to carry out the Social Impact Assessment Study, vide G.O. No. _____, _____, dated _____.

Enclosure: As above

Place:

Date:

Collector

* Strike out if not applicable.

FORM - V**[see rule 14(1)]****NOTICE BY COLLECTOR**

No. ----- Dt. -----

Notice is hereby given that the land specified in the Schedule below and situated in the _____ village in _____ Taluk / Block in _____ District is needed or is likely to be needed in accordance with the preliminary notification issued under sub-section (1) of section 11 of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), published at page _____ of Part _____ of the Tamil Nadu Government Gazette dated the _____. All persons interested in the land are accordingly requested to file their objections before _____ within sixty (60) days from the date of publication of the above preliminary notification, a statement in writing of their objection,----- if any, to the acquisition of the said land.

Any objection, which is received after the due date or which does not clearly explain the nature of the senders interest in the lands, is liable to be summarily rejected.

Objections received within the due date, if any, will be enquired into on _____ at _____

when the objector will be at liberty to appear in person or by advocate and to adduce any oral or documentary evidence in support of their objections.

THE SCHEDULE

Sl. No.	Survey No.	Total area in hectares	Area in hectares under acquisition	Name and address of the person Interested / Registered holder	Boundaries				Details of trees, structures etc., if any
					N	E	S	W	
(1)	(2)	(3)	(4)	(5)	(6)				(7)

Place :

Collector

Date :

FORM VI**[see rule 16]****DECLARATION**

No: _____ Date _____.

Whereas, it appears to the Government that a total of _____ hectares of land is required in the _____ Village in _____ Taluk / Block (as applicable) in _____ District for a public purpose, namely, in _____

Now, therefore, a declaration is made hereby that a piece of land measuring _____ hectares is under acquisition for the above said project in the _____ Village in _____ Taluk / Block (as applicable) in _____ District whose detailed description is as follows:

Sl. No.	Survey No.	Type of title	Type of land	Area under acquisition (in hectare)	Name and address of person interested	Boundaries				Trees	Structures		
(1)	(2)	(3)	(4)	(5)	(6)	(7)				(8)	(9)		
						N	E	S	W	Variety	Number	Type	Plinth area

This declaration is made after hearing of objections of persons interested and due enquiry as provided under section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). The number of families likely to be resettled due to land acquisition is _____ for whom resettlement area has been identified, whose brief description is as follows:-

Survey Number of Lands _____.

Village _____ Taluk / Block (as applicable)
 _____ District _____ Area
 _____ (in hectares).

Mines of coal, iron-stone, slate or other minerals lying under the said land or any particular portion of the said land, except such parts of the mines and minerals which may be required to be dug or removed or used during the construction phase of the project for the purpose of which the land is being acquired, are not needed.

A plan of the land may be inspected in the office of the Land Acquisition Officer and _____ on any working day.

A summary of the Rehabilitation and Resettlement Scheme is appended.

Enclosure: As above

Collector.

FORM VII**[see rule 18]****LAND ACQUISITION AWARD**

Land Acquisition file No. / Award No.

Date :

1. Name of the Project :
2. Number and date of declaration under which the land is to be acquired
3. Situation and extent of the land in hectares, the number of field plots on the survey map, the village in which the land is situated, with the number of mile plan, if any.
4. Description of the land, i.e., whether fallow, cultivated, homestead, etc. If cultivated, how cultivated, and the source of irrigation;
5. Names of persons interested in the land and the nature of their respective interests;
6. Amount allowed for the land itself, without trees, buildings etc., if any;
7. Amount allowed out of such sum as compensation for the tenants interested in the land;
8. Basis of calculation:
9. Amount allowed for trees, houses or any other immovable property;

10. Amount allowed for crops;
11. Additional compensation on the market value under sub-section (3) of section 30 of the Act;
12. Damage, if any, sustained to the person interested as specified under section 28 of the Act;
3. Solatium under sub-section (1) of section 30 of the Act;
14. Total of amounts ;

Sl. No.	Area of land for apportionment of compensation (in hectares)	Survey No. Boundaries				Name of claimants	Document produced to prove the claim	Amount payable to each claimant	Bank A/c No.	Remarks
(1)	(2)	(3)				(4)	(5)	(6)	(7)	(8)
		N	S	E	W					

15. Date on which possession was taken under sub-section (1) of section 38 or sub-section (1) of section 40 of the Act;
16. If possession was taken under sub-section (1) of section 40, the number and date of the order of the appropriate Government giving directions to do so.

