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**DEDICATED FREIGHT CORRIDOR CORPORATION  
OF INDIA LIMITED, NEW DELHI**  
(Eastern Dedicated Freight Corridor Project I, II and III)

**Addendum-2 to Resettlement Policy Framework, 2011  
(Revised in 2015)**

December 2018

## **Background.**

1. Dedicated Freight Corridor Corporation of India Ltd. (DFCCIL), a Special Purpose Vehicle (SPV) of the Ministry of Railways, Government of India has planned Implementation of Dedicated Freight Corridors connecting Delhi with Mumbai on the Western side and Ludhiana with Kolkata on the Eastern side. DFCCIL has sought World Bank Loan assistance for Implementation of part of Eastern Dedicated Freight Corridor (EDFC). The whole section is divided in three phases. EDFC-1 is 343-kilometer-long from Khurja to Bhaupur section and Khurja-Dadri section of 47 kms, EDFC-2 is 393-kilometer-long from Bhaupur to Mughalsarai section and EDFC-3 is 401-kilometer-long from Sahnewal (Ludhiana) to Pilakhni to Khurja – Section.
2. A Resettlement Policy Framework (RPF) was prepared and adopted in 2011 at the time of preparation of EDFC-I in line with the World Bank OP 4.12, The Railways (Amendment) Act 2008 and other applicable policy provisions, which incorporated the objectives, principles, process and procured for carrying out census surveys, socio-economic survey, consultations and preparation of RAP as and when the project alignments are identified and finalized. The RPF was prepared as part of DFCCIL's commitment to comply with the Gol's policies, law and regulations, as well as to follow the safeguard policies of World Bank. The RPF provided guidelines for managing the land acquisition related impacts by the Social and Environment Management Unit (SEMU).
3. The RPF was updated and revised in 2015 at the time of preparation of EDFC-III and incorporated the provisions relating to compensation and Resettlement and Rehabilitation (R&R) benefits payable as per the Right to Fair Compensation and Transparency in Land acquisition, Resettlement and Rehabilitation Act, 2013 (RFCT-LARR). This version has been disclosed on the DFCCIL website: [www.dfccil.gov.in](http://www.dfccil.gov.in)
4. The RPF has delineated the policies, procedures, roles, and responsibilities for managing involuntary resettlement impacts and risks, and effects on indigenous (scheduled tribe) people. The specific objectives of the RPF was to provide guidelines for preparing RAP for the project affected people for improving or at least retaining the living standards in the post resettlement period, to outline the entitlements for the affected persons for payment of compensation and assistance for establishing the livelihoods, to provide in detail implementation arrangements including SIA, preparation of RAP, consultation, grievance redress, disbursement of compensation and resettlement and rehabilitation benefits, and monitoring and implementation, to set out communication mechanism to establish harmonious relationship between DFCCIL and Project Affected Persons(PAPs) and to provide guidelines for expeditious implementation of R&R with adequate budget. Following the RPF, after finalization of alignment, a detailed Social Impact Assessment and Resettlement Action Plan was prepared. The activities conducted for preparation of SIA and RAP are, study of Land Acquisition Plan to identify the plots, public consultations, finalization of alignment, Census and Base-line survey, assessment of social impacts & its mitigation measures and preparation of RAP.
5. The key principles outlined in the RPF are, to avoid and to minimize adverse social impacts/risks due to projects, to ensure that adverse social impacts/risks are well-mitigated, to ensure that PAPs benefit from the proposed projects, to comply with applicable Gol and State laws and regulations, compensation, relocation, and resettlement, to conduct subsequent

monitoring, reporting, and in undertaking corrective actions, to develop and exercise mechanisms for effective supervision during implementation. The RPF also ensures to meet the policy provisions of the World Bank related to its OP 4.12 on Involuntary Resettlement.

### **Entitlement Framework.**

6. As part of RPF, entitlement framework including the details of compensation and resettlement support to be provided to different types of impacted categories was also prepared. This was revised in 2015, as part of RPF updating at the time of preparation of EDFC-III. This update has incorporated the provisions of India's new LARR act, 2013 (RTFCTLARR act, 2013). The **annexure 1** includes the Updated Entitlement Matrix.

7. This addendum (Addendum-2(2018) is addendum to Resettlement Policy Framework, 2011 (Revised in 2015) to incorporate the provisions of Government of Uttar Pradesh Direct Land Purchase policy to acquire additional land acquisition encountered during the implementation.

### **UP Direct Land Purchase Policy, 2015**

8. Government of Uttar Pradesh has issued a Direct Land Purchase Policy in March 2015 with an objective of reducing the time and effort in procuring land through formal acquisition process. The land purchase policy is applicable for the state departments, autonomous bodies, development authorities, industrial authorities, different departments and PPP projects. The projects must be approved by the Land Price and Valuation Approval Committee (LPVA). The Purchasing Body is represented as the Member Secretary of the Committee. For small projects (with a value of the land less than 10 cores), the LPVA Committee is headed by the Additional District Magistrate for finalization of the land price. For the medium and large projects (land value exceeding 10 crores), LPVA Committee is headed by the District Magistrate (DM). To arrive at the land price, the market value/circle rate will be multiplied by four and two in the rural and urban areas respectively. The policy provides for accounting of the following factors for arrival at the land price by the LPVA Committee:

- Land purchases in the vicinity, six months prior to the project and the prevailing circle rate<sup>1</sup> as per the Indian Stamp Act, 1899
- Value of assets on the land
- Value of standing crops and trees in case of urgent taking away of the land; and,
- Category of land – residential, commercial, distance from habitation etc. if factored while arriving at the final compensation.
- Normally compensation payment and registration of land will be completed in about 3 months from the date of agreement.

9. The Policy also envisages prompt processing of the application for land from the land purchasing bodies; reporting of administrative delay to the District Magistrate (DM) and a delay beyond 15 days by the District Magistrate to the Commissioner. After the approval by the DM,

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<sup>1</sup> Circle rate is the minimum value at which the sale or transfer of land or built up house or commercial property can occur. These are notified by the local state revenue department local development authorities. These are usually updated annually.

the land purchasing bodies can go ahead with the purchase of land. The policy also lays down resorting to land acquisition if purchase is not successful.

10. In this Policy, written consent of all the concerned land owners on a prescribed format is obtained. Circle rates, cost of land, date of signing the format is recorded. The consent of the PAFs become the important aspect of this policy. The Market Value of land is decided based on market rate [based on the executed sale deeds preceding 6 months from the date of project approval or commencement of project]] or circle rate as per Stamp Act, 1899, whichever is higher, multiplying factor of One (1) in urban areas and a factor of two (2) in rural areas is considered and 100% solatium is applied. In case of structures, valuation is conducted by the competent government departments and the valuation amount will be added to total compensation. In case land owners refuse to accept the compensation offered under this policy, those lands will be acquired using the Railway Amendment Act process. The copy of UP Policy no. 2-/2015/215/1-13-2015-20(48)/2011 dated 19. 03.2015 (original Hindi version) is provided in **annexure 2** and the same is translated in English in **annexure 3**. In case of any clarification/confusion, original Hindi version may be treated as final.

#### **Application of UP Direct Land Purchase Policy to Eastern Dedicated Freight Corridor Projects (EDFC).**

11. The implementation of EDFC project is in advance stage of implementation and most of the land of 3,600 hectares is either acquired or in advance stage of acquisition. The land acquisition process requires on an average 2 years. During the implementation, it is noticed that small land plots are missed out in the acquisition proposal or additional land was necessitated due to slight shift of alignment or constructing drains in built-up areas or changes from proposed to Road Under Bridge (RUB) to Road Over Bridge (ROBs) taking into considerations of local people demand or safety considerations which require additional lands. There are also few cases where Government land was resumed, but later it was found that those land can be regularized. In this case also direct land purchase will be used. Similarly, there were few parcels where land acquisition was lapsed due to delays in completing the process and in those cases also direct purchase policy will be used. Acquisition of these additional land may require more time and may delay the completion of project implementation. To expedite the additional and acquisition requirements, DFCCIL has approached the Railway Board and Government of Uttar Pradesh to use this direct land purchase policy for acquisition of these additional land parcels. Both Indian Railway Board and Government of Uttar Pradesh have approved the DFCCIL's request to apply this policy and DFCCIL has started using this policy since early 2018. Accordingly, DFCCIL proposes to incorporate this method of land acquisition in the RPF in the form an addendum to the current RPF.

