

पत्रांक-8 B/भू0अ0नि0-240/2015 3.6.9/17

झारखण्ड सरकार
राजस्व निबंधन एवं भूमि सुधार विभाग।

प्रेषक,

कमल किशोर सोन,
सरकार के सचिव।

सेवा में,

सभी उपायुक्त,
सभी अपर समाहर्ता,
सभी जिला भू-अर्जन पदाधिकारी,
झारखण्ड।

दिनांक-..... 18-05-17

विषय:- भारतीय राष्ट्रीय राजमार्ग प्राधिकरण एवं अन्य परियोजनाओं हेतु अर्जित/अर्जनाधीन भूमि के मुआवजे के लिए मूल्य निर्धारण हेतु राज्य सरकार द्वारा निर्धारित गुणक (Multiplier Factor) का शत-प्रतिशत अनुपालन करने के संबंध में।

प्रसंग:- ग्रामीण विकास मंत्रालय, भू-संसाधन विभाग, भारत सरकार, नई दिल्ली का पत्र सं0-13013/02/2016-LRD दिनांक-08.05.2017

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि केंद्रीय सरकार का भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (RFCTARR Act, 2013) दिनांक-01.01.2014 से प्रभावी है। अधिनियम के प्रावधानों के तहत कतिपय संकल्प, अधिसूचना, परिपत्र एवं पत्र इस विभाग स्तर से निर्गत एवं संसूचित किये गये हैं जिसका विभिन्न प्रक्रियाओं एवं प्रावधानों का अनुपालन किया जाना आवश्यक है।

भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (RFCTARR Act, 2013) की धारा-26(2) एवं प्रथम अनुसूची (First Schedule) में निहित प्रावधानों के तहत प्रदत्त शक्तियों का उपयोग करते हुए विभागीय संकल्प सं0-339/नि0रा0, दिनांक-16.09.2014 द्वारा लोकहित में किसी परियोजना हेतु भूमि अर्जन/अधिग्रहण के मामलों में ग्रामीण क्षेत्रों में अर्जित/अर्जनाधीन भूमि के मुआवजे के लिए मूल्य निर्धारण हेतु गुणक (Multiplier Factor) 2(दो) रखा गया है।

उक्त क्रम में भारत सरकार के प्रासंगिक पत्र (प्रति संलग्न) द्वारा स्पष्ट किया गया है कि भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (RFCTARR Act, 2013) की पहली अनुसूची में यथाविनिर्दिष्ट (Specified) अर्जित/अर्जनाधीन भूमि के मुआवजे के निर्धारण हेतु राज्य सरकार द्वारा निर्धारित गुणक अनुसूची-4 में विनिर्दिष्ट अधिनियमों यथा राष्ट्रीय राजमार्ग अधिनियम, 1956 के अधीन भूमि अर्जन के मामलों में लागू होगा। तदनुसार इसका अनुपालन सुनिश्चित किया जाय।

अतु:- यद्योक्त।

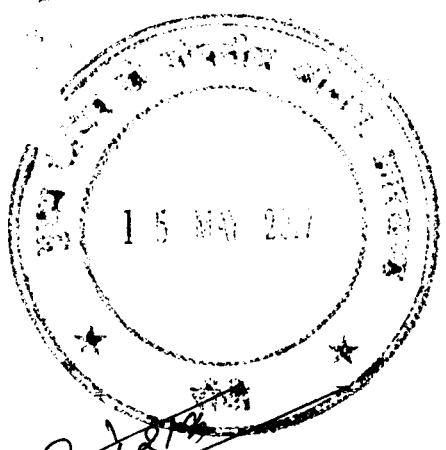
विश्वासभाजन
कमल किशोर सोन
सरकार के सचिव।

ज्ञापांक- 8 B/भू0अ0नि0-240/2015 - 369/17

दिनांक :- 18-05-17

प्रतिलिपि :- सभी प्रमंडलीय आयुक्त, झारखण्ड/सचिव, पथ निर्माण विभाग, झारखण्ड/उप सचिव, मुख्य सचिव कार्यालय, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

कमल किशोर सोन
सरकार के सचिव।



F. No.13013/02/2016-LRD
Government of India
Ministry of Rural Development
Department of Land Resources

Most Immediate

NBO Building, Nirman Bhawan,
New Delhi-110011
Dated the 8th May 2017

Secy, Revenue, Registration & Land Reforms Dept

*Chief Secretary
Kharbanda, Ranchi
16/5/2017*

To:

- (i) Chief Secretaries / Administrators of all States / Union Territories
- (ii) Secretaries of all Central Ministries / Departments (dealing with the 13 enactments listed in the Fourth Schedule to the RFCTLARR Act 2013)

Subject: Position in respect of the applicability of the multiplying factor provided in the First Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act 2013.

Sir,

1. I am directed to refer to the d.o. letter no. 30 / 3 / 016-LR-1 / 18606 dated 06th September 2016 of Government of Punjab (enclosing therewith letter no. NH-11011/30/2015-LA dated 08-08-2016 of Ministry of Road Transport & Highways) and d.o. letter no. NHAI / 11013 / DGM (LA) / 2016 / FTS-998 / 92217 dated 09th December 2016 of National Highways Authority of India (enclosing therewith letter no. F-4-28 / 2016-VII-1 dated 30-11-2016 of Government of Chhatisgarh and Memo No.16022 / 6 / 2016 / R.II.1/2016 dated 23-11-2016 of Government of Andhra Pradesh) on the subject mentioned above and to say that the matter has been examined in consultation with Ministry of Law & Justice, Department of Legal Affairs. For the sake of clarity and to remove ambiguity, it has been decided to convey the correct position in respect of the applicability of the multiplying factor provided in the First Schedule to the RFCTLARR Act 2013.