Date

Signature

Land Acquisition Officer.

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FORM NO. VIII

[see rule 18]

**AWARD FOR REHABILITATION AND
RESETTLEMENT**

Land Acquisition File No.

Award No.

Date :

1. Name of the Project
2. No. and date of declaration under which the land is to be acquired
3. Situation and extent of the land in hectares, the number of field plots on the survey map, the village in which the land is situated, with the number of mile plan, if any.
4. Description of housing units, transportation cost, housing allowance, annuity, employment subsistence grant, cattle shed, petty shop, one time resettlement allowance, etc.,
5. Names of person interested in the land and the nature of their respective claim for Rehabilitation and Resettlement.
6. Apportionment of the amount of compensation (in hectares)

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Sl. No. (1)	Name of the Claimants / affected family (2)	Rehabilitation and Resettlement entitlements (3)	Bank account No. (4)	Amount payable to each claimant/ affected family (5)	Non-monetary limit (6)	Remarks (7)
		1. House to be allotted 2. Land to be allotted 3. Offer for developed land 4. Annuity / employment 5. Subsistence grant 6. Transportation cost / housing allowance 7. Cattle shed / Petty shop 8. One time grant to artisans / small traders / certain others 9. Fishing rights 10. One time resettlement allowance 11. Stamp duty and registration fee				

Collector

District:

Dr. CHANDRA MOHAN B.
Secretary to Government.

NOTIFICATIONS**DELEGATION OF POWER TO THE APPROPRIATE GOVERNMENT UNDER SECTION 3(e) OF THE ACT.**

[G.O.(Ms) No.299, Revenue & Disaster Management(LA1(1)), Dated 20.09.2017]

NOTIFICATION

Under the proviso to clause (e) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Governor of Tamil Nadu hereby notifies forty acres as the area, not exceeding which the Collector shall be deemed to be the appropriate Government in relation to acquisition of land in respect of a Public purpose in the respective District.“

FIXATION OF MULTIPLE FACTOR

[G.O.(Ms) No.300, Revenue & Disaster Management (LA1(1), Dated 20.09.2017]

NOTIFICATION

Under sub-section (2) of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) read with the provisions against Serial Number 2 of the First Schedule to the said Act, the Governor of Tamil Nadu hereby notifies the factor by which the market value shall be multiplied in case the project is situated in rural areas, as specified in the Table below:

THE TABLE

Sl. No.	Distance of the Project from Urban Areas	Factor by which the market value is to be multiplied
(1)	(2)	(3)
1.	Within 30 Kilometres	1.25
2.	Beyond 30 Kilometres and within 50 Kilometers	1.5
3.	Beyond 50 Kilometres	2.00

**SPECIAL PROVISIONS TO SAFEGUARD FOOD
SECURITY UNDER SECTION 10 (2) & 10 (4)
OF THE ACT**

[G.O.(Ms) No.301, Revenue & Disaster
Management(LA1(1)), Dated 20.09.2017]

NOTIFICATION

In exercise of the powers conferred by sub- sections (2) and (4) of Section 10 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) the Governor of Tamil Nadu hereby notifies that the acquisition of irrigated multi-cropped land or agricultural land in any district or the entire State, shall, in no case exceed twenty percent of the total extent of irrigated multi-cropped land or twenty percent of the total net sown area of agricultural land respectively , in aggregate for all projects in any district or the entire State.

**APPOINTMENT OF ADMINISTRATOR UNDER
SECTION 43(1) OF THE ACT.**

[G.O.(Ms) No.302, Revenue & Disaster
Management(LA1(1)), Dated 20.09.2017]

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 43 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Governor of Tamil Nadu hereby appoints the Revenue Divisional Officer of every revenue division in the State to be the Administrator for Rehabilitation and Resettlement, in respect of the projects located within the revenue division, where the appropriate Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land.