#### **Gaps in Compensation and resettlement assistance and measures to bridge the gaps.**

12. In order to ensure consistency of the direct Land purchase policy with RPF provisions and Entitlement Matrix adopted for the project, comparison of the policy provisions was carried out between Direct Land purchase policy and RPF's Entitlement Matrix. The following gaps are observed.

13. The Land compensation under direct land purchase policy is like RPF's entitlement matrix, i. e, the latest circle rate is considered and multiplied with 1 or 2 times in urban or rural areas

respectively and 100% solatium is added to arrive at the final compensation. This is consistency with the Entitlement Matrix adopted for the project. However, there is a gap in asset valuation and resettlement assistance. In case of asset valuation, 100% solatium is not added and no resettlement assistance is provided in case where there is a physical displacement. There is also a gap in case of those who lose land, the lump sum payment of INR 5, 00,000 towards livelihood loss is not extended.

14. To bridge the above gaps, DFCCIL has issued an order to extend all entitlements as available in the Entitlement matrix to those affected by Direct Purchase policy also. Thus, land compensation is finalized as per direct purchase policy, agreement is registered in sub-registrar's office and land title is transferred in favor of India Railway. The difference amount in asset valuation and resettlement assistance (house construction cost, moving allowance, transitional allowance and resettlement grant) will be paid separately by DFCCIL where applicable. In case of physically displaced families, a minimum of 3 months' time will be given after payment of compensation and resettlement assistance to enable the displaced families to make alternative arrangements for their relocation. Once the livelihood assistance is applied to the land owners whose land are acquired through formal land acquisition process, the same will also be extended to those whose lands are procured through Direct Land purchase method. Accordingly, DFCCIL has issued instructions to its field offices to apply the resettlement provisions as available in entitlement matrix to those affected by direct land purchase method **(Annexure 4)**.

#### **Procedure followed by DFCCIL for Direct Land purchase**

15. The following is the process followed by DFCCIL for procuring land using direct land purchase policy.

- DFC's request letter to Revenue authority for survey (JMS) and certification of ownership, Gata wise affected area and type of land is categorized,
- Based upon DFC's request, Revenue authority (minimum Tehsildar) will submit the detailed report,
- Consent letter will be signed from PAPs,
- DFC's request letter to concerned DM to finalize the rate based on PAPs consent letter,
- Finalization of rate by committee (Sub Registrar-Revenue, SDM of concerned Tehsil, ADM/LA (Competent Authority of DFC Project, ADM of concerned district, DFC officer) based on PAPs consent letter,
- After obtaining DM's approval, case is further processed for DFC/HQ approval in accordance with procedure and approval for consented amount will be treated as a draft compensation award like 20F under formal land acquisition method,
- After obtaining DFC's approval, "Formal Registration will be made between DFCCIL and PAP in the office of Sub Registrar and the compensation Cheque is handed over at the time of registration and land possession is taken over. If circle rate is revised after signing the agreement and registration, the compensation amount will be revised accordingly.
- All expenses related to stamp duty and registration of land in favor of Indian Railway will be borne by DFCCIL. Compensation paid under direct purchase policy will not attract Income tax and if the land owner is required to pay income tax, such amount will be reimbursed by DFCCIL. This is consistent with the RFCT&LARR Act-2013 provisions and World Bank operational Policy 4.12 on Involuntary Resettlement.

### **Magnitude of land acquisition proposed under Direct Purchase**

16. The total land acquisition involved in all 3 projects (EDFC-I, II and III) is about 3,600 hectares. The direct land purchase is proposed to be used is mostly in EDFC-I since the commissioning of track is approaching fast. This policy may be used in EDFC-II and EDFC-III also depending on the urgency and whether additional land acquisition is involved during the implementation. It is assessed that 3.05 hectares in about 20 villages will be acquired using the direct land purchase method (**less than 0.01%**). This will involve about 250 land owners and out of these, 36 houses involving about 60 shareholders will be affected. In these cases, the difference in asset valuation and resettlement assistance will be provided directly by DFCCIL as per the provisions of current Entitlement Matrix adopted for the project (**annexure 1**).

### **Annexes**

Annexure 1: Entitlement Matrix for DFC projects

Annexure 2: UP Direct Land Purchase Policy, 2015 (Hindi version)

Annexure 3- UP Direct Land Purchase Policy, 2015 (English translation)

Annexure 4: DFCCIL's circular to Field offices on Direct Purchase policy

# ANNEXURE-1

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No. 2009/INFRA/3/1/10 Pt 2

Dated: 23.5.2015

Managing Director,  
DFCCIL,  
5<sup>th</sup> Floor, Pragati Maidan  
Station Building Complex  
New Delhi-110001  
Fax-23454605, 23454701

**Sub: Approval of Entitlement Matrix for DFC project in accordance with new Land Acquisition Act, 2013.**

Ref: (i) DFCCIL letter No. HQ/SEMU/Entitlement Matrix/2015 dated 13.4.15  
(ii) This office letter of even No. dated 27.3.15

Reference above, please find enclosed Entitlement Matrix for DFC in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act - 2013, duly approved by Railway Board. It is requested to take suitable action to disclose the Entitlement Matrix as part of Resettlement Policy Framework.

Encl: As above

*Amid 23/5/15*  
(Sandeep Srivastava)  
Director Planning (Special)  
Room # 143, Rail Bhawan  
Telefax: +91-11-23383525  
Email: [dplgspl@gmail.com](mailto:dplgspl@gmail.com)

Copy to:

Mr Atul Agarwal, Senior Transport Specialist, International bank for Reconstruction and Development, Country Office, 70, Lodi Estate, New Delhi-110003: For issue of no objection and with a request to take necessary action for up gradation of the Technical Discussions (13.5.15) for EDFC-3 project to "Negotiations for EDFC-3 Project".



**ENTITLEMENT MATRIX**  
(Effective from January 1, 2015)

**THE FIRST SCHEDULE:**  
**Compensation for Land and Value of Assets Attached to Land or Building**

S.N.	Component of Compensation Package in respect of land acquired under RFCT-LARR, 2013	Determination Procedure	Eligible Category	Explanatory Remarks
(1)	(2)	(3)	(4)	(5)
1.	Market value of land	To be determined as provided u/s 26 of RFCT-LARR, 2013 and spelled out in Note A and B.	a. Land Owners whose names are recorded in the revenue records, or who have verifiable claims to ownership, compensation u/s 3 c (i) of RFCT-LARR, 2013 b. Registered "tenants", "lessees", "tenants" or "share croppers" will get an apportionment of the compensation as determined by the Government payable under law. c. In case of land occupiers (such as occupiers of abadi lands, assigned lands, or tribes occupying forest lands) with claims/ rights recognized under state/ Central laws) covered u/s 3 c (iii), (v) of RFCT-LARR, 2013 will get compensation	<b>A. Compensation for Structure</b> (a) Cash compensation for the building and assets at market value determined u/s 29 of RFCT-LARR, 2013 and Note D. In case of partial impact making unimpaired use of the structure difficult, such as where more than 25% of the structure area is affected, full compensation shall be paid u/s 94 of RFCT-LARR, 2013. (b) In case of partial impact, 25% additional amount to be paid on compensation award for the affected part of the structure to enable damage repair where the owner/occupier is of his/her own will interested to retain the remaining part of the structure, provided that unimpaired continuous use of such structure is possible without hazards. (c) Right to salvage material from the affected structures. (d) Three months' advance notice to vacate structures.
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 u/s 29 of RFCT-LARR, 2013		
5.	Solutium	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).		

