

छत्तीसगढ़ शासन
राजस्व एवं आपदा प्रबंधन विभाग
मंत्रालय
महानदी भवन, नया रायपुर

क्रमांक/एफ-4-28/सात-1/2014
प्रति,

नया रायपुर, दिनांक 25 MAY 2017 मई, 2017

समस्त संभागायुक्त
संभाग..... छ.ग.
समस्त कलेक्टर
..... छ.ग.

विषय:- भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम 2013 के अंतर्गत प्रतिकर निर्धारण हेतु गुणांक कारक।
संदर्भ:- इस कार्यालय का पत्र क्रमांक एफ-4-28/सात-12/2014 दिनांक 10 मार्च, 2016

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कृपया उपरोक्त संदर्भित पत्र का अवलोकन करने का कष्ट करें, जिसके द्वारा निर्देशित किया गया था कि राज्य में केन्द्रीय परियोजनाओं के लिए भू-अर्जन करते समय ग्रामीण क्षेत्रों के लिए गुणांक कारक दो होगा।

इस संबंध में भारत सरकार से मार्गदर्शन मांगा गया था। भारत सरकार से प्राप्त पत्र दिनांक 08.05.2017 की छायाप्रति सुलभ संदर्भ हेतु संलग्न है।

भारत सरकार के पत्र दिनांक 08.05.2017 से स्पष्ट है कि राज्य की सीमा में किसी भी परियोजना के लिए भूमि अर्जित करते समय समुचित सरकार अथवा राज्य सरकार द्वारा निर्धारित गुणांक कारक ही प्रभावशील होगा। छत्तीसगढ़ शासन द्वारा ग्रामीण क्षेत्रों के लिए गुणांक कारक "एक" अधिसूचित किया गया है। अतः निर्देशित किया जाता है कि राज्य के ग्रामीण क्षेत्रों में भूमि अर्जन का प्रतिकर निर्धारित करते समय गुणांक कारक "एक" ही माना जाय किंतु प्रतिकर की कुल राशि पड़त भूमि के लिए छः लाख एक फसली भूमि के लिए आठ लाख तथा दुफसली सिंचित भूमि के लिये 10 लाख रु. से कम नहीं होगी।

एतद् द्वारा इस संबंध में पूर्व में जारी समस्त निर्देश निरस्त किये जाते हैं।

संलग्न:- उपरोक्तानुसार।

(रेणु जी. पिल्ले)
प्रमुख सचिव
छत्तीसगढ़ शासन
राजस्व एवं आपदा प्रबंधन विभाग

Most Immediate

F. No.13013/02/2016-LRD

Government of India

Ministry of Rural Development

Department of Land Resources

GOVT CHIEF SECRETARY	
Govt. of Chhattisgarh	
DAK-OS-	5378
Date:	16 MAY 2017

15 MAY 2017

PS, Revenue

NBO Building, Nirman Bhawan,

New Delhi-110011

Dated the 8th May 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 Chhattisgarh 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:

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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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8/5/2017

(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,


(Hukum Singh Meena)


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 d. 19th December 2016.

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


(Hukum Singh Meena)

Joint Secretary to Government of India