**PROVISIONS RELATING TO REHABILITATION AND
RESETTLEMENT TO APPLY IN CASE OF CERTAIN
PERSONS OTHER THAN SPECIFIED PERSONS
UNDER SECTION 46(1) OF THE ACT.**

[G.O.(Ms) No.303, Revenue & Disaster
Management(LA1(1)), Dated 20.09.2017]

NOTIFICATION

Under sub - section (1) of section 46 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Governor of Tamil Nadu hereby notifies that in cases of purchase of land, equal to or more than 2500 acres in rural areas or equal to or more than 1250 acres in urban areas, by persons other than specified persons through private negotiation as limits for application of the provisions relating to rehabilitation and resettlement contemplated under the said Act.

**APPOINTMENT OF COMMISSIONER OF
REHABILITATION AND RESETTLEMENT UNDER
SECTION 44(1) OF THE ACT.**

[G.O.(Ms) No.304, Revenue & Disaster
Management(LA1(1)), Dated 20.09.2017]

NOTIFICATION

In exercise of the powers conferred by sub - section (1) of Section 44 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the Governor of Tamil Nadu hereby appoints the Commissioner of Land Administration, Government of Tamil Nadu to be the Commissioner of Rehabilitation and Resettlement.

**ESTABLISHMENT OF LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT
AUTHORITY UNDER SECTION 51 OF THE ACT.**

[G.O.(Ms) No.305, Revenue & Disaster
Management(LA1(1)), Dated 20.09.2017]

NOTIFICATION

In exercise of the powers conferred by section 51 and sub-section(1) of section 52 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013), the Governor of Tamil Nadu, in consultation with the Chief Justice of the High Court of Madras hereby establishes the Authorities specified in column (3) of the Table below as the Land Acquisition, Rehabilitation and Resettlement Authority for areas specified in the corresponding entries in column (2) thereof within which the said Authority shall exercise jurisdiction and appoints the judicial officers specified in the corresponding entries in column (4) thereof as the Presiding officers of the respective Authorities.-

THE TABLE

Sl No.	District of Jurisdiction	Name of the Authority	Name of the Presiding Officer
(1)	(2)	(3)	(4)
1.	Chennai	Land Acquisition, Rehabilitation and Resettlement Authority, Chennai	Principal Judge, City Civil Court, Chennai
2.	Ariyalur	Land Acquisition, Rehabilitation and Resettlement Authority, Ariyalur	Principal District Judge, Ariyalur
3.	Coimbatore	Land Acquisition, Rehabilitation and Resettlement Authority, Coimbatore	Principal District Judge, Coimbatore
4.	Cuddalore	Land Acquisition, Rehabilitation and Resettlement Authority, Cuddalore	Principal District Judge, Cuddalore
5.	Dharmapuri	Land Acquisition, Rehabilitation and Resettlement Authority, Dharmapuri	Principal District Judge, Dharmapuri
6.	Dindigul	Land Acquisition, Rehabilitation and Resettlement Authority, Dindigul	Principal District Judge, Dindigul

7.	Erode	Land Acquisition, Rehabilitation and Resettlement Authority, Erode	Principal District Judge, Erode
8.	Kancheepuram District	Land Acquisition, Rehabilitation and Resettlement Authority, Kancheepuram	Principal District Judge, Kancheepuram District at Chengalpattu
9	Kanniyakumari District	Land Acquisition, Rehabilitation and Resettlement Authority, Kanniyakumari	District Judge, Kanniyakumari District at Nagercoil
10.	Karur	Land Acquisition, Rehabilitation and Resettlement Authority, Karur	District Judge, Karur
11.	Krishnagiri	Land Acquisition, Rehabilitation and Resettlement Authority, Krishnagiri	Principal District Judge, Krishnagiri
12.	Madurai	Land Acquisition, Rehabilitation and Resettlement Authority, Madurai	Principal District Judge, Madurai
13.	Nagapattinam	Land Acquisition, Rehabilitation and Resettlement Authority, Nagapattinam	District Judge, Nagapattinam