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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).	with solatium at par with titleholders.	<p><b>B. Partial impact on Land:</b> In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plot.; or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land loser.</p> <p><b>C. Compensation for trees/crops etc.</b></p> <p>a. Cash compensation as estimated u/s 29(3), RFCT-LARR, 2013 by:</p> <ol style="list-style-type: none"> <li>i. Forest Department for timber trees</li> <li>ii. State Agriculture Extension Department for crops</li> <li>iii. Horticulture Department for horticulture, perennial trees</li> <li>iv. Cash assistance to title holders and non-title holders including informal settlers/squatters for loss of trees, crops and perennials at market value</li> </ol> <p>b. Three months' advance notice to affected parties to harvest fruits, crops</p> <p>In case of standing crops, the affected parties shall receive three months' advance notice to salvage crops, or compensation in lieu thereof as determined above.</p> <p><b>D. Alternative Compensation packages.</b></p> <p>In case where a State Government through any act or Gazette Notification or as</p>
7.	Final award in urban areas	Market value of land mentioned against serial number 1 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).		

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				<p>approved by any authority of State Government(duly authorized for the purpose) as per their approved procedure has fixed a rate for compensation of land, the same may be adopted by the Competent Authority in determining the compensation for land in lieu of package available under the First Schedule.</p>
<p>8.</p>	<p>Other component if any to be included</p>	<p>Interest on compensation payable to the affected families as notified by the concerned State Government or at the rate of 12% per annum from the date of LA notification u/s 20A of RAA, 2008 applicable as per Section 30 (3) of RFCT-LARR, 2013 and explained in Note A (6).</p>		

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**THE SECOND SCHEDULE:  
Resettlement and Rehabilitation Assurances for Project Affected People**

S.N.	Elements of Rehabilitation and Resettlement Entitlements	Eligible Category	Entitlement	Explanatory Remarks
(1)	(2)	(3)	(4)	(5)
1.	Provision of housing units in case of displacement	<p>a. All affected families defined w/s 3 C of RFCT-LARR 2013 required to relocate due to the Project for which land is being acquired including land owners, customary dwellers and occupiers whose livelihood is primarily dependent on the affected land</p> <p>b. This benefits 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 w/s 1 (2) of Second Schedule of RFCT-LARR, 2013</p>	<p>a. Rural Areas: A constructed house as per Indira Awas Yojana specifications, or Cash assistance in lieu thereof as determined by the concerned State Government under its own resettlement policy or rules, provided that such cash assistance shall not be less than Rs. 60,000.</p> <p>b. Urban Areas: A constructed house of minimum 50 sqmts in plinth area or cash assistance in lieu thereof as determined by the concerned State Government under its own resettlement policy or rules, provided that such cash assistance shall not be less than Rs. 1,50,000.</p>	<p>a) This cash assistance in lieu of the provision of alternative house shall be provided to all displaced families without discrimination, including resident owners, occupant land assignees, long-term lessees.</p> <p>b) This assistance shall be extendable to mixed-use structures fulfilling residential and commercial purposes in owner as well as un-titled categories</p> <p>c) Displaced squatters losing their structure will be entitled to an alternative house or cash assistance as per Column-5, or compensation for structure as per Column 4, Para-D in the First Schedule, whichever is higher.</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 has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to		This provision is not applicable to DFCCIL rail corridor projects which are linear in nature.

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		<p>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 a one-half acres, whichever is lower (item 2, Sch. 2, RFCT-LARR, 2013).</p>		
3.	Offer for Developed Land	<p>In case the land is acquired for urbanisation purposes, twenty percent 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:</p> <p>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. (item 2, Sch. 2, RFCT-LARR, 2013).</p>		<p>This provision is not applicable to the DFCCIL rail corridor projects. However, this provision may apply in case if projects involving land development are undertaken by DFCCIL in future.</p>
4.	Choice of Annuity or Employment	<p>Affected families defined u/s 3(c) of RFCT-LARR, 2013</p>	<p>DFCCIL shall provide Affected families with:</p> <p>(a) Employment opportunity where jobs are created through the project, after providing them suitable training and skill development in the required field, 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>	<p>a) Suitable provisions will be made and disclosed in line with the extant Law/Rules as obtaining in the concerned State at the time of acquisition.</p> <p>b) The affected family will have the option to opt for annuity or onetime financial assistance in lieu of the above.</p>

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			(b) Onetime payment of 500,000 rupees per affected family; or 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.	
5.	Subsistence grant for displaced families for a period of one year	Each affected family (losing residential, or/ and commercial structures) defined u/s 3 of RFCT-LARR, 2013, displaced by the Project	a. Subsistence allowance of Rs. 3000 per month for one year b. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount Rs. 50,000/-	a. The affected family will have the option to opt for onetime payment of subsistence allowance payable over a year. b. The additional subsistence allowance of 50,000 rupees payable to the Scheduled Castes and the Scheduled Tribes shall be on onetime basis. c. The subsistence allowance will be provided to the displaced squatters, provided they are below poverty line or without an assured source of income, or if their livelihood is lost due to displacement.
6.	Transportation cost for displaced families	Each displaced family in owner and non-title holder categories defined u/s 3 of RFCT-LARR, 2013	One-time financial assistance of Rs 50,000/- as transportation cost for shifting of the family, building materials, belongings and cattle.	a. Transportation allowance will be provided to resident owners, lessees, protected/long term tenants, squatters b. All displaced families will receive three months advance notice to vacate
7.	Cattle shed/small shops cost	Each affected family having cattle or having a smallshop	One-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000/- for construction of cattle shed or small shop as the case may be	a. Small shops will include commercial kiosks and shanties where business is carried out b. Cattle shed shall mean any permanent, semi permanent structure or makeshift shed erected on long term basis for keeping cattle

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				c. Kiosks and vendors receiving this cash assistance under the 'small shop' category shall not be entitled to any other rehabilitation assistance under Second Schedule.
<b>8.</b>	One-time grant 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 project affected area due to land acquisition	One-time financial assistance of amounts, notified by the appropriate Government but not less than Rs 25,000/-	a. The affected families eligible for this assistance may be from title holder or non-titleholder categories as defined u/s 3 (c) of RFCT-LARR, 2013. b. The actual person losing income in this category shall be eligible for this financial assistance without discrimination on the basis of gender
<b>9.</b>	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.		This provision is not applicable in case of DFCCIL projects.
<b>10.</b>	One-time Resettlement Allowance	Each affected family	One time resettlement allowance of Rs 50,000/-.	a. The affected families eligible for this assistance may be from title holder or non-titleholder categories as defined u/s 3 (c) of RFCT-LARR, 2013. b. This will be extended to also to the physically challenged persons and women headed households.
<b>11.</b>	Stamp duty and registration fee	Each affected family	Reimbursement of stamp duty and fees for purchase and registration of alternative property	Purchase of alternative property including land, residence, or shop to replace the lost land and assets in the name of self, or/and in the name of the spouse within one year from receipt of compensation.
<b>12.</b>	Provision of Resettlement Sites	Groups of affected families relocated by the Project in block in resettlement sites established for the purpose	Appropriate permanent housing with minimum specified floor area at resettlement sites with providing basic services and other provisions as spelt out in the Third Schedule	a) This may not be applicable in most cases; however, wherever, such an option is planned, DFCCIL shall include these in the Resettlement

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		of RFACT-LARR, 2013 where resettlement sites are established for the displaced families	Action Plan (RAP) and implement the same b) The RAP shall spell out services to be provided, key conditions for allowing occupancy, and indicators for withdrawal of post-resettlement support once the people are adequately settled.
13.	Loss of Community Infrastructure and Common Property Resources	Affected communities and groups	Reconstruction of community structure and common property resources
14.	Mitigation of Temporary Impacts on Lands and Assets	Affected owners of land & assets	Compensation for temporary impact during Construction like disruption of normal traffic, damage to adjacent parcel of land/assets due to the movement of heavy machinery and plant site.
			The reconstruction of community structures and replacement of common property resources shall be done in consultation with the community. The contractor shall bear the compensation cost of any impact on structure or land due to movement of machinery during construction or establishment of construction plant. All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction camps by contractors in consultation with DFCCIL.

