

**Appendix-I1: Direct Purchase Policy of Assam, 2021**

পঞ্জীভুক্ত নম্বৰ - ৭৬৮ /৯৭

Registered No.-768/97



**THE ASSAM GAZETTE**

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 53 Dispur, Friday, 22nd January, 2021, 2nd Magha, 1942 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

PUBLIC WORKS ROADS (DEVELOPMENT A-1 BRANCH) DEPARTMENT

**NOTIFICATION**

The 20th January, 2021

No. DA5R.80/2020/3.- The Governor of Assam is pleased to order "Land acquisition through direct purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided Projects (EAPs)" as enunciated in the enclosed document in Annexure 1. It will come into force with effect from the date of publication in the Assam Gazette and will remain in operation till such time as the State Government may consider fit and proper. The Government also reserves the right to make any amendment to the Policy from time to time.

**Annexure-1**

**Land acquisition through Direct Purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided Projects**

1. Government of Assam has initiated the flagship program Asom Mala for improvement and widening of State Highways and Major District Roads. It would be a large and prestigious long-term road infrastructure development program which in addition to State funded works, would also include several Externally Aided Projects (EAP) under its umbrella. The works under Asom Mala would involve big highway contracts with substantial land acquisition. The readiness criteria for EAPs require completion of 50% of land acquisition for a project before loan negotiation. Ministry of Road Transport & Highways (MoRTH) stipulates 90% land availability before starting the works.
2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA) enacted by Government of India, with effect from 1<sup>st</sup> January 2014, superseded all previous land acquisition Acts and Rules in India. It includes provision for Rehabilitation and Resettlement (R&R) of project affected families and persons in addition to cost of acquiring land. The State of Assam made the Assam RFCTLARR Rules 2015 on the provisions of the RFCTLARR Act, 2013 with a number of sequential compulsory processes, involvement of number of bodies as well as statutory waiting time between different processes. Acquisition of land as per the general procedure laid down in the said Act and Rules require a very long time from Notification to possession of land.
3. Asom Mala being a flagship programme of Government of Assam, calls for expeditious acquisition of land for speedy implementation of the programme. Section 46(1) of the RFCTLARRA has been considered for direct purchase of land for the programme.
4. Government of Assam has adopted land acquisition through Direct Purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided Projects. The important steps and features of the Direct Purchase include the following:
  - 4.1. Step 1: The Requisitioning Department i.e. PWRD shall finalise the minimum extent of land required for each road project under Asom Mala and EAP. The Requisitioning agency shall give the requisition to the concerned Deputy Commissioner/District Collector (DC) in Form-A.
  - 4.2. Step 2: A District level Land Purchase Committee (DLLPC) under chairmanship of concerned DC is to be constituted for direct purchase of land as well as fixation of market value, etc. The DLLPC will be constituted of the following concerned persons:
    - Deputy Commissioner/District Collector – Chairman
    - Additional Deputy Commissioner (Revenue) – Member Secretary
    - Executive Engineer, PWRD – Member
    - Executive Engineer, Building, PW (Bldg & NH) Deptt. – Member
    - Revenue Circle Officer - Member
    - Sub-Registrar - Member
    - Representatives from other departments, as decided by the Convener