14.	Namakkal	Land Acquisition, Rehabilitation and Resettlement Authority, Namakkal	Principal District Judge, Namakkal
15.	Perambalur	Land Acquisition, Rehabilitation and Resettlement Authority, Perambalur	Principal District Judge, Perambalur
16.	Pudukkottai	Land Acquisition, Rehabilitation and Resettlement Authority, Pudukkottai	Principal District Judge, Pudukkottai
17.	Ramanathapuram	Land Acquisition, Rehabilitation and Resettlement Authority, Ramanathapuram	Principal District Judge, Ramanathapuram
18.	Salem	Land Acquisition, Rehabilitation and Resettlement Authority, Salem	Principal District Judge, Salem
19.	Sivagangai	Land Acquisition, Rehabilitation and Resettlement Authority, Sivagangai	District Judge, Sivagangai
20.	Thanjavur	Land Acquisition, Rehabilitation and Resettlement Authority, Thanjavur	Principal District Judge, Thanjavur

21.	The Nilgiris	Land Acquisition, Rehabilitation and Resettlement Authority, The Nilgiris	District Judge-cum-Chief Judicial Magistrate, The Nilgiris District at Udhagamandalam
22.	Theni	Land Acquisition, Rehabilitation and Resettlement Authority, Theni	Principal District Judge, Theni
23.	Thoothukudi	Land Acquisition, Rehabilitation and Resettlement Authority, Thoothukudi	Principal District Judge, Thoothukudi
24.	Tiruchirappalli	Land Acquisition, Rehabilitation and Resettlement Authority, Tiruchirappalli	Principal District Judge, Tiruchirappalli
25.	Tirunelveli	Land Acquisition, Rehabilitation and Resettlement Authority, Tirunelveli	Principal District Judge, Tirunelveli
26.	Tiruppur	Land Acquisition, Rehabilitation and Resettlement Authority, Tiruppur	Principal District Judge, Tiruppur
27.	Tiruvallur	Land Acquisition, Rehabilitation and Resettlement Authority, Tiruvallur	Principal District Judge, Tiruvallur

28.	Tiruvannamalai	Land Acquisition, Rehabilitation and Resettlement Authority, Tiruvannamalai	District Judge, Tiruvannamalai
29.	Tiruvarur	Land Acquisition, Rehabilitation and Resettlement Authority, Tiruvarur	District Judge, Tiruvarur
30.	Vellore	Land Acquisition, Rehabilitation and Resettlement Authority, Vellore	Principal District Judge, Vellore
31.	Villupuram	Land Acquisition, Rehabilitation and Resettlement Authority, Villupuram	Principal District Judge, Villupuram
32.	Virudhunagar	Land Acquisition, Rehabilitation and Resettlement Authority, Virudhunagar	Principal District Judge, Virudhunagar District at Srivilliputhur

Dr. Chandra Mohan. B,
Secretary to Government.

FLOW CHART

This Flow Chart is not a part of RFCTLARR Act, 2013 and TNRFCTLARR Rules, 2017. It is meant as an easy guide for the officials dealing with land acquisition. In case of any doubt, the above said Act and Rules may be referred to.

FLOW CHART LAND ACQUISITION PROCESS FLOW CHART RFCTLARR ACT, 2013

1. Requisition for LA

To be submitted by Requiring body

In case of **Government** - by the Secretary of the Department concerned

In case of **Public Sector** - by the Secretary of the Administrative Department

dealing with such undertaking in **FORM I** with Appendix I, II, III to the **Collector** of the district concerned (*Rule 3(1)*) with a copy to the **Commissioner of R & R** – (*Rule 3(2)*)



2. Action by the Collector

Constitute a **Committee** for conducting a joint preliminary **inspection / enquiry**.