**Notes to Entitlement Matrix**

**Note A**

1. Compensation would be determined by Competent Authority as per provisions in LARR 2013, Section 26, which specifies the following criterion for assessing and determining market value of the land:
  - (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 of the sale price for similar type of land situated in the nearest village or nearest vicinity, ascertained from not less than 50% of the sale deeds registered during three years.

Whichever is higher.

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The date for determination of market value shall be the date on which 20A notification has been issued.

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 (1) above shall be multiplied by a factor of one or two based on the distance from urban area as may be notified by the appropriate Government.

(3) Where the market value as per (1) or (2) above 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 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) irrespective of similar types of land situated in the immediate adjoining areas:

- 4. In determining the amount of compensation to be awarded for land acquired under LARR Act 2013, the provision under Section 28 of the Act shall be taken into consideration..
- 5. Those occupying village common lands/abadi lands prior to 1961 shall be eligible to be treated as “regularized land holders” as permitted by law and shall be provided with alternative land or site allowance equivalent to land compensation
- 6. In addition to the market value of the land awarded, in every case the competent authority will award an amount at the rate of 12% per annum on such market value for the period commencing on and from the publication of the notification u/s 20A till the date of award or the date of taking possession, whichever is earlier.

**Note B**

DFCCIL would also hire an Independent Evaluator registered with Government, who can assist to assess the replacement cost of land as follows and provide inputs to the competent authority:

*dhruv*

- (i) Appraise recent sales and transfer of title deeds and registration certificates for similar type of land in the village or urban area and vicinity
  - (ii) Appraise circle rate in urban and rural areas of the district
  - (iii) Appraise agricultural productivity rate for land – 20 years yield.
- The Competent Authority may take inputs from the independent evaluator before deciding the compensation for the land.

**Note C**

In case only a part of any land plot is affected and its owner desires that the whole plot be acquired, the competent authority may make additional award as per Section 94 of LARR 2-13 for the remaining part of land without initiating the land acquisition process afresh.

**Note D**

The compensation for houses, buildings and other immovable properties will be determined on the basis of current market value by referring to relevant Basic Schedule of Rates (B.S.R) as on date without depreciation. While evaluating structure value, services of competent engineer, or any other specialist shall be hired. While considering the B.S.R, an independent evaluator registered with the Government) hired for the purpose will use the latest B.S.R for the residential and commercial structures in the urban and rural areas of the region, and in consultation with the owners.

**Note E**

Definitions:

**Family:-** it includes a person, his or her spouse, minor children, minor brother and 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.

**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 dweller who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 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) a 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;

*dwmt* —

(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.

**Displaced family:** A family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area.

**Land:** it includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

**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 right under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 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.

**Encroacher:** A person/family, who transgresses into the public land (prior to the cut of date), adjacent to his/her own land or other immovable assets and derives his/her additional source of shelter/livelihood.

**Squatter:** A person/family that has settled on the public land without permission or has been occupying public building without authority prior to the cut-off date and is depending for his or her shelter or livelihood and has no other source of shelter or livelihood.

**Cut-off Date:** The Cut-off date for identifying the affected families including land owners, those having title claims recognized under other state and central laws, and squatters shall be the date of first land acquisition (LA) notification issued under 20A of Railway Amendment Act of 2008 for the Project for which Resettlement Action Plan is proposed to be prepared.

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Amrit —

# ANNEXURE-2

प्रेषक,

सुरेश चन्द्रा,  
प्रमुख सचिव,  
उत्तर प्रदेश शासन।

सेवा मे,

- |   |   |
|---|---|
| 1- समस्त प्रमुख सचिव/सचिव,<br>उत्तर प्रदेश शासन।                            | 2- समस्त मण्डलायुक्त/समस्त<br>जिलाधिकारी, उत्तर प्रदेश। |
| 3- आयुक्त एवं निदेशक,<br>भूमि अध्याप्ति निदेशालय,<br>राजस्व परिषद, 30 प्र०। | 4- समस्त विभागाध्यक्ष,<br>उत्तर प्रदेश।                 |

राजस्व अनुभाग-13

लखनऊ दिनांक 19 मार्च, 2015

विषय- भू-स्वामियों से आपसी समझौते के आधार पर भूमि क्रय करने के संबंध में प्रक्रिया का निर्धारण।

महोदय,

राजस्व अनुभाग-13 के शासनादेश संख्या-632/एक-13-11-20(29)/2004, दिनांक 02 जून, 2011 द्वारा निर्गत नीति के अनुसार सभी प्रयोजनों के लिए भूमि प्राप्त करने की प्रदेश की सामान्य नीति यह है कि भू-स्वामियों एवं अर्जन निकायों के मध्य आपसी समझौते के आधार पर क्रय से संबंधित नियमों/आदेशों के अनुसार भूमि सीधे भू-स्वामियों से क्रय की जाय। भारत सरकार द्वारा भू-अर्जन अधिनियम, 1894 को निरस्त करते हुए "भूमि अर्जन, पुनर्वासन और पुनर्व्यस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (अधिनियम संख्या 30 सन 2013)" प्रख्यापित किया गया है जो 01-01-2014 से प्रभावी है। इस अधिनियम की धारा 46 में निर्दिष्ट व्यक्तियों से भिन्न व्यक्तियों की दशा में सीधे भूमि क्रय करने पर उक्त अधिनियम की दूसरी अनुसूची में उल्लिखित पुनर्वासन और पुनर्व्यस्थापन संबंधी लाभ दिये जाने एवं क्रय की कार्यवाही कलेक्टर के माध्यम से करने की व्यवस्था है।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

2- वर्ष 2013 के नये अधिनियम के अंतर्गत भूमि अधिग्रहण की प्रक्रिया समय एवं श्रम साध्य होने एवं सीधे भूमि क्रय करने की व्यवस्था को प्रोत्साहित किये के उद्देश्य से प्रदेश के राजकीय विभागों, स्वायत्तशासी निकायों, विकास प्राधिकरणों, औद्योगिक प्राधिकरण, विभिन्न विभागों के प्रशासनिक नियंत्रण में गठित परिषदों एवं प्रदेश में कार्यान्वित होने वाली पब्लिक-प्राइवेट भागीदारी परियोजनाओं आदि अर्थात् इन "क्रय निकायों" के लिए भू-स्वामियों से सीधे भूमि क्रय किये जाने हेतु प्रक्रिया निर्धारित की जा रही है।

3- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि शासन द्वारा उपर प्रस्तर-2 में उल्लिखित क्रय निकायों हेतु भू-स्वामियों / कृषकों से आपसी सहमति के आधार पर भूमि क्रय करने हेतु निम्नवत् प्रक्रिया निर्धारित की जाती है।

### (क) लघु परियोजनाओं हेतु

(1) उपरोक्त क्रय निकायों हेतु "लघु परियोजनाओं" अर्थात् ऐसी परियोजनाएं जिनमें परियोजना के लिए क्रय की जाने वाली भूमि की कुल कीमत ₹0 10.00 करोड़ तक है, के लिए भूमि की दरों की स्वीकृति एवं कुल भूमि मूल्य के अनुमोदन हेतु संबंधित अपर जिलाधिकारी (वित्त एवं राजस्व) की अध्यक्षता में निम्नानुसार "जिला (लघु परियोजना) क्रय की दर तथा कुल भूमि मूल्य अनुमोदन समिति" का गठन किया जाता है:-

1-	अपर जिलाधिकारी(वि०/रा०)	अध्यक्ष
2-	संबंधित अपर जिलाधिकारी(भू०अ०)/विशेष भूमि अध्याप्ति अधिकारी/उप भूमि अध्याप्ति अधिकारी	सदस्य
3-	संबंधित उप जिलाधिकारी(परियोजना प्रशासक)	सदस्य
4-	संबंधित सब रजिस्ट्रार/उप महानिरीक्षक स्टैम्प एवं निबंधन/सहायक महानिरीक्षक स्टैम्प एवं निबंधन	सदस्य
5-	क्रय निकाय/विभाग द्वारा प्राधिकृत अधिकारी	सदस्य सचिव