- 4.3. Step 3: Concerned Revenue Circle Officer, concerned Executive Engineer of PWD (Building) along with representative of Requiring Department will conduct joint inspection of the requisite land. The area of the land and immovable properties attached on it will be measured and mapped.
- 4.4. Step 4: General notice shall be issued by the District Level Land Purchase Committee inviting the attention of the land owners regarding purchase of the land.
- 4.5. Step 5: The owners of the land who may agree to sell the land may be identified and a list may be prepared after ascertaining the actual owner of the land.
- 4.6. Step 6: The list may be published inviting objections, if any, regarding interest and ownership of the land, etc. There may be one (1) month of waiting period for receiving objections from the Land Owners, if any.
- 4.7. Step 7: DLLPC will prepare the valuation of land and assets. The requisitioning agency may also define a few typical immovable assets of different categories and fix the guidance price through appropriate authority. This price of the assets attached to the land may be calculated on pro-rata basis on typical immovable assets mentioned above.
- 4.8. Step 8: The valuation of the land and assets, if any thereon, the particulars of the land, name of owners, etc. shall be prepared.
- 4.9. Step 9: The Direct Purchase Price shall be 25% higher on the compensation calculated as per provisions of Section 26 to 30 & Schedule I of RFCTLARR Act 2013 with multiplier of market rate of land defined through the Assam Land Acquisition Notification No. RLA 300/2013/Pt-II/7 dated 22nd December, 2014 (in compliance with Section 26 (2) and Serial 2 of First Schedule of RFCTLARR Act 2013). The R&R benefit will be deemed included in it.
- 4.10. Step 10: On completion of the Statutory waiting period specified in step 6, the DLLPC will inform the respective land owners, who are interested or not raising any objections for Negotiation.
- 4.11. Step 11: Pre-informed negotiation(s) with the respective Land Owners will be carried out by DLLPC.
- 4.12. Step 12: The settlement reached in the negotiation shall be recorded as Agreement through Form-B and Form-C for land owners and for interested persons other than land owners, if any, respectively. An undertaking may be signed by the land owners declaring that they will not claim for payment of higher compensation in any court of law or any other forum and shall abide by the sale agreement finalized by the DLLPC. The land owners and other interested persons have to provide their electronic transfer details through electronic transfer mode.
- 4.13. Step 13: The Deputy Commissioner/ District Collector may requisition necessary funds from the Requiring Department.
- 4.14. Step 14: The Deputy Commissioner/ District Collector shall make an Award according to the terms of such Agreement by the DLLPC. The possession of the Land is taken through paying the negotiated Price directly to the land owners or interested persons other the land owner, if any, through electronic transfer to their respective bank accounts.

- 4.15. Step 15: The list of the rightful land owners so prepared may be communicated to the concerned Sub-Registry Office for registration of Conveyance Deed. The Stamp duty in the Indian Stamp Act, 1899, will be exempted, in respect of instrument executed by, or on behalf of, or in favour of Government.
- 4.16. Step 16: The concerned Deputy Commissioner/ District Collector will transfer the land in favour of the Requisitioning Agency.
- 4.17. Step 17: In the event of any owner refusing to sell the land or any of the owners has objected or not interested with the direct purchase through negotiation, the respective land may be acquired through land acquisition process of Assam Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015.
5. The cost of Direct Purchase Price and process of Direct Purchase shall be borne by the Requisitioning Agency.
6. The Direct Purchase method will be all encompassing and inclusive of all compensation and R&R benefits, as specified in 2nd & 3rd Schedule of RFCTLARR Act 2013 or in R&R benefits of Multilateral Development Banks for Titleholders. The price of land shall be fixed based on negotiations and mutual consent, hence no separate rehabilitation and resettlement benefits shall be payable to the land owners.
7. The Rehabilitation & Resettlement and Entitlements for non-Titleholders shall be considered separately, if applicable as per the guidelines of External Funding Agencies for EAPs.
8. The formats for application and other requisition forms are enclosed as *Annexure 2*. The procedure for calculating the Direct Purchase Price of land, and other properties attached with it, is provided in *Annexure 3*.

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Annexure 2

Form-A  
Requisition for Land Acquisition

No. : \_\_\_\_\_ Date \_\_\_\_\_

From : <Designation>  
< Requiring body>

To : <The Deputy Commissioner/ District Collector>  
<District Name>

The undersigned is in requirement of \_\_\_\_\_ acre(s) of land for \_\_\_\_\_ project/ purpose and the details are furnished in Appendix 1, 2 & 3 along with two copies of tracing map showing the full/ parts of lands are required.

It is certified that the required land will be demarcated on the field and all further necessary information and assistance will be provided on the date/ time appointed/ stipulated by you.

The requisite Price for direct purchase finalised through negotiation will be deposited in your office as and when required.

Enclosure: Appendix 1, 2 & 3 & two copies of Tracing Map in 1:3960 scale.

Yours faithfully,

<Designation>  
<Requiring Body>

Memo No. \_\_\_\_\_ Date \_\_\_\_\_

Copy to:

1. The Commissioner and Special Secretary to the Government of Assam, PWRD for favour of kind information.
2. The Commissioner and Secretary to the Government of Assam, Revenue Department, for favour of kind information.