Committee shall make a field visit along with the representatives of the Requiring Body (Rule 4 (1) (a))
Committee will submit report as per (Rule 4(1)(b))



3. Estimation and deposit of cost

The Collector after satisfying that the request is as per provisions of the act, will make a **preliminary estimate of the cost** of the acquisition – Act Sec. 3 (i) (Rule 4 (2) (a))



The Collector shall **inform** the requiring body **to deposit** the cost of acquisition or part thereof in the account specified for the purpose before the publication of declaration under section 19(2) of the Act (Sec. 3 (vi)) (Rule 4 (2) (c)) and (Rule 4 (3))



The requiring body shall deposit the **balance cost** of acquisition after **final estimation** prepared and in cases where excess amount is awarded by the Authority / Court (Rule 4(3))



Applicability of **urgency clause** shall be decided by the Collector and if, the Collector is not appropriate Government shall submit a report to the State Government for issue of direction. Usual procedures for other cases - Act. Sec 40 (Rule 5)



4. Social Impact Assessment

SIA Exempted only under **urgency clause**
Act Sec 40 (2)



Collector shall write to **TNSSIA Unit** to select and **appoint** an eligible **SIA Agency** (Rule 9)



TNSSIA shall prepare the **ToR**; other details (Rule 9 (2) (a)) and also an **estimate** of the **SIA fee** (Rule 9 (b))



Requiring body to deposit the processing fee payable to the **TNSSIA unit** for preparation and submission of ToR and SIA fee shall be at the rate of **10% of the total SIA fee** (Rule 9 (3))



Requiring body shall deposit the SIA fee along with processing fee in the account of the appropriate Government (Rule 9 (3) & (4))



Selection and **appointment** of an eligible **SIA agency** by TNSSIA (Rule 8 & 10)



5. Submission of SIA Report

The SIA agency so appointed shall conduct **the SIA study**; Collect and analyze data; undertake site visit and use other relevant techniques and methodology etc., *(Rule 10(2))*



Any request for **information by the SIA agency** shall be met **within 7 days** by an officer designated by the appropriate Government *(Rule 10 (3))*



The **SIA Agency** shall **assess and determine** all the **factors** that are mentioned in *(Rule 10 (4) (5) (6) (7) & (10))*



Draft SIA study report and the **draft Social Impact Management Plan** shall be prepared by the SIA agency in local language and be made available for public hearing *(Rule 11(6))*



Appropriate Government shall ensure the **completion of the SIA study** within a period of **6 months** from the date of its commencement *(Rule 4(2))*



Public hearing shall be conducted in the **local language** in the **affected areas** by the **District Administration**, giving notice of **not less than 15 days** time *(Rule 11(1)(2)(3)(4)(5)(6) & (7); (Rule 30)*



Consent of Grama Sabha / affected land owners shall be obtained – Act Sec. 2 (2) & *(Rule 12)*

6. Expert Group

Expert Group shall **appraise and evaluate** the Social Impact Assessment report and make recommendation **within 2 months** from the date of its constitution Act Sec.7(2) & (3)



The **recommendations** of the **Expert Group** shall be made **available** in the local language - Act Sec. 7(6) *(Rule 30)*



The **decision** of the **Appropriate Government** after examining report of the Collector if any and the report of the expert group on SIA study shall be made available in the local language to the public - Act Sec.8 (2)(3) *(Rule 30)*



7. Publication of Preliminary Notification

Publication of **Preliminary Notification** u/s 11(1) of Act, in Form IV (Rule-13 (1) & Rule 30)



The Collector shall issue a **notice** in **Form V** for **inviting objections** within a period of **60 days** from the date of publication of preliminary notification in Form IV. (Rule 14)



8. Hearing of objections

After hearing all **objections** by making **enquiry** under section 15 (2) of the Act, the Collector shall submit a report with his **recommendations on the objections** to the **appropriate Government** (Rule 14(1)(2))



9. Land Records updation

Updation of Land Records by the **Collector**, within **2 months** from the date of publication of preliminary notification under Sec 11(1) & (5) (Rule – 13(3))



The Collector may give **notice** to the **affected land owners** to produce documents within one month for updation of land records (Rule 13 (4))



10. Preparation of Draft R&R scheme by Administrator

The **Administrator** to **conduct survey** and **undertake census** of the affected families **within 3 months** from the date of preliminary notification under Sec. 11 (1), 16(1) (Rule 15(1))