(2) सदस्य सचिव द्वारा समिति की बैठकों एवं कार्यवाहियों का संचालन किया जायेगा। समिति क्रय निकाय द्वारा अपर जिलाधिकारी(वित्त एवं राजस्व) के समक्ष भूमि क्रय करने का प्रस्ताव/संदर्भ/आवेदन पत्र प्रस्तुत करने के एक माह के अन्दर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का विनिश्चय करते

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

हुए प्रस्ताव अनुमोदन हेतु संबंधित जिलाधिकारी के समक्ष प्रस्तुत करेगी। यदि निर्धारित अवधि में समिति द्वारा अपेक्षित कार्यवाही पूर्ण नहीं की जाती है तो अपर जिलाधिकारी(वित्त एवं राजस्व)/अध्यक्ष समिति द्वारा विलम्ब का स्पष्टीकरण संबंधित जिलाधिकारी के समक्ष प्रस्तुत किया जायेगा।

(3) अपर जिलाधिकारी द्वारा अनुमोदित दर एवं कुल भूमि मूल्य पर संबंधित जिलाधिकारी द्वारा 15 दिन के अन्दर अनुमोदन प्रदान करने पर निर्णय ले लिया जायेगा और तदनुसार अपर जिलाधिकारी को सूचित किया जायेगा। यदि निर्धारित अवधि में जिलाधिकारी द्वारा यथोचित निर्णय नहीं लिया जाता है तो विलंब का स्पष्टीकरण मण्डलायुक्त के समक्ष प्रस्तुत किया जायेगा।

(4) जिलाधिकारी के अनुमोदन के उपरान्त क्रय निकाय द्वारा सीधे क्रय की कार्यवाही की जायेगी और पृथक से और किसी स्तर का अनुमोदन अपेक्षित नहीं होगा।

### **(ख) मध्यम एवं वृहद परियोजनाओं हेतु**

(1) उपरोक्त क्रय निकयों हेतु "मध्य एवं वृहद परियोजनाएं" अर्थात् ऐसी परियोजनाएं जिनमें परियोजना के लिए क्रय की जाने वाली भूमि की कुल कीमत रू0 10.00 करोड से अधिक है, की भूमि की दरों की स्वीकृति एवं कुल भूमि मूल्य के अनुमोदन हेतु संबंधित जिलाधिकारी की अध्यक्षता में निम्नानुसार " जिला (मध्यम एवं वृहद परियोजना) क्रय की दर तथा कुल भूमि मूल्य अनुमोदन समिति" का गठन किया जाता है:-

1-	जिलाधिकारी	अध्यक्ष
2-	अपर जिलाधिकारी(वि0/रा0)/जिला रजिस्ट्रार	सदस्य
2-	संबंधित अपर जिलाधिकारी(भू0अ0)/विशेष भूमि अध्याप्ति अधिकारी/उप भूमि अध्याप्ति अधिकारी	सदस्य
3-	संबंधित उप जिलाधिकारी(परियोजना प्रशासक)	सदस्य
4-	संबंधित सब रजिस्ट्रार/उप महानिरीक्षक स्टैम्प एवं निबंधन/सहायक महानिरीक्षक स्टैम्प एवं निबंधन	सदस्य
5-	क्रय निकाय/विभाग द्वारा प्राधिकृत अधिकारी	सदस्य सचिव

(2) सदस्य सचिव द्वारा समिति की बैठकों एवं कार्यवाहियों का संचालन किया जायेगा। समिति क्रय निकाय द्वारा जिलाधिकारी के समक्ष भूमि क्रय करने का

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

प्रस्ताव / सन्दर्भ / आवेदन पत्र प्रस्तुत करने के एक माह के अन्दर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का विनिश्चय करते हुए प्रस्ताव अनुमोदन हेतु सम्बन्धित मण्डलायुक्त के समक्ष प्रस्तुत करेगी। यदि निर्धारित अवधि में समिति द्वारा अपेक्षित कार्यवाही पूर्ण नहीं की जाती है तो जिलाधिकारी / अध्यक्ष समिति द्वारा विलम्ब का स्पष्टीकरण संबंधित मण्डलायुक्त के समक्ष प्रस्तुत किया जायेगा।

(3) जिलाधिकारी द्वारा अनुमोदित दर एवं कुल भूमि मूल्य पर संबंधित मण्डलायुक्त द्वारा 15 दिन के अन्दर अनुमोदन प्रदान करने पर निर्णय ले लिया जायेगा और तदनुसार जिलाधिकारी को सूचित किया जायेगा। यदि निर्धारित अवधि में मण्डलायुक्त द्वारा यथोचित निर्णय नहीं लिया जाता है तो विलम्ब का स्पष्टीकरण अध्यक्ष, राजस्व परिषद के समक्ष प्रस्तुत किया जायेगा।

4- उपरोक्त दोनों समितियों क्रय की जाने वाली भूमि विवाद रहित एवं भार रहित है, का परीक्षण भी करेगी और यथावश्यक किसी भी विभाग/ अधिकारी से सहयोग प्राप्त कर सकेगी और यथावश्यक दर निर्धारण करने हेतु प्रस्तुत तथ्यों की प्रति परीक्षा कर सकेगी।

5-उपरोक्त दोनों समितियों निम्नलिखित मार्गदर्शी सिद्धान्तों के आधार पर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य (जिसमें भूमि पर स्थित परिसम्पत्तियों का मूल्य, खड़ी फसलों, वृक्षों एवं संबंधित अनुषांगिक व्यय (यदि कोई हो, भी सम्मिलित है) का अनुमोदन करेगी।

(1) उस क्षेत्र में जहां भूमि स्थित है, क्रय किये जाने हेतु प्रस्तावित भूमि के आस-पास परियोजना प्रारम्भ होने अथवा परियोजना के अनुमोदन प्रदान किये जाने के दिनांक से 06 माह पूर्व के निष्पादित विक्रय विलेखों (बैनामों) में अंकित भूमि की दर तथा भारतीय स्टाम्प अधिनियम, 1899 के अंतर्गत निर्धारित सर्किल दर।

(2) भूमि पर स्थित परिसम्पत्तियों का मूल्य। समिति द्वारा यथावश्यक परिसम्पत्तियों का आंकलन एवं मूल्य का निर्धारण सक्षम शासकीय विभाग से कराया जा सकेगा।

(3) क्रय की जाने वाली भूमि का तत्काल कब्जा प्राप्त किये जाने की स्थिति में संबंधित भू-स्वामी की खड़ी फसलों, वृक्षों सम्पत्तियों का मूल्य।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।



(4) क्रय की जाने वाली भूमि की भवनिक/औद्योगिक क्षमता, आबादी से दूरी को ध्यान में रखा जायेगा।

(5) उस दशा में जब भू-स्वामी/कृषक की भूमि क्रय किये जाने के परिणाम स्वरूप अपना निवास या कारोबार/व्यवसाय का स्थान बदलने के लिए विवश हो जाता है, तो ऐसी तब्दीली से संबंधित अनुषांगिक व्यय ( यदि कोई हो) पर भी विचार किया जायेगा।

(6) यह स्पष्ट किया जाता है क्रय की जाने वाली भूमि की दर शहरी क्षेत्र में बाजार मूल्य अथवा सर्किल दर, जो भी अधिक हो, के दो गुने और ग्रामीण क्षेत्र में स्थित होने पर बाजार मूल्य अथवा सर्किल दर जो भी अधिक हो, के चार गुने से अधिक नहीं होगी।

(7) संबंधित भू-स्वामियों से संलग्न प्रारूप संख्या- 1 पर भूमि क्रय किये जाने हेतु दर एवं कुल भूमि मूल्य पर सहमति प्राप्त की जायेगी और सहमति पत्र पर हस्ताक्षर करने के दिनांक को लागू सर्किल दर/प्रचलित बाजार मूल्य को सभी प्रयोजनों हेतु स्वीकार किया जायेगा।