<Designation>  
<Requiring Body>

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**Appendix 1 to Form A  
Requisition for Land**

(i) Name of the District \_\_\_\_\_

(ii) Name of the Project \_\_\_\_\_

(iii) Details of Requisition of Land

District \_\_\_\_\_ Revenue Circle \_\_\_\_\_

Sl.	Village/ Ward	Rural/ Urban	Mouza	Dag No.	Area to be acquired	Boundaries			
						N	S	E	W

(iv) Total Area under Requisition (Acres) \_\_\_\_\_

(v) Are any religious structures, grave yard or tomb etc. are required for Acquisition? (Yes/ No) \_\_\_\_\_

(vi) If yes, reasons for such inclusion of religious structures

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<Designation>  
<Requiring Body>

**Appendix 2 to Form A**  
**Certificate with Requisition for Land**

Name of the Project \_\_\_\_\_

- (1) Certified that the project for which the land is required has administratively approved vide Department Letter No.: \_\_\_\_\_ dated \_\_\_\_\_ for direct purchase through negotiations with the land owners.
- (2) The estimated cost of the land is of Rs. \_\_\_\_\_ and necessary budget was sanctioned and funds are available towards cost of acquisition through direct purchase.
- (3) The Department undertakes to pay full amount in case of award by the District Level Land Purchase Committee (DLLPC), Rehabilitation and Resettlement Authority/ High Court/ Supreme Court as and when asked to do so by the Deputy Commissioner/ District Collector/ Appropriate Government.

<Designation>  
<Requiring Body>

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**Form-B: Agreement with Land Owner**

An agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ between \_\_\_\_\_ hereinafter called the 'owner' (which expression shall unless repugnant to the context or meaning there of include his/ her heirs, executors) and the Requisitioning Agency represented by \_\_\_\_\_ hereinafter called the 'Requisitioning Agency', on the other part and recommended by District Level Land Purchase Committee (DLLPC).

**AND WHEREAS** the right, title and interest of the owner/ owners in the following land/ lands hereinafter called the said land/ lands is/ are as specified below:

Persons being the absolute owner/ owners of the property or having an interest therein capable of leading ownership ultimately hereinafter mentioned and hereby conveyed in the following shares, that is to say:

- (1) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Share \_\_\_\_\_
- (2) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Share \_\_\_\_\_
- (3) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Share \_\_\_\_\_

**AND WHEREAS** the Owner and the Requisitioning Agency agreed for payment of compensation at Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) as a Lump-sum deal for an extent of covering Acres \_\_\_\_\_ in \_\_\_\_\_ Village/ Ward of \_\_\_\_\_ Mouza/ Municipality/ Municipal Corporation \_\_\_\_\_ Sub-division \_\_\_\_\_ District. The lump-sum deal represents the market value of the land including value of any immovable property/ assets attached to the said land and value of standing tree and crops, solatium, etc. under the Act and over and above of these, there are incentive of direct purchase which also includes the Rehabilitation and Resettlement costs and also apportion the same among themselves as herein after provided.

**AND WHEREAS** the Owner have no intention to raise any dispute regarding the contents and manner of this Agreement and the owner have no intention of making a reference to any court or authority, as far as the compensation, contents and manner of the Agreement are concerned.

**Signatures of the Land Owners**

- 1.
- 2.
- 3.

**Signature of Requisitioning Agency**

**Attested by Member Secretary  
District Level Land Purchase Committee**

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**Form-C: Agreement with Interested Persons other than the Land Owner**

An agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ between \_\_\_\_\_ one part 'Persons interested' (which expression shall unless repugnant to the context or meaning thereof include their successors and assignees) and the Requisitioning Agency represented by \_\_\_\_\_ hereinafter called the Requisitioning Agency', on the other part and recommended by District Level Land Purchase Committee (DLLPC).

