

**Government of Rajasthan
Revenue (Gr-6) Department**

F.-1(27)Rev.-6/2016

Jaipur, Dated:- 26-04-16

ORDER

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring just and fair compensation and rehabilitation for the affected families due acquisition of land for public purpose. This Act came into force w.e.f. 01-01-2014. The State Government by notification dated 12.01-2016 has issued the Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

Section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state law/policy which provides higher compensation than that calculated under this Act for the acquisition of land so that the affected person or his family or member of his family can opt to avail such a higher compensation under such state policy.

Therefore, in order to speed up and simplify the procedures of land acquisition for public purpose, Government are now pleased to approve a state policy for compensation in land acquisition as appended to this order. The important objective of this policy is to conduct negotiations with the land owners and reach consensus on compensation and rehabilitation by the District Collector.

By order of Governor,



(Dr. K.B. Pandya)

Joint Secretary to the Government

Copy to,

- 1- Additional Chief Secretary, Public Works Department, Jaipur
- 2- Principal Secretary Finance Department, Jaipur
- 3- Principal Secretary Law Department, Jaipur
- 4- All Divisional Commissioners, Rajasthan
- 5- All District Collectors, Rajasthan

- 6- Chief Engineer, PWD, Rajasthan , Jaipur
- 7- Chief General Manager, NHAI, Rajasthan , Jaipur
- 8- Accountant General, Rajasthan, Jaipur
- 9- Registrar Board of Revenue, Rajasthan, Ajmer
10. RAVIRA, Ajmer.



Joint Secretary to the Government

**Policy of the State of Rajasthan for compensation in land acquisition for development of
Highways including linear projects**

Introduction

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring adequate compensation and rehabilitation and resettlement to land owners whose land are acquired by the State for *bona fide* public purposes. Section 108 of the Act empowers the Government to frame law or policy which provides a higher compensation than calculated under this Act for the acquisition of land and thereby enabling the land owner to exercise option rather to avail such higher compensation for rehabilitation and resettlement under such policy of the State and whenever Government resorts to acquisition of land for public purpose, families get displaced from their ancestral properties and lose lands which are often their sole livelihood. In order to ensure that immediate relief by providing enhanced compensation and rehabilitation and resettlement package to such affected families, Government of Rajasthan felt the need for framing an adequate policy on the subject.

Objectives

Government aims to ensure the following relief to the land losers through this policy:-

1. The land losers are provided with just and reasonable compensation for land acquired, relieving them from the burden of approaching judicial forums for enhancement of compensation.
2. Rehabilitation and Resettlement policy as provided in the Act along with additional packages including employment/ stake holdings in eligible cases according to the nature of the project.
3. Disbursement of compensation before taking possession of land and ensuring Rehabilitation and Resettlement packages including infrastructural amenities as provided in the Third Schedule of the Act within 18 months of the date of publication of DD.
4. Transparency in procedures and less negative impact ensuring the land losers that their socio-economic status does not fall below what it was before the acquisition.

Frame work of the policy for Highways including linear projects

The general provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to all land acquisitions. Social Impact Assessment (SIA) study shall be conducted in projects where it is mandatory and preliminary notification under Section 11 of the Act shall be published after approval of the project by the Expert Committee.



- 1 The Government shall constitute a District Level Fair Compensation Resettlement and Rehabilitation Committee in every District.
- 2 The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall have the following Members:
 - i. District Collector.
 - ii. Administrator for Resettlement and Rehabilitation.
 - iii. Land Acquisition Officer.
 - iv. Finance Officer.
 - v. Representative of Public Works Department.
3. The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
4. The District Government Pleader or any other advocate specially authorized by the District Collector in this behalf will scrutinize the title deeds, and other documents relating to ownership and possession and give necessary recommendation to the District Collector.
5. The District Collector will, within 7 days of the preliminary notification under section 11, send the SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
6. The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
7. After categorization of lands, land value shall be arrived at as per the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and keeping this as the basis land value and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.
8. The Committee will finalize the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family. The Committee shall ensure that eligible affected family is given Rehabilitation and Resettlement as envisaged in the Second and Third Schedule of the Act.
9. The Government shall constitute a State Level Empowered Committee headed by Chief Secretary which shall have the following members:-



- (i) Principal Secretary, Finance or his representative not below the rank of Secretary.
- (ii) Secretary of the Administrative Department.
- (iii) Revenue Secretary.
- (iv) Principal Secretary, Law.

10. At the proceedings, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall present the estimated compensation and resettlement and rehabilitation package to the affected family or affected person and explain the terms and conditions of the same. If the District Level Committee is of the view that higher compensation is inevitable in view of the requirement of the project for speedy development of Highways, then the Committee headed by the District Collector may recommend up to 10 per cent enhanced compensation to State Level Empowered Committee headed by the Chief Secretary. The SLEC may consider it on case to case basis.
11. The proposals received from DLC shall be submitted to the SLEC through Revenue Department by PWD. The above orders are issued in concurrence of FD exp.III• ID No. 101601025 dated 11-03-2016.
12. The Collector after determining the value of land send individual notices to the affected families and affected persons apprising them of the provisions of the law and policy and giving them a date to appear before him on a specified date for the purpose of considering the settlement of compensation and rehabilitation claims on the basis of the policy.
13. On the date fixed as above the Collector shall explain the Policy to the affected family or affected person and give them estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
14. The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of setting the same under the Act.

Provided that the affected families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector shall choose the option of the State policy at any time before passing the final award under Section 30 and/or section 31.

15. Upon receiving the consent of the affected person or affected family, the Collector shall finalize the conveyance of land in terms of the consent.
16. The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived between himself and the affected family or affected person.
17. The Collector shall ensure that the draft declaration under Section 19 of the Act has been published before proceeding with the execution of the sale deed.



18. The designated officer of the concerned project authority will take steps to effect necessary changes in the classification of land through the Tehsildar on the basis of the copy of the registered deed obtained from the Office of the Sub-Registrar.
19. The compensation or package received by the affected family or affected person shall not be subject to income tax or any other levy.
20. On completion of the conveyance the Collector shall take possession of the land immediately provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of taking of possession of the land by a period not exceeding 30 days.
21. No conveyance made under this policy shall be called in question in any court of law on any ground except that the same was executed by person other than the one who was competent to do so.

Appendix-I

Check List for District Level Purchase Committee

1. Whether the title of the land is clear :
2. Whether any Government land is involved :
3. Criteria for categorization :
4. Criteria for fixing land value :
5. Decision of the DLPC :

Appendix-II

Format For Submitting Proposals For SLEC

I

Category	Total extent of land in Hectare	No. of title holders	No. of title holders who have given consent	Land value as per DLC for registration purpose in Hectare	Land value including 100% solatium	Land value decided by the DLPC (per hectare)	% of increase likely to be proposed	Existing fair value
A								
B								
C								
D								
Total								

II Budget provision under head

III Amount already released

Handwritten signature

IV Balance available

V Approx. amount proposed to be released for compensation in the present case

VI Amount recommended for release

VII Whether percentage of increase is justified