The **Administrator** shall prepare **draft R & R scheme** with required particulars – Act Sec. 16 (2) Rule 15(2) & give wide **publicity** – Act Sec. 16(2) Rule 15(3)



The **Administrator** shall give wide **publicity** to the **draft R & R Scheme** in local language and make the draft scheme available to the persons & authorities concerned (Rule 15(3) (4))



The Administrator or an officer designated by him shall conduct the **public hearing** in the **affected areas** on a date **not earlier than 15 days** from the date of publication of scheme (Rule 15 (5))



The Administrator shall submit the **draft R & R Scheme** along with his **report** on the **claims and objections** to the Collector **within 14 days** after hearing (Rule 15(6))



Review of R & R Scheme by **Collector** and submission for **approval** to the **Commissioner of R & R** - Act Sec. 17



Approved R & R Scheme to be made **public** in local language – Act Sec 18 (Rule 30)



11. Publication of Declaration and Summary of R & R

Publication of **declaration** along with **Summary of R & R** under section 19 (2) by the Collector in **Form VI** shall be published under Sec. 19 (1) (Rule 16 & 30)



The **requiring body** has to **deposit 50% of the cost** of acquisition of land before publishing 19 (2) declaration u/s. 19(1) (Rule 16)



12. Development Plan for SC / ST

In case of **involuntary displacement** of the **scheduled caste / scheduled tribe** families, **development plan** shall be prepared – Act Sec. 41 (Rule 17)



13. Determination of compensation

Determination of **market value** of land by Collector – Act Sec. 26 & 27 (Secretary to Government, Revenue Department, letter No. 38688/LA-I(1)/2017-I, dated 3.11.2017; ACS / CLA's Circular M2/22464/2017, dated 13.11.2017 & letter dated 12.12.2017)



14. Enquiry & Land Acquisition Award by Collector

The Collector shall proceed to **enquire into the objections** if any and shall make an **award** of the **compensation** as determined u/s. 27 along with **R & R award** as determined u/s.31 in **Form VII & Form VIII** respectively – Act Sec. 26, 27, 28, 29 & 31, 1st and 2nd schedule (Rule 18) (Rule 2 (n) – urban area definition, G.O. Ms. No. 300, Rev. & D.M. Dept., dated 20.9.2017 in TNGG No. 300, dated 21.9.2017)



The Collector shall make an **award within a period 12 months** from the date of publication of the declaration u/s. 19 – Act Sec.25

Authority	Only for compensation (in Rupees)	Compensation Including R & R benefits (in Rupees)
Collector - upto	Two crores	Five crores
Commissioner of Land Administration for prior approval - upto	Eight crores	Twenty crores
Government for prior approval – more than	Eight crores	Twenty crores

(Secretary to Government, Revenue Department, letter No. 38688/LA-I(1)/2017-I, dated 3.11.2017; ACS / CLA's Circular M2/22464/2017, dated 13.11.2017 & letter dated 12.12.2017) (Rule 18)



15. Notices to the persons

The Collector shall give immediate **notice** of the award to the **persons interested** – Act Sec. 37(2)



16. Power to take possession

Within a period of **3 months** for the **compensation** and a period of **6 months** for the **monetary part of R & R entitlements** listed in Second schedule from the date of the Award - Act Sec 38(1)



The **components of the R & R Package** in Second & Third schedules relating to the infrastructural entitlements shall be provided within a period of **18 months** from the date of award – Act Sec 38(1)
Full payment of both awards before displacement – Act Sec. 38 (2).



17. Reference to Authority

Any person interested who has **not accepted** the award may, **write to the Collector** requiring the matter be referred for the determination of **Authority** – Act Sec. 64 & 65



ABSTRACT

Land Acquisition - Acquisition of land for various purposes
 - Acquisition through Private Negotiation - Revision of
 procedures and enhancement of monetary powers of the
 Committee - Orders - Issued.

 Revenue & Disaster Management Department,
 Land Administration Wing, LA-I(1) Section.