**AND WHEREAS** the right, title and interest of the owner/ owners in the following land/ lands hereinafter called the said land/ lands is/ are as specified below:

Where the land/ lands are held by the interested party/ parties under the owners named herein above with respective terms and nature of interest:

- (1) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Definite Terms and nature of interest \_\_\_\_\_
- (2) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Definite Terms and nature of interest \_\_\_\_\_
- (3) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Definite Terms and nature of interest \_\_\_\_\_

**AND WHEREAS** the Owner and the Requisitioning Agency agreed for payment of compensation at Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) as a Lump-sum deal for an extent of covering Acres \_\_\_\_\_ in \_\_\_\_\_ Village/ Ward of \_\_\_\_\_ Mouza/ Municipality/ Municipal Corporation \_\_\_\_\_ Sub-division \_\_\_\_\_ District. The lump-sum deal represents the Rehabilitation and Resettlement benefits as per the provisions.

**AND WHEREAS** the interested parties have no intention to raise any dispute regarding the contents and manner of this Agreement and the owner have no intention of making a reference to any court or authority, as far as the compensation, contents and manner of the Agreement are concerned.

**Signatures of Persons interested in land**

- 1.
- 2.
- 3.

**Signature of Requisitioning Agency**

**Attested by Member Secretary  
District Level Land Purchase Committee**

**Annexure-3**

**Calculation of Direct Purchase Price**

The Compensation of Land Acquisition as per Section 26 to 30 of the RFCTLARR Act 2013 is shown below:

**1. Section 26 of RFCTLARR Act 2013**

- a) The base rate of land (*Sub-section (1) of Section 26 of RFCTLARR Act 2013*) will be determined by the highest value among:
- 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;
  - The average sale price of similar type of land situated in the nearest village or nearest vicinity area; and
  - Consented amount of compensation as agreed upon under sub-section (2) of section 2 of RFCTLARR Act 2013 in case of acquisition of lands for private companies or for public private partnership projects
- b) The market value of land shall be multiplied by a factor (*Sub-section (2) of Section 26 of RFCTLARR Act 2013*), of i) 1.00 (One) for land in urban areas or, ii) 1.5 (one and half) if the radial distance of the land is up to 10 km from the nearest urban area or, iii) 2.00 (two) if the radial distance of the land is beyond 10 km from nearest urban area (*Ref. Notification No. RLA 300/2013/Pt-II/7 dated 22<sup>nd</sup> Dec 2014 of Govt. of Assam*)

**2. Section 29 of RFCTLARR Act 2013**

- a) Market value of building and other immovable property and assets attached to the land will be calculated by the competent Engineer or any other specialist in the relevant field (*Ref. sub-section (1) of Section 29*).
- b) Value of trees and plants attached to the land will be calculated by the experienced persons in the field of agriculture, forestry, horticulture, sericulture or any other relevant field, as the case may be (*Ref. sub-section (2) of Section 29*).
- c) Value of standing crops damaged during the process of land acquisition will be calculated by the experienced persons in the field of agriculture (*Ref. sub-section (3) of Section 29*).

**3. Section 30 of RFCTLARR Act 2013**

- a) A Solatium of 100% on the compensation amount of land, immovable assets attached with the land and standing crops will be added to determine the total compensation (*Ref. sub-section (1) of Section 30 of RFCTLARR Act 2013*)
- b) Individual awards detailing the particulars of compensation and details of payment of compensation as specified in Schedule I of the RFCTLARR Act 2013 will be issued (*Ref. sub-section (2) of Section 30 of RFCTLARR Act 2013*)
- c) The land value defined u/s 26 of RFCTLARR Act 2013, will also attract an amount calculated at 12% per annum for the period commencing on and from the date of notification till the date of award (*Ref. sub-section (3) of Section 30 of RFCTLARR Act 2013*).

#### 4. Simple valuation of immovable assets attached to the land

To facilitate quicker and simpler valuation on immovable assets on the land to be acquired, a few typical specifications of different categories of all possible immovable assets, attached to land may be defined. The guidance price of these typical assets may be prepared and vetted through appropriate authority. The valuation of immovable assets attached to the land will be calculated on pro-rata basis of the guidance price, without depreciation, of the respective asset.

#### 5. Direct Purchase Price

The land owners will get an incentive of 25%, inclusive of R&R Benefits, on the compensation calculated as per provisions of Section 26 to 30, Valuation of immovable assets & Schedule I of RFCTLARR Act 2013, as he has readily agreed to be a part of the project.