2. A reading of the relevant provisions of the RFCTLARR Act 2013 in conjugation and harmony makes it evident that:

मुख्य सचिव कार्यालय
झारखण्ड, राँची
मै.स.प्रे.सं. 2981
तिथि 17/5/17

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(i) (a) For acquisition of land situated within the territory of a State, the appropriate Government is the State Government [Section 3(e) (i)].

(b) For acquisition of land situated within a Union Territory (except Puducherry), the appropriate Government is the Central Government [Section 3 (e) (ii)].

(c) For acquisition of land situated within the Union Territory of Puducherry, the appropriate Government is the Government of Union Territory of Puducherry [Section 3 (e) (iii)].

(d) For acquisition of land for public purpose in more than one State, the appropriate Government is the Central Government, in consultation with the concerned State Governments or Union Territories [Section 3 (e) (iv)].

(e) For acquisition of land for the purpose of the Union as may be specified by notification, the appropriate Government is the Central Government [Section 3 (e) (v)].

(ii) For acquisition of land for public purpose in more than one State under Section 3(e) (iv), there has to be the due discussion between the Central Government and concerned State Governments or UT Administrations, and there has to be the due Notification / formal Order.

(iii) For acquisition of land for the purpose of the Union under Section 3 (e) (v) there has to be the due case-to-case basis Notification, specifying the appropriate Government (i.e. the concerned Central Government Ministry) and the specific details (i.e. Locality / Village, District and State and Area) of the land proposed to be acquired.

In such cases, the multiplying factor will be notified by the concerned appropriate Government (i.e. the concerned Central Government Ministry notified by DoLR to be the appropriate Government).

It is advised that, to maintain uniformity and fairness, the concerned Ministries of the Central Government that are notified as appropriate Government for case-to-case basis acquisition under Section 3 (e) (v), may adopt the multiplying factor if any notified by the concerned State Government under Section 3 (e) (i) [or by the Central Government under Section 3 (e) (ii) or by Union Territory of Puducherry under Section 3 (e) (iii)] for that particular geographical area.

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(iv) In case a Notification is issued under Section 3 (e) (iv) or under Section 3 (e) (v), the acquisition proceedings have to be duly undertaken through the RFCTLARR Act 2013 itself (i.e. the acquisition proceedings cannot then be undertaken under any of the other enactments specified in the Fourth Schedule of the RFCTLARR Act).

(v) If acquisition is being done under any enactment specified in the Fourth Schedule of the RFCTLARR Act 2013 including *inter alia* the National Highways Act, 1956 (48 of 1956) or the Railways Act, 1989 (24 of 1989) the multiplying factor for land situated within a State will be the factor notified by the concerned State Government in relation to Section 3 (e) (i); for land situated within a Union Territory (except Puducherry) it will be the factor notified on 09-02-2016 by the Central Government in relation to Section 3 (e) (ii); and for land situated within the Union Territory of Puducherry, it will be the factor notified by the Government of Union Territory of Puducherry in relation to Section 3 (e) (iii).

(vi) The multiplying factor contained in the First Schedule of the RFCTLARR Act is applicable on the enactments specified in the Fourth Schedule including *inter alia* the National Highways Act, 1956 and the Railways Act, 1989 from 01-09-2015 onwards in accordance with the provisions of the RFCTLARR (Removal of Difficulties) Order, 2015.

(vii) The multiplying factor in a particular geographical area has to be unambiguous and specific.

It cannot be stated that the multiplying factor "in case of rural area shall continue to be 2 (two) or as specified by the appropriate Government in pursuance of provisions of RFCTLARR Act 2013 whichever is lower" as has been stated in the letter no. NH-11011/30/2015-LA dated 08-08-2016 of MoRT&H.

(viii) The interpretations / directions given by Government of Chhattisgarh vide their letter dated 30-11-2016 and Government of Andhra Pradesh vide their letter dated 23-11-2016 (referred to and annexed with NHAI's d.o. letter dated 09-12-2016) are contrary to and in conflict with the above, and are accordingly clarified to Government of Chhattisgarh and Government of Andhra Pradesh, and have to be appropriately addressed, thus, by NHAI.

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(ix) The case propagated by Government of Punjab vide their d.o. letter dated 06.9.2016 is contrary to and in conflict with the above, and is accordingly clarified to Government of Punjab.

3. This issues in consultation with Ministry of Law and Justice, Department of Legal Affairs and with the approval of competent authority.

Yours faithfully,

Hukam Singh Meena
(Hukum Singh Meena) 21/1/2017

Joint Secretary to Government of India
Tel. No.23063462

Copy for information to:

(i) National Highways Authority of India w.r.t. their d.o. letter no. NHAI/11013/DGM (LA)/2016/FTS-998 dated 9th December 2016.

(ii) Ministry of Law and Justice, Department of Legal Affairs.

Hukam Singh Meena
(Hukum Singh Meena) 21/1/2017

Joint Secretary to Government of India