6- संबंधित क्रय निकाय/विभाग, जिलाधिकारी द्वारा नामित राजस्व अधिकारियों के सहयोग से भू-स्वामियों से वार्ता कर आपसी सहमति के आधार पर क्रय की जाने वाली भूमि के भू-अभिलेखों के अनुसार स्वामित्व आदि के सम्यक परीक्षण एवं जांचोरान्त विवादरहित एवं भारमूक्त होने की दशा में भूमि के बाजार मूल्य एवं पुनर्वासन एवं पुनर्व्यस्थापन संबंधी अन्य लाभों का संज्ञान लेते हुए संबंधित भू-स्वामियों की लिखित सहमति सहित क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का युक्तिसंगत एवं औचित्यपूर्ण प्रस्ताव जिलाधिकारी/अध्यक्ष समिति के समक्ष प्रस्तुत किया जायेगा। इस प्रस्ताव में वह प्रयोजन जिसके लिए भूमि क्रय किया जाना प्रस्तावित है, क्रय की जाने वाली भूमि का क्षेत्रफल और भूमि का अन्य विवरण भी प्रस्तुत किया जायेगा।

7- क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य पर अनुमोदन के उपरान्त एवं विक्रय विलेख निष्पादन के पूर्व संबंधित क्रय निकाय/विभाग द्वारा निम्नानुसार सक्षम अधिकारी का अनुमोदन प्राप्त किया जायेगा:-

सीधे भूमि क्रय किये जाने वाली भूमि का प्रस्तावित कुल मूल्य	अनुमोदन हेतु सक्षम स्तर
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1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

1	रू0 50 करोड तक	संबंधित मण्डलायुक्त
2	रू0 50 करोड से अधिक (राजकीय विभाग/स्थानीय निकाय की दशा में)	संबंधित प्रशासकीय विभाग
3	रू0 50 करोड से अधिक  (राजकीय निगम/राजकीय प्राधिकरण/औद्योगिक प्राधिकरण/आवास विकास परिषद की दशा में)	संबंधित निगम प्राधिकरण/परिषद का गवर्निंग बोर्ड/प्रबन्ध मण्डल

8- उपरोक्त प्रस्तर-7 में उल्लिखित सक्षम स्तर के अनुमोदनोपरान्त क्रय निकाय द्वारा राजस्व अधिकारियों के सहयोग से भू-स्वामी से विक्रय विलेख/बैनामा निष्पादित कराकर भूमि पर कब्जा प्राप्त किया जायेगा। यह भी सुनिश्चित कर लिया जाय कि क्रय की गयी भूमि पर स्थित जिन परिसम्पत्तियों के सापेक्ष मूल्य का भुगतान भू-स्वामी/कृषक को किया गया है, उन्हें समुचित रूप से अभिलिखित करके उसके निस्तारण की कार्यवाही नियमानुसार की जाय तथा समय से भूमि का नामान्तरण क्रय निकाय द्वारा अपने पक्ष में करा लिया जाय।

9- क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य के अनुमोदन होने के पश्चात और अनुमोदित दर बैनामा निष्पादित कराये जाने से पूर्व यदि कलेक्टर द्वारा सर्किल दरों में कोई परिवर्तन किया जाता है अथवा समिति द्वारा अनुमोदित दर के दिनांक 01 वर्ष का समय व्यतीत हो जाता है तो ऐसी स्थिति में दरों का पुनर्निर्धारण समिति द्वारा नये सर्किल रेट को आधार मानकर पुनः किया जायेगा।

10- समिति द्वारा विनिश्चय की गयी दरों एवं कुल भूमि मूल्य के संबंध में सम्बन्धित क्रय करने वाले निकाय की सहमति न होने की दशा में अथवा दरों पर भू-स्वामियों और क्रय करने वाले निकाय के मध्य किसी विवाद अथवा समझौते के अनुपालन को लेकर कोई बिन्दु उत्पन्न होता है तो संबंधित "समिति" के समक्ष क्रय निकाय द्वारा तर्कसंगत एवं औचित्यपूर्ण प्रस्ताव प्रस्तुत किया जायेगा, जिस पर समिति द्वारा निर्णय लेकर समाधान किया जायेगा और उपर वर्णित प्रक्रिया के अनुसार अनुमोदन प्राप्त किया जायेगा।

11- भू-स्वामियों से आपसी सहमति के आधार पर सीधे भूमि क्रय करने के प्रयास

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

विफल रहने की दशा में संबंधित विभाग/निकाय/उपक्रम द्वारा अधिनियम 2013, सुसंगत मैनुअल के प्रावधानों और इस संबंध में समय-समय पर निर्गत शासनादेशों एवं परिषदादेशों के अन्तर्गत भू-अर्जन की कार्यवाही सुनिश्चित की जायेगी।

12- चूंकि क्रय की जाने भूमि की दर एवं कुल भूमि मूल्य का निर्धारण सभी सुसंगत शासनादेशों एवं नियमों/अधिनियमों का संज्ञान लेते हुए निर्धारित की गयी है। अतः भू-स्वामियों को राजस्व के शासनादेश दिनांक 17-8-2010, 03-09-2010 एवं 02-06-2011 तथा वर्ष 2013 के भू-अर्जन अधिनियम में अनुमन्य पुनर्वासन और पुनर्व्यस्थापन लाभ पृथक से अनुमन्य नहीं होंगे।

13- कृपया उपर्युक्त आदेशों का कडाई से अनुपालन सुनिश्चित करने का कष्ट करें।

भवदीय,

सुरेश चन्द्रा  
प्रमुख सचिव।

संख्या-2/2015/215(1)/एक-13-2015, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- (1) आयुक्त एवं सचिव, राजस्व परिषद, 30प्र0 लखनऊ।
- (2) मुख्य कार्यपालक अधिकारी, नोयडा/ग्रेटर नोयडा/उपसा एवं यूपीडा, 30प्र0।
- (3) स्टाफ आफीसर, मुख्य सचिव, उत्तर प्रदेश शासन।
- (4) अनुभागीय आदेश पुस्तिका।

आज्ञा से,

बीरबल सिंह  
अनु सचिव।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

भूस्वामी/भूस्वामियों और क्रय निकाय के बीच लोक प्रयोजनों के लिए समझौते द्वारा भूमि क्रय किये जाने हेतु निष्पादित किया जाने वाला समझौता प्रमाण पत्र।

यह समझौता पत्र आज दिनांक'-----वर्ष-----को निम्न भूस्वामी /भूस्वामियों जो सम्पत्ति का/के पूर्ण स्वामी है/हैं जिसे आगे उल्लिखित किया गया है और निम्नलिखित अंशों में एतद्द्वारा वर्णित किया गया है, अर्थात

- (1) -----पुत्र श्री-----अंश-----
- (2) -----पुत्र श्री-----अंश-----
- (3) -----पुत्र श्री-----अंश-----

प्रथम पक्ष (जिसे एतद्रपश्चात "भूस्वामी" कहा गया है) और;

उत्तर प्रदेश के श्री राज्यपाल/राज्य सरकार के माध्यम से कार्य कर रहे-----

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(क्रय निकाय का नाम)

द्वितीय पक्ष (जिसे एतद्रपश्चात "क्रय निकाय" कहा गया है) के मध्य एतद्द्वारा हस्ताक्षरित/निष्पादित किया गया है-

चूंकि उल्लिखित पक्षकार भूमि के सापेक्ष देय दर तथा कुल भूमि मूल्य पर सहमत है/हैं जिसका विवरण अनुसूची में दिया गया है,

और चूंकि भूस्वामी अग्रेतर सहमत है/हैं कि अनुसूची में वर्णित भूबद्ध कोई बात या भूबद्ध किसी चीज से स्थायी रूप से सम्बद्ध सभी बाते क्रय निकाय के पूर्व अनुमोदन से वापस ली जा सकेगी।

अतएव अब भूस्वामी और क्रय निकाय से एतद् द्वारा निम्न प्रकार सहमत होता / होते हैं:-