The Price of Direct Purchase (DP) will be:

$$DP = 2.5 \times \{(R \times M \times A) + (B + O)\} + [0.12 \times Y \times \{(R \times M \times A) + (B + O)\}]$$

where:

R is the base rate of Land

M is the Multiplier

A is the affected area

B is the market value of Buildings

O be cost of all immovable assets & standing crops

Y<sup>1</sup> is the year from date of notification to award of compensation

The Direct Purchase method will be all encompassing and inclusive of all compensation and R&R benefits, as specified in 2nd Schedule of RFCTLARR Act 2013 or in R&R benefits of Multilateral Development Banks (MDBs) for Titleholders. The purchase price of land shall be fixed based on negotiations and mutual consent, hence no separate rehabilitation and resettlement benefits shall be payable to the land owners.

<sup>1</sup> Whole number or proper or improper fraction, as the case may be

**RAJESH KEMPRAI,**  
Commissioner & Special Secretary to the Government of Assam,  
Public Works (Roads) Department.

## **Appendix-I2: Summary of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 to the whole of India. The Act repealed the Land Acquisition Act, 1894.
2. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabha established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other displaced families; (ii) provide just and fair compensation to the displaced families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such displaced persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that displaced 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.
3. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule.
4. Preparation of Social Impact Assessment Study under section 4(1): it is obligatory for the appropriate Government to intend to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under Section 6.
5. **Notification under Section 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 to that effect along with details of the land to be acquired in rural and urban shall be published in the official Gazette in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehsil*; uploaded on the website of the appropriate Government in the affected areas.
6. **Hearing of Objection under section 15(1):** any person interested in any land which has been notified under sub-section (1) of section-II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/ her objection, if any, to the collector in writing and shall be heard by the collector or by any person authorized by him/ her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, or make

different reports in respect of different parcels of such land, to the appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of displaced families likely to be resettled, for the decision of that Government.

7. **Publication of declaration and summary of Rehabilitation and Resettlement under Section 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 purpose of rehabilitation and resettlement of the displaced families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; 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*; uploaded on the website of the appropriate Government; in the affected areas.
8. After declaration the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.
9. **Enquiry and Land Acquisition award by Collector under Section 23:** on the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors 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 interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of:
  - i. the true area of the land;
  - ii. the compensation as determined under Section 27 along with Rehabilitation and Resettlement award as determined under Section 31 and which in his/her opinion should be allowed for the land, and;
  - iii. the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.
  - iv. **Period within which an Award shall be made:** under Section 25, it is obligatory for the Collectors to 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 the period, the entire proceedings for the acquisition of the land shall lapse.

- 10. Determination of market value of land by Collector under Section 26 (1):** The Collector shall adopt the following criteria's in assessing and determining the market value of the land, namely:
- i. 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
  - ii. the average sale price for similar type of land situated in the nearest village or vicinity area; or
  - iii. 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. Wherever is higher.
- 11. Determination of amount of Compensation under section 27:** The Collector having determined the market value of the land to be acquired shall calculated the total amount of compensation to be paid to the landowner (whose land has been acquired) by including all assets attached to the land.
- 12. Determination of value of things attached to land or building under section 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/ her. Under Section 29 (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. In the same manner, the Collector under Section 29(3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experience persons in the field of agriculture.
- 13. Rehabilitation and Resettlement Award for displaced families by Collector under Section 31(1) of Section V:** The Collector shall pass Rehabilitation and Resettlement Awards for each displaced family in terms of the entitlements provided in the second schedule. As per Section 31(1), the Rehabilitation and Resettlement Award shall include all the following, namely;
- i. Rehabilitation and resettlement amount payable to the family;
  - ii. Bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
  - iii. particulars of house site and house to be allotted, in case of displaced families;
  - iv. particulars of the land allotted to the displaced families;
  - v. particulars of one-time subsistence allowance and transportation allowance in case of displaced families;
  - vi. particulars of payment for cattle shades and petty shops;
  - vii. particulars of one-time amount to artisans and small traders;
  - viii. details of mandatory employment to be provided to the members of the displaced families;
  - ix. particulars of any fishing rights that may be involved;
  - x. particulars of annuity and other entitlements to be provided;
  - xi. particulars of special provisions for the scheduled caste and the scheduled tribes to be provided.