G.O.(Ms) No.281

Dated:7.9.2017

HeyvilambiAavani

ThiruvalluvarAandu 2048

Read:-

1. G.O.(Ms) No.885, Revenue Department, dated 21.9.1995.
2. G.O.(Ms) No.103, Revenue (LA-I(1)) Department, dated 28.2.2011.

3. From the Additional Chief Secretary/Commissioner of Land Administration letter No.M2/27011/2013, dated 7.2.2014, 22.4.2015 and 5.8.2016.

ORDER:-

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013) came into force on 1.1.2014 repealing the earlier Land Acquisition Act, 1894. The Additional Chief Secretary / Commissioner of Land Administration has accordingly sent the proposal in the reference 3rd read above for the revision of the procedure for private negotiation in order to acquire land for various Government Departments / Agencies.

2. In the Government Order 1st read above, the Government have issued orders prescribing uniform procedure for all Departments by constituting various Committees for fixing of value of land and for negotiating etc. and also conferring monetary powers to those Committees. In the Government Order 2nd read above, the Government have issued amendment to the Government Order first cited reconstituting the District

Level Private Negotiation Committee and State Level Private Negotiation Committee and also enhancing the monetary powers of these Committees to fix land value, structure and tree value.

3. The Additional Chief Secretary/Commissioner of Land Administration has reported that certain provisions for fixation of compensation for the acquired land have been changed from the Land Acquisition Act, 1894 to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Due to changes in the procedure for determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Additional Chief Secretary/Commissioner of Land Administration has sent proposal recommending the revised procedures for purchase of land by private negotiation in such a way that benefits under private negotiation fall in line with the monetary benefits eligible to land owner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and enhanced the monetary powers of District Level/State Level Committee and the Government, in respect of urban and rural areas as detailed in para 5 given below.

5. The Government after careful consideration hereby accept the recommendations of the Additional Chief Secretary/Commissioner of Land Administration and orders to revise the procedures and enhance the monetary powers of the District Level/State Level Private Negotiation Committee and the Government in order to enhance the monetary benefits for the lands acquired through private negotiation as given below:-

I) District Level Private Negotiation Committee:

a) Urban Areas:-

Approval of negotiated value not exceeding Rs.2 Crore and the maximum upto which the Committee can negotiate is 225% of market/guideline value whichever is higher. The Committee can pass award upto the limit.

b) Rural Areas:-

Approval of negotiated value not exceeding Rs.2 Crore and the maximum percentage of Market value/Guideline value, whichever is higher, upto which the Committee can negotiate is 275% for projects falling within 30Km from urban area; 325% for projects falling beyond 30Km and within 50Km from urban area; and 425% for projects falling beyond 50Km from urban area. The Committee can pass award upto the limit.

II) State Level Private Negotiation Committee:

a) Urban Areas:-

Approval of negotiated value exceeding Rs.2 Crore and the maximum upto which the Committee can negotiate is 225% of market / guideline value whichever is higher. The Committee can pass award upto the limit.

b) Rural Areas:-

Approval of negotiated value exceeding Rs.2 Crore and the maximum percentage of Market value/Guideline value, whichever is higher, upto which the Committee can negotiate is 275% for projects falling within 30Km from urban area; 325% for projects falling beyond 30Km and within 50Km from urban area; and 425% for projects falling beyond 50Km from urban area. The Committee can pass award upto the limit.

III) Government Level:-

a) Urban Areas:-

Approval of negotiated value above 225% of market / guideline value whichever is higher.

b) Rural Areas:-

Approval of negotiated value above the percentage of Market value/Guideline value, whichever is higher,

allowed in each category mentioned above, i.e. above 275% for projects falling within 30Km from urban area; above 325% for projects falling beyond 30Km and within 50Km from urban area; and above 425% for projects falling beyond 50Km from urban area.

Monetary Powers to fix Structure and Tree value:

The District Level Private Negotiation Committee can approve:-

- (i) Structure value equal to land value and
- (ii) Tree value equal to 50% of land value

The State Level Private Negotiation committee can approve:-

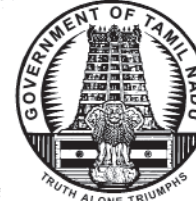
- (i) Structure value above the land value and
- (ii) Tree value above 50% of land value

6. The order issues with the concurrence of Finance Department vide its U.O. No.44428/Finance (Revenue)/2017, dated 1.9.2017.