- (1) यह कि क्रय निकाय इस समझौता पत्र के निष्पादन की तिथि से अधिकतम 12 मांह के भीतर अनिवार्य अर्जन के बिना, कार्यवाही करने में सक्षम होगा।
- (2) यह कि यदि क्रय निकाय भूमि का तुरन्त कब्जा लेना आवश्यक समझता है तो वह/ वे ऐसा करने का हकदार होगा/ होंगे, भले ही इस पर फसल खड़ी हो, परन्तु यह कि अनुसूची में वर्णित "दर और कुल भूमि मूल्य" का भुगतान कर दिया हो।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

- (3) यह कि यदि कुल भूमि में मूल्य में भुगतान के पश्चात यह प्रकण होता है कि भूमिस्वामी इस समझौता पत्र में निष्पादित विक्रय विलेख के अनुसार प्रतिकर की सम्पूर्ण धनराशि का/ के अन्यन्य रूप से हकदार नहीं है/ हैं और क्रय निकाय की आरे से किसी अन्य व्यक्ति को किसी प्रतिकर का भुगतान करने की अपेक्षा की जाती है तो भूस्वामी द्वारा ऐसी धनराशि, जो क्रय निकाय द्वारा अवधारित की जाय, मांग किये जाने पर वापस कर देगा। और किसी अन्य व्यक्ति / व्यक्तियों द्वारा किसी दावे या प्रतिकर या उसके भाग के विरुद्ध क्रय निकाय/ राज्य सरकार को (सयुक्तः और पृथकतः) क्षतिपूर्ति करेगा और उठायी गयी किसी हानि या नुकसान की सभी कार्यवाहियों और दायित्वों के विरुद्ध उसे / उनको भुगतान के कारण क्रय निकाय द्वारा उपगत किसी लागत प्रभार या क्रय की गयी धनराशि पर विरुद्ध उसे / उनको भुगतान के कारण क्रय निकाय द्वारा उपगत किसी लागत प्रभार या व्यय की गयी धनराशि पर प्रथम वर्ष 9 प्रतिशत की दर पर और पश्चातवर्ती वर्षों के लिए 15 प्रतिशत की दर पर व्याज भुगतान करेगा/ करेंगे।
- (4) यदि भूस्वामी पूर्व वर्ती पैरा में उल्लिखित धनराशि क्रय निकाय को वापस करने में असफल रहता है/ रहते हैं। तो क्रय निकाय को कलेक्टर के माध्यम से उसे भू-राजस्व के बकाये के रूप में वसूल करने या ऐसी धनराशि को वसूली के लिए प्रवृत्त किसी विधि के अधीन कार्यवाही करने का / देने का पूरा अधिकार होगा।
- (5) यदि अनुसूची में वर्णित भूमि पर कोई सरकारी देय / अंश / प्रीमियम भूस्वामी द्वारा देय है या किसी वित्तीय संस्था का ऋण उक्त भूमि के विरुद्ध वकाया है तो उस धनराशि को कुल भूमि मूल्य की धनराशि से कटौती करके शेष धनराशि का भुगतान भू-स्वामी को किया जाएगा।
- (6) क्रय निकाय और भू-स्वामी के मध्य हस्ताक्षरित इस समझौता पत्र के अनुमोदन के उपरान्त आवश्यक विक्रय विलेख का निष्पादन किया जाएगा, जिसके पंजीकरण/ निबन्धन सम्बन्धी समस्त\_शुल्क, जिसमें स्टाम्प शुल्क भी सम्मिलित होता है, को क्रय निकाय द्वारा व्यय वहन किया जाएगा।
- (7) विक्रय विलेख के निष्पादन के दिनांक पर ही सम्बन्धित भू-स्वामी से अनुसूची-1 में वर्णित भूमि का कब्जा क्रय निकाय द्वारा प्राप्त किया जाता है।
- (8) क्रय निकाय के द्वारा निम्नलिखित आधारों पर इस समझौता पत्र पर को भू-

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

स्वामी को 15 दिन का नोटिस देकर निरस्त किया जा सकेगा:-

- (1) यदि भूस्वामी ने समझौता पत्र को कपटपूर्ण व्यवहार करके सम्पादित कराया है,
- (2) यदि भूस्वामी के द्वारा समझौता पत्र के किसी शर्त का उल्लंघन किया जाता है,
- (3) यदि इस समझौता पत्र के निष्पादन के उपरान्त यह प्रकट होता है कि अनुसूची -1 में वर्णित भूमि का स्वामित्व भू-स्वामी में नहीं है।

### अनुसूची

ग्राम  
जिला

परगना

तहसील

खाता सं०	खसरा सं०	क्षेत्रफल( हे०मे)	भूमि का विवरण , यदि वह सर्वेक्षण संख्या का भगा हो (चारों सीमाओ और लगी हुई भूस्वामी का स्वामित्व प्रदर्शित करते हुए)	भूमि के कुल मूल्य के लिए निर्धारित दर (रु०में)	भूमि पर खड़ी फसल	
					विवरण	मूल्यांकन के अनुसार देय राशि(रु०में)
1	2	3	4	5	6	7

भूबद्ध अन्य सम्पत्ति का विवरण		देय कुल मूल्य (योग कालम-7,8,9)	व्यक्ति / व्यक्तियों का / के नाम और पता जिनको देय है और उनका परिमाण
विवरण	मूल्यांकन के अनुसार देय धनराशि (रु०में)		
8	9	10	11

भूस्वामी/ भूस्वामियों के हस्ताक्षर  
के 1-

क्रय निकाय की ओर से अधिकृत अधिकारी  
हस्ताक्षर

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

2-	पूरा नाम
3-	पद नाम
गवाह/ अभिसाक्षी	गवाह/ अभिसाक्षी
1-	1-
2-	2-

<http://shasanadesh.up.nic.in>

- 
- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है ।
  - 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है ।

# ANNEXURE-3



**(English Translation)**

## UP Direct Land Purchase Policy

Number – 2/2015/215/one-13-2015-20(48)/2011

Revenue Section-13  
2015Lucknow dated 19<sup>th</sup> March

1. As per Revenue Section-13, GO Number- 632/one-13-11-20(29)/2004, dated 2<sup>nd</sup> June 2011, the general policy of the state for taking possession of private land shall be direct purchase of land through consent and agreement between the land owners and the acquiring entities.

In case where land is being purchased by any person other than those specified in clause 46 of RFCTLARR Act 2013, the provisioning of R&R benefits as per the second schedule of the Act and the process of land purchase shall be done through the District Collector.

2. The process of land acquisition under the Act of 2013 is a long process. To encourage the process of direct purchase of land from the land owners by the government departments, local bodies, development authorities, industrial authorities and public private partnership projects, hereafter called "purchase *entities*", the following process is being laid down
3. For direct purchase of land from land owners/farmers on mutual consent, the following process shall be followed

**a. For Small Projects**

- (1) For all small projects, i.e. projects costing up-to INR 10 Crore, the approval for land rate and total cost of land will be provided by an Approval Committee headed by the ADM (Finance and Revenue). The constitution of the committee shall be as below-

1	ADM (Finance and Revenue)	Chairman
2	Concerned ADM (LA)/SLAO/Dy. SLAO	Member
3	Concerned SDM (Project Administrator)	Member
4	Concerned Sub-Registrar/DIG (Stamps and Registration)/AIG (Stamps and Registration)	Member
5	One official nominated by the purchasing entity	Member-Secretary

- (2) The Committee shall submit the proposal for purchase of land along with land rate and total land cost for approval of the concerned District Magistrate within a month

of the initiation of the same by the purchasing entity. If the same is not put-up for approval of the DM within the stipulated time, the ADM (F&R) shall provide an explanation of the delay to the DM

- (3) The DM will take decision on the proposal within 15 days of receipt of the same failing which he shall provide an explanation of the reasons for the delay to the Divisional Commissioner
- (4) Once the proposal is approved by the DM, the concerned department will start the process of direct purchase. No further approvals shall be required.