14. **Special powers in case of urgency to acquire land in certain cases under Section 40 (1):** in case 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 there up on vest absolutely in the Government, free all encumbrances.
15. **Special Provision for Scheduled Caste and Scheduled Tribes under Section 41 (1):** as far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41(2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of the concern *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.
16. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Caste or the Scheduled Tribes families, a Development Plan shall be prepared (section41[4]). As per section41(5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.
17. In case of land being acquired from members of Scheduled Caste or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the displaced families initially as first installment and the rest shall be paid after taking over of the possession of the land. The displaced 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.
18. Under Section 42(1), all benefits including the reservation benefits available to Scheduled Caste and the Scheduled Tribes in the affected are as shall continue in the resettlement area.

**Appendix-I3: Assam Land Acquisition on Factor/Multiplier of Acquired Rural Land**

পঞ্জীভুক্ত নম্বৰ - ৭৬৮ /৯৭

Registered No.-768/97



**THE ASSAM GAZETTE**

অসাধাৰণ

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প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 295 Dispur, Tuesday, 23rd December, 2014, 2nd Pausa, 1936 (S.E.)

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
REVENUE & D.M. (L.R.) DEPARTMENT : : LAND ACQUISITION BRANCH

**NOTIFICATION**

The 22nd December, 2014

No RLA.300/2013/Pt-II/7 - Whereas sub-section (1) of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as "the said Act) the Collector has to determine the market value of the land to be acquired;

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

And whereas, as per the First Schedule of the said Act, the manner of determination of value of land in case of rural areas is 1.00 (one) to 2.00 (two) which is based on the distance of project from Urban area, is to be notified by the appropriate Government;

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

Now, therefore, in exercise of the powers conferred under sub-section (1) and (2) of section 26 read with First Schedule of the said Act, and of all other powers enabling on its behalf, the Government of Assam hereby notifies that when the land to be acquired is situated in rural area, the factor by which the market value as calculated by the Collector as per sub-section (1) of section 26 of the said Act, will be **equal to 1.5 (one and half times)** if the radial distance of the land is up to 10 Km. from urban area and **equal to 2 (two times)** if the radial distance of the land is beyond 10 Km from urban area.

**S. C. DAS,**  
Addl. Chief Secretary to the Govt. of Assam,  
Revenue & D.M. Department, Dispur.

## **Appendix-14: Land Transfer in Non-Cadastral and Tribal Areas in Assam**

### **Background:**

Non-Cadastral land means that there are no individual land records or tax estimates of land parcels, instead the land ownership is on the Village/ Community instead of private individual ownership. Each village is occupied by one tribal group which is recognized by the Autonomous District Council (ADC) as a qualifying tribe to hold land in the village. Gaon Bura/ Village Headman is the administrative head of the village on behalf of the ADC. The village headman supervises the village land use on behalf of the ADC. The Gaon Bura/ Village Headman of each village community maintains information on land parcels that are given on lease hold for each household of the community. Each household who cultivates or occupies a piece of land does so as a member of the village and with the permission of the village Headman/Gaon Buras. In addition to the cultivated land, households obtain land from the *Gaon Bura* to build their dwellings and other structures.

No outsider is allowed to clear a piece of land to cultivate or build a house on tribal land without ADC's permission. Occasionally, a relative of a resident may arrive in a village from outside to resettle. His acceptance is determined by the *Gaon Bura*, based on the facts-the visitor's tribe and its relationship with the village tribe, and their willingness to accept him as one of their own.

### **Tribal Land Acquisition Process:**

The market conditions are absent or in a formative stage in the Non-Cadastral villages, thus the replacement cost of land and other assets will be based on consultation with affected persons and host populations, current land use, and agreed compensation rate. The new land lease contract is additional to this cash compensation and to be given following two ADCs' guidelines and regulations.

Acquisition of land for the public purpose of constructing any project is governed by the Assam state laws, national laws and regulations, and laws and rules of the Dima Hasao and Karbi Anglong ADCs. There is a detailed process, approved by the ADCs, in transferring tribal land to an acquiring agency. These steps have been followed in acquiring land for the project.