(By order of the Governor)

Dr. Chandra Mohan. B,
Secretary to Government.

To,
 The Additional Chief Secretary/ Commissioner of Land
 Administration, Chennai-5.
 All Head of Department.
 All District Collectors.
 All District Revenue Officers.
 All Departments in Secretariat, Chennai-9.
 Copy to:
 All Officers/Sections in Revenue Department.
 SF/SC.



Revenue & Disaster
 Management
 Department,
 Land Administration
 Wing, LA-I(1)
 Section, Secretariat
 Chennai-600 009.

Letter No.38688/LA-I(1)/2017-1, dated:3.11.2017

From
 Dr. B. CHANDRAMOHAN, I.A.S.,
 Secretary to Government.

To
 The Additional Chief Secretary/
 Commissioner of Land Acquisition,
 Chepauk, Chennai-5.
 All District Collectors/
 District Revenue Officers/
 Land Acquisition Officers.

Sir,
 Sub: Tamil Nadu Right to Fair Compensation and
 Transparency in Land Acquisition, Rehabilitation
 and Resettlement Rules, 2017 - under Right to
 Fair Compensation and Transparency in Land
 Acquisition, Rehabilitation and Resettlement
 Act 2013 notified - notification on multiplier
 factor - issued - proposals regarding fixation of
 land values - certain instructions.

- Ref: 1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) published in the Gazette of India Extraordinary No.40, dated 27.9.2013.
2. G.O. (Ms) No.298, Revenue & Disaster Management (LA1 (1)) Department, dated 20.9.2017.
 3. G.O. (Ms) No.300, Revenue & Disaster Management (LA1 (1)) Department, dated 20.9.2017.
 4. TamilNadu Government Gazette Extraordinary No.300, dated 21.9.2017.

I am directed to invite your attention to the references cited and to state that as per Section 26(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the value of land shall be determined as below:

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

- (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.

2. Further, as per Section 30(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, 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.

3. In the case of urban areas, the provisions against serial number 3 of the First Schedule of the said Act first cited prescribes the factor which the market value is to be multiplied as 1 (one), (i.e. Land value 100% + Solatium 100% = 200%). Accordingly, the urban area has been defined in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2017 as below.

“Urban Area” means, –

- (i) the area (including village panchayats) lying within the territorial limits of the Chennai Metropolitan Development Authority;
- (ii) Municipal Corporations having a population of 5 lakhs and above as per 2011 census (i.e. Madurai, Tiruchirappalli, Salem, Coimbatore and Tirunelveli Municipal Corporations, except Chennai City Municipal Corporation) and the area (including village panchayats) that falls within 8 kilometers distance from the limits of the said Municipal Corporations;
- (iii) all other Municipal Corporations, Municipalities, Town Panchayats, Cantonments and Townships; and
- (iv) any other area that may be notified as urban area by the State Government from time to time.

4. In the case of rural areas, the provision under Sl. No.2 of First Schedule of the said Act first cited prescribes the factor by which the market value is to be multiplied

as 1 to 2 based on the distance of the project from urban areas. Accordingly, the multiplier factor has been issued in the G.O. third cited and notified in the Tamil Nadu Government Gazette fourth cited as given below:-

Sl. No.	Distance of the Project from Urban Areas	Factor by which the market value is to be multiplied
(1)	(2)	(3)
1.	Within 30 Kilometres	1.25 (i.e. 250%)
2.	Beyond 30 Kilometres and within 50 Kilometres	1.5 (i.e. 300%)
3.	Beyond 50 Kilometres	2.00 (i.e. 400%)

5. I am therefore to request you to determine the value of land in respect of cases relating to land acquisition based on the orders issued in the G.O.s 2nd and 3rd cited while sending proposals to Government.

Dr. Chandra Mohan. B,
Secretary to Government.