**b. For Medium and Large Projects**

- (1) For all projects costing more than INR 10 Crore, the land rate and total land cost shall be approved by the Approval Committee, the constitution of which shall be as below-

1	District Magistrate	Chairman
2	ADM (Finance and Revenue)/District Registrar	Member
3	Concerned ADM (LA)/SLAO/Dy. SLAO	Member
4	Concerned SDM (Project Administrator)	Member
5	Concerned Sub-Registrar/DIG (Stamps and Registration)/AIG (Stamps and Registration)	Member
6	One official nominated by the purchasing entity	Member-Secretary

- (2) The Committee shall submit the proposal for purchase of land along with land rate and total land cost for approval of the concerned Divisional Commissioner within a month of initiation of the same by the purchasing entity, failing which, the DM/Chairman of the Committee shall provide an explanation of the reasons for delay to the Divisional Commissioner
  - (3) The Divisional Commissioner will take decision on the proposal within 15 days of receipt of the same, failing which he shall provide an explanation of the reasons for delay to the Chairman, Revenue Board
4. Both the committees shall also verify that the land intended for purchase is not under litigation and not loaded and can take requisite help from any department/official of the state in deciding the land rate through cross verification of provided facts
  5. The committee shall approve the land rate and the total cost of land (which includes construction/civil works, standing crops, trees, other assets and all related expenses) based on the following principles-
    - (1) The rate of land as entered in the sale deeds six months prior to the date of start of the project or date of approval of the project and the circle rate as per the Stamp Act of 1899
    - (2) Valuation of all structures and other assets by competent government departments

- (3) In case of immediate possession of purchased land, the cost of standing crops and trees
  - (4) Distance from human habitations and industrial capacity of the land
  - (5) In cases where the land owner/farmer is forced to change his place of residence/occupation, the incidental expenses, if any, shall also be considered
  - (6) The rate offered for purchase of land shall not be more than double the market value or circle rate in urban areas and four times than the market value/circle rate in rural areas, whichever is higher
  - (7) Consent will be taken from the land owners of Form 1 on the rate of land and the total value. The date of signing of the consent form shall be accepted as the cut-off date for the current circle rate/market value
6. The concerned purchasing entity, with the support of revenue officials nominated by the District Magistrate will, with the written consent of the land owners, prepare a proposal for purchase of land after due verification of ownership and taking into consideration all the R&R benefits to be provided to the land owners. This proposal shall then be put-up for approval of the District magistrate/Chairman of the Committee. The proposal will contain the reason for purchase of and, the size (area) of the land intended to be purchased and all the other relevant details like rate and total value
  7. After getting approval on the rate and total value of land and before entering into sale-purchase agreement, the purchasing entity will obtain approval from the competent authority as under-

Value of land under direct purchase		Competent authority for approval
1	Up-to INR 50 Crore	Concerned Divisional Commissioner
2	Above INR 50 Crore (in case of government departments/ local bodies)	Concerned administrative department
3	Above INR 50 Crore (in cases of corporations/ development authorities/industrial authorities/ Awas-Vikas Parishad)	Governing Board/Management Committee of the concerned corporation/authority

8. After getting approval as per clause 7, the purchasing entity will, with the help of revenue officials, get the sale deed executed and take physical possession of the land. It shall also be assured that proper documentation of all the assets on the land has been done and due compensation paid to the land owner. The purchasing entity should get the land transferred in its name within appropriate time
9. If after approval of rate and cost of land and before execution of the sale deed and transfer of land, there is a change in the circle rate effected by the District Magistrate or a period of one year has lapsed since the date of approval of the rate recommended

by the Committee, the new rate and value of land will be decided by the Committee as per the new circle rate

10. In case the purchasing entity is dissatisfied with the land rate and total cost of land or there is a dispute between the land owners and the purchasing entity on compliance of any condition of the agreement, then the purchasing entity will present a new logical and reasonable proposal before the committee upon which the committee will take requisite action and get approval as per the process mentioned above
11. In case the process of direct purchase based on consent of the landowners is not successful, the concerned department /corporation/undertaking shall ensure land acquisition on the basis of the Act of 2013, relevant sections of the circulars and GOs published from time to time
12. Since the land rate and total value has been calculated on the basis of relevant circulars/GOs/ Rules and Acts, the land owners will not be entitled for separate/additional R&R benefits as permissible in the Revenue Department GO dated 17-08-2010, 03-09-2010 and 02-06-2011 and the Act of 2013.

# ANNEXURE-4

No.HQ/LA/EC/Entitlement Matrix Part-III

Dated: 25-10-2017

CPM, Tundla,  
DFCCIL

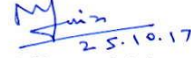
**Sub:** Clarification on Direct Purchase of land required for Project from the owners.

**Ref:** Your office note no. TDL/EN/Misc-Gen./23(B) dated 17.10.2017.

Vide above reference, it has been submitted by CPM/TDL that award has been issued by nominated committee members through direct purchase of land for project from the owners for left out plots has been issued. In this reference, you are advised as below:

- a) Award/Order given by the nominated committee members in case of direct purchase of land from land owner on mutual consent shall be treated as 20F (award) given by the Competent Authority for processing of acceptance of award within DFCCIL and shall be dealt in a manner similar to 20F (award) is dealt by officials in DFCCIL. The competency for acceptance of such award shall be same as provided in Sl. no. G 9.1 of Schedule of Power.
- b) If compensation in direct purchase has been paid as per First Schedule (except 12% additional amount) of approved Entitlement Matrix based on RFCT-LARR Act 2013, PAPs would be entitled to R&R benefits as per Second Schedule of approved Entitlement Matrix. In case, PAP has already received R&R benefits as per old Entitlement Matrix, he/she would be paid only the enhanced R&R benefits.

This issues with the approval of MD.



25.10.17

(Mukesh Kumar Jain)  
GGM/LA&SEM/EC



No. HQ/LA/EC/Entitlement Matrix Part-III

Date: 23.08.2018

**Chief Project Manager**  
EDFC

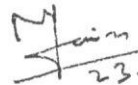
**Sub.:** Clarification on Direct purchase of land required for project from the owners.

**Ref.:** (i) CPM/MTC letter No. MTC/EN/Bulandshahr/missing plots dated 19.07.2018.

(ii) This office even letter no. HQ/LA/Misc./01 dated 02-06-2017 (copy enclosed)

Vide letter dated 19.07.2018 (ref. i), CPM/MTC has sought certain clarifications on Direct Purchase of land. Similar, clarification were also sought by other CPM units in the past. It is again clarified that the purpose of adopting Direct Purchase of land from the farmers is not to deny the rightful compensation due to effected farmers as per approved Entitlement Matrix but to shorten the time required for acquisition of land for left over plots. Accordingly, it is advised that:

- a) Award/Order given in case of direct purchase of land from land owner on mutual consent shall be treated as 20F (award) given by the Competent Authority for processing of acceptance of award within DFCCIL and shall be dealt in a manner similar to 20F (award) is dealt by officials in DFCCIL. The competency for acceptance of such award shall be same as provided in Sl.no. G 9.1 of Schedule of Power (i.e. concerned CPM).
- b) If compensation in Direct Purchase has been paid as per First Schedule (except 12% additional amount) of approved Entitlement Matrix based on RFCT-LARR Act 2013, PAPs would be entitled to R&R benefits as per Second Schedule of approved Entitlement Matrix, which also has provisions on Stamp duty and Registration fee. In case, PAP has already received R&R benefits as per old Entitlement Matrix, he/she would be paid only the enhanced R&R benefits.
- c) Since, Uttar Pradesh Direct Purchase policy is based on RFCT-LARR Act 2013, income tax benefit available under the RFCT-LARR Act 2013 shall also be available to acquisition under Direct Purchase policy. It has already been clarified vide this office letter dated 02.06.2017 (ref.ii), that DFCCIL is not liable to deduct TDS under section 194LA w.e.f. 01.04.2017.

  
23.08.18

(Mukesh Kumar Jain)  
GGM/LA&SEMU/EC