**The first step** in acquiring land in a scheduled tribal area is to obtain a no-objection-certificate (NOC) from the relevant ADC. As far as possible, the state government avoids acquisition of land in scheduled areas. Where such acquisition is required, it is done only as the last resort (Section 41 of the Act of 2013). The NOCs regarding the acquisition of ADCs' land for the project to be issued from Dima Hasao and Karbi Anglong ADCs in consideration of PWRD's request of land for the project.

**The second step** is to issue notice through the Revenue Officer of the ADC and *Gaon Buras* regarding the land acquisition for a public purpose. Once noticed, the Revenue Officer, the *gaon bura*, the Government Department or the agency that has requested land for a public purpose, and the current land users or occupiers or their representatives meet at each potentially affected village for a joint 'spot verification' of land. During the joint spot verification, the land to be acquired for the project will be identified, and land holding patterns, village boundaries, its trees, crops, buildings, and other assets will be recorded. Such data and information will become the basis for compensation determination.

**The third step** in acquiring a non-*patta* land begins with the *Gaon Bura* issuing a ‘no- objection certificate’(NOC) to each household to hold the land in the village. This is because such land is falling into the ‘non-cadastral’ land category over which no land records or survey maps are available. The demarcation of existing/proposed ROW to be marked on hand drawn land maps and tracing maps will be prepared for the finalization of land acquisition plan with the help of local revenue officials and village council. The Revenue Officer of the ADC" allocates "a piece of village common land to each household, based on the current land use and on the 'no objection certificate' issued by the *Gaon Bura*. Thus the "land user" becomes an “interested party” to the land, thereby becoming eligible to receive a compensation package for losing the interests in land for a public purpose.

**The fourth step** is consultations among the affected households, their representatives, ADC officials, *Gaon Bura*, PWRD representatives, and the revenue officer to arrive at a fair compensation comprising land compensation and *jirat* of the affected property.

**The fifth step** is the Revenue Officer obtains the consent of the affected villagers in writing in the presence of the *Gaon Bura* and other land users with the NOC to handover their landholding to the land requiring PWRD department or agency.

**The sixth step** is that the Revenue Officer with the help of the Land Record Officer drafts the 'bill of compensation' based on the joint spot verification, land measurements, records of the *jirat* values, individual consent of each land user to handover the land parcel, the estimates of land values as per the rates for land approved by the autonomous district council, and the rates approved by the Public Works Department(PWRD) of Assam for civil structures and buildings.

**The seventh step** is to finalize the bills of compensation by the Revenue Officer of the ADC. These documents will be submitted to the competent authority–Executive Member of Revenue and the Deputy Commissioner of the ADC for approval.

**The eighth step** is that the executive member of revenue and the Deputy Commissioner after thorough scrutiny and examination, forward the bills of compensation to the Assam Government’s revenue and disaster management department to sanction the total compensation amount. The department sanctions the amount and obtains the required funds from the land requiring agency and places the funds at the disposal of the deputy commissioner of the ADC for payment of land compensation and *jirat* to the affected persons.

**The ninth step** is the payment of compensation to each land user by an account payee check through the ADC and *Gaon Bura*.

The procedure of land acquisition from scheduled tribal communities outlined above meet the requirements of the local legal framework and international best practices in involuntary resettlement and indigenous peoples. The procedure upgrades common land users to the status of land owners, thereby qualifying them to receive cash compensation and relocation assistance and support for livelihood restoration and improvement. This generous arrangement of compensation payment encouraged the Affected Persons to oppose PWRD’s proposal to reduce the area of land acquisition from the original estimates of required land area. They may argue that they had agreed to handover their land to PWRD on the understanding that they would get cash compensation for the original amount of land. If there are any culturally important facilities found during the implementation, these will be relocated in a culturally appropriate manner and in

consultation with the local communities. The project will support cost for culturally appropriate resettlement and compensation.

If all of the affected persons will be scheduled tribe, project will require ensuring that the resettlement is done in a culturally appropriate manner and in close consultation with the people. The benefits of improved industrialization and other social facilities such as school and health will be ensured in a culturally appropriate and sensitive way and in consultation with the affected scheduled tribe communities. Also, improved mobility of the communities may result in outsider infiltration in the area as well as out migration of the youth from the area. Thus, especially during construction, awareness campaign for cultural characteristic, transmittal disease, and trafficking activities will be undertaken considering the